

CANADIAN PARKS AND WILDERNESS SOCIETY (CPAWS)

BILL S-210

AN ACT TO AMEND THE NATIONAL CAPITAL ACT

A BRIEF SUBMITTED TO:

THE SENATE STANDING COMMITTEE ON ENERGY, THE
ENVIRONMENT AND NATURAL RESOURCES

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INTRODUCTION

Honourable Senators, the Canadian Parks and Wilderness Society – Ottawa Valley Chapter (CPAWS-OV) is pleased to have this opportunity to appear before the Standing Committee on Energy, the Environment and Natural Resources. With this brief we are providing our recommendations that fully support the passage of Bill S-210. We believe this is a unique opportunity, and it is achievable.

ABOUT THE CANADIAN PARKS AND WILDERNESS SOCIETY

CPAWS was founded in 1963, originally as the National and Provincial Parks Association of Canada. CPAWS exists to safeguard Canada's natural heritage by (1) helping establish new protected wilderness areas that conserve biological diversity and protect the health of natural ecosystems; (2) helping ensure that existing protected areas are safeguarded to enable the continued viability of populations of native species and the continued functioning of natural ecological processes; and (3) supporting ecologically sound land and natural resource management adjacent and between protected wilderness areas. This mission is financially supported by 17,000 individuals from coast to coast to coast, with additional program and project funding provided by a range of foundation and corporate supporters. We have offices in every province and territory except Prince Edward Island and Nunavut. In addition to over 50 staff across the country, we draw on the commitment and expertise of hundreds of volunteers including some of Canada's most accomplished conservationists

The Ottawa Valley Chapter of CPAWS undertakes conservation campaigns and projects primarily within eastern Ontario and western Quebec. However, it has been involved in campaigns for the creation of Nahanni National Park and the protection of many other areas across Canada. The Chapter was formed in 1969 when individuals came together to defend Gatineau Park against a large scale development proposal. Since then, the Chapter has consistently stressed the need to preserve the park for future generations, and promoted the principle that conserving nature within Gatineau Park should take precedence over providing for recreational use and development inside park boundaries.

BACKGROUND

At 363 Square kilometres, Gatineau Park is Canada's largest and most significant park on the doorstep of a major Canadian City, and is one of the only large parks in the world within sight of a nation's capital. Despite the rich natural and cultural heritage, the status of the park as a protected area is in doubt. Many of the reasons for this are speculative at best, but there is no doubt the reasons have become even more complex and intertwined over the past 100 years. The status quo continues decade after decade due to a lack of political will. A Decima Research and Ottawa Citizen Poll in 2006 found that over 80% of those polled favoured making Gatineau Park a national park, presumably because it would receive better protection. We are not here today to speculate on this complex topic; we are hoping that we can be a voice for Gatineau Park and offer solutions to this paradoxical situation.

In the 2005 Master Plan for Gatineau Park, the NCC wrote that since 1995 Gatineau Park "appears to have become more fragmented and ecologically isolated...there is a real risk of habitat loss and interruption of natural processes...this has increased conflicts and risks depreciating the recreational experience...the situation demonstrates the need for a shift towards conservation ...and to protect the Park for future generations. Implementation of the new Master Plan will require changes to the actions and behaviours of everyone concerned, including the NCC, its partners and Park visitors, and the fostering of new attitudes focussed on ecosystem conservation."

CPAWS shares these concerns, and has been increasingly alarmed by the rate of urban development including the construction of new roads and buildings which continues unabated in the Park. Furthermore, the park lands are rapidly being surrounded by residential development and related services, and buffer zones are being lost forever. In our submission to the NCC Mandate review, CPAWS put forth the following recommendations: (1) that Gatineau Park should become Gatineau National Park under the Canada National Parks Act, and (2) the authority to manage the Park should be transferred accordingly to Parks Canada. However, we are not under the illusion that this will be easy to achieve, especially in light of the fact that this was first considered as early as 1912 when the Dominion Parks Commissioner, James Harkin, made a similar proposal.

The Plan for Canada's Capital, produced by the NCC for the federal Government in 1999, sets out the management principles and guidelines for the various components of the Capital, including Gatineau Park. The Plan states Gatineau Park should be managed as a World Conservation Union (IUCN) Category II protected Area. This decision is reflected in other documents produced by the NCC including the Gatineau Park Master Plan. A Category II area is equivalent to a natural heritage area managed first for ecosystem preservation and then for recreation (a management regime equivalent to a national park). CPAWS strongly supports this goal, but contends that the Park has yet to be managed to this high standard. Roads continue to be planned and built; park lands have been leased, sold and developed. The need for protective legislation has been identified in the last two Master plans with little or no follow-through.

Our vision for Gatineau Park is that it will be managed in the context of its regional ecosystems, a forum where management decisions will ultimately be made within the context of land use within the larger landscape surrounding the Park. The Park should be a core protected area, with buffer zones and corridors connecting it to other protected areas. At the present rate of change, the Park will become little more than another failed "green belt" eventually surrounded by a sprawling urban area. The NCC seems to lack the mandate and expertise to engage multiple partners in a "greater ecosystem approach" to regional planning. In more recent documents such as the Master Plan for Gatineau Park (NCC, 2005b), there appears to be some interest in the preservation of key ecological corridors, however there has been little effort made to acquire strategic private properties within or outside the Park.

The NCC is responsible for a large portfolio of real assets including parkways, buildings and bridges (Champlain, Portage, and Alexandra). Leased farmlands, airport lands, and several large government and industrial complexes, and the Canada and the World Pavilion (now closed due to lack of funds) are all part of the portfolio. Most interesting though is the inherited responsibility for the six official residences in the National Capital Region, some dating back to the hay-day of the timber barons (circa 1850). In the order of \$30M may be needed to complete essential repairs since these are classed as heritage buildings. All this leads to the conclusion that the NCC has a huge responsibility for maintaining many important structures and buildings, and therefore needs to find the capital funding.

The National Capital Commission is a Crown Corporation and *an Agent of her Majesty*, and is therefore subject to the Financial Administration Act. The NCC Operating budgets have been affected by reductions made by the federal government, and other factors. In 1990, capital funds provided by government were \$6M short of capital requirements. The NCC used \$6M a year in proceeds from the sale of "surplus lands" to carry out major projects such as the Champlain bridge reconstruction (NCC, Past Present and Future Document, October, 2006)

In the NCC's Federal Land Use Plan (1988), the concept of Federal Interest Land Mass was established. Besides identifying federal lands, it apparently identifies lands that are surplus to the NCC mandate, and can be marketed. Treasury Board rules allow the NCC to keep the proceeds from the sale of lands, thus giving a powerful incentive to sell. The amount of surplus land available for sale is finite, and therefore

the NCC will soon experience a serious shortfall in properties it can identify for sale. A host of NCC “surplus” properties are presently under threat. Public resistance to the sale of public lands is very controversial, and strong opposition was organized when the popular Moffat Farm in Ottawa along the Rideau River was sold to developers for a housing development.

URGENT NEED FOR LEGISLATED PROTECTION

As stated in the preamble to Bill S-210, Gatineau Park is the only federal park that is not protected under the National Parks Act, and whose boundaries are not established or regulated under federal statute...portions of its territory can be removed without review or approval by parliament.

Furthermore, there seems to be significant doubt that Gatineau is actually a real park in legislation, and there is an absence of specific legislation for park management. Prime Minister Mackenzie King considered supporting the idea of a national park in the late 1930's, however it seems no action was taken in parliament (an Order in Council was not initiated). In 1973 the Quebec government declared the park a Provincial Game Preserve, and authorized NCC Conservation officers to enforce game laws within the Park. At the same time, the NCC was authorized to manage provincially owned lands as part of the park. This is the most significant difference between the management of Gatineau Park and other lands managed by the NCC, such as the Ottawa Green Belt. A metes and bounds description are given in the Provincial Wildlife Act.

The National Capital Act scarcely mentions Gatineau Park, but gives the NCC sweeping powers to acquire, hold, develop and dispose of property in the National Capital Region. In fact, under Section 12.1 (1) of the Act, other government departments wishing to sell land must submit their proposal to the NCC for approval. No legal description for Gatineau Park seems to be attached to the Act, which is reason to believe Gatineau Park has not been formally established by parliament. The Commission has by-laws for the conduct of its activities, and regulations for the protection of property, preserving order, and preventing accidents on all land under its control. With the urging of CPAWS, the NCC has indicated an interest in creating an improved legal framework relative to Gatineau Park.

CONCLUSION AND RECOMMENDATIONS

Establishment of boundaries

It seems apparent that for any protected area there is an obvious need for specific boundaries to be clearly surveyed, mapped, described as metes and bounds, and then marked on the ground. This is what happens for new national parks, but apparently has not entirely happened in the case of Gatineau Park. This is of fundamental importance because all the various users, including hunters, trappers, hikers, and indeed Park Conservation Officers need to know where the boundaries are!

The NCC and its predecessor agencies have been responsible for the area known as Gatineau Park since at least the early 1900's, and therefore have all the historical records and surveys. They also have the expertise and technologies to conduct legal land surveys, prepare a metes and bounds description, and create maps.

Therefore, CPAWS strongly supports the Bill S-210, as it clearly asks for the establishment of clear boundaries for Gatineau Park based upon the most recent information.

Enlarging the Park Boundaries

CPAWS is interested in seeing private property within the Park acquired for Park purposes, and we are extremely disappointed that the NCC has made very little progress in this area despite having indicated a willingness to do so in various planning documents. Some provincial lands were transferred by Order-in-Council in 1973, but there is still some uncertainty about the status of those lands. Most recently in 1994, some important property at Meech Creek was transferred to the NCC by the Province of Quebec in a land exchange and cash payment deal with the Comunaute Urbaine de l'Outaouais. But again, there is uncertainty as to what portion if any is actually within the Park, and conditions may be attached.

Meanwhile large parcels of land at Meech Lake, and Kingsmere Lake have not been acquired when they were available, and many properties are now being developed further with homes and cottages. Many opportunities to purchase properties at reasonable rates have no doubt been lost over the past 70 years due to inaction. The NCC has collected \$millions from the sale of surplus lands, and yet little of this has gone into land acquisition related to Gatineau Park.

At this moment there is an extremely important parcel of land for sale on Mountain Road, in or adjacent to Gatineau Park. This land, known locally as the Radmore property, is a prime example of land that needs to be urgently acquired before it is grabbed up by developers. If it is not purchased by the government, it could result in the first subdivision to be built in the Park. When we queried one property owner, they said the NCC will pay only "fair market prices" for land. It seems there has to be some recognition of priorities, and the need to act quickly. The NCC seems to be highly skilled at selling land, but extremely poor at acquiring it.

Therefore, CPAWS would like to see a specific program dedicated to the acquisition of private lands within and adjacent to the Gatineau Park boundaries. A special allocation of federal funding should be provided that does not end up in the general coffers of the NCC. Any money collected from the sale of surplus lands should automatically go to a land acquisition fund to acquire key properties on a priority basis.

Prohibit the Sale of federally Owned lands Situated within or adjacent to Gatineau Park

The public has little knowledge of Federal Land Mass Inventory, and which lands have been declared surplus, and put on the market. Confidentiality is apparently necessary to maintain the competitiveness of the NCC in the market place! There is a lot of uncertainty about the park boundaries, especially in areas where development is planned such as the Meech Creek Valley. Apparently, some lands were removed from the Park in a supposed "Boundary Rationalization Exercise" that occurred in 1997-98.

Therefore, CPAWS would like to see a permanent moratorium placed on the sale of federal public lands situated in or adjacent to Gatineau Park, unless it can be shown the sale will benefit Gatineau Park. CPAWS is also asking that the details regarding the Federal Land Mass Inventory around Gatineau Park be made public, regardless of what is now called Park land. CPAWS would also like to see a Strategic Land Acquisition Plan developed that favours the creation of conservation corridors and buffer zones.

Protection of Ecological integrity

CPAWS has been communicating with the NCC for nearly 40 years about the need to protect Gatineau Park from excessive development and landscape fragmentation. In recent years, our organization has placed a stronger emphasis on the need for legislation which would enshrine this in law. Master Plans

prepared for Gatineau Park have fallen well short of providing any significant protection. Major roads have been planned and built, and many other types of development continue despite the positive rhetoric in the various plans.

Therefore, we urge your committee to support two amendments:

The first is based upon section 4(1) of the National Parks Act:

Gatineau Park is hereby dedicated to the people of Canada for their benefit, education and enjoyment, subject to this Act and the regulations and it shall be maintained and made use of so as to leave it unimpaired for the enjoyment of future generations.

The second proposed amendment is inspired by section 8(2) of the National Parks Act:

Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Commission when considering all aspects of the Park's management

IUCN Category II Designation

The Plan for Canada's Capital, and the Master Plan for Gatineau Park (NCC, 2005b), confirm that the NCC will manage Gatineau Park as a World Conservation Union (IUCN) Category II protected area. This is a major commitment on the part of the NCC, indicating they are willing to afford the same protection to Gatineau Park that would be given to a similar national park.

Therefore, CPAWS wishes to support this commitment by proposing that wording to this effect be included as another amendment to the National Capital Act.

Proclamation of Gatineau Park

Historical documentation reveals that Prime Minister Mackenzie King had an interest in creating a national Park in the Gatineau Hills, but for a variety of reasons he did not fully pursue this in 1938. However, with the urging of Percy Sparks, \$100,000 was set aside for land acquisition to gradually create a park. Due to long held perception by many groups and individuals that Gatineau Park is not adequately protected in law, it is time to formally establish Gatineau Park as a "real" park. Gatineau Park is now recognized by all citizens and visitors across Canada as an important place requiring careful management. It was declared a Provincial Game Sanctuary more than 30 years ago. The province has transferred control of all lake bottoms in the park to the federal government, and has decided not to issue any mining exploration permits in the Park. It seems that there should be little resistance to the idea of establishing Gatineau Park as a "Park in Federal Legislation" under the National Capital Act through an Order in Council in parliament.

CPAWS feels the establishment of an official Park with clearly defined boundaries is of highest priority due to rapidly expanding development pressures in and around the Park.

Therefore, we are asking that the formal proclamation of Gatineau Park be included as an amendment to this bill. Land use and jurisdictional concerns should be expedited by the appropriate government ministers, and a Federal-Provincial Agreement prepared if necessary.