

SUMMARY OF PUBLIC AND ABORIGINAL CONSULTATION REGARDING THE PARKS AND PROTECTED AREAS LEGISLATIVE REVIEW

May, 2005

Introduction

The Ontario government is reviewing legislation for the province's protected areas. The last comprehensive review of the Provincial Parks Act took place in 1954, when there were only eight provincial parks. Ontario's network of protected areas has grown dramatically since then to 316 provincial parks, 249 conservation reserves and 10 wilderness areas. Public expectations about protected areas and how they should be managed, the interests of stakeholders and the science of environmental protection have all changed significantly over time.

The legislation governing provincial parks, conservation reserves and wilderness areas are part of the review. These include the Provincial Parks Act, the Conservation Reserves Regulation under the Public Lands Act, and the Wilderness Areas Act.

More specifically, the Ontario government advanced eight legislative proposals as a central part of this consultation and invited Aboriginal, public, and stakeholder reaction to these proposals. The eight legislative proposals address the following topics:

1. Principles to Guide the Management of Protected Areas.
2. Goals and Objectives to be included in legislation.
3. Classification and Zoning.
4. Assess Wilderness Areas.
5. Mandatory Management Direction and State of Protected Areas Reporting.
6. Major Industrial Uses.
7. Continue to Address Non-Industrial Uses in Policy
8. Administration and Enforcement

This report summarizes the input received during the consultation period that started on September 9th and ended on November 9th, 2004. Written submissions were accepted until November 19th, 2004 to allow for mail delivery. Input was encouraged by:

- Placing an information posting on the Environmental Registry
- Making a discussion document (It's In Our Nature) available via mail, the Internet and at open houses;
- Holding nine open houses between September 22nd and October 13th, 2004 in Timmins, North Bay, Thunder Bay, Sault Ste. Marie, Sudbury, Huntsville, Ottawa, London, and Toronto;

- Mailing out letters to 40 provincial stakeholders, 139 aboriginal communities and provincial treaty organizations;
- Meeting with stakeholders and aboriginal communities/treaty organizations upon request.

Open Houses

Attendance at the eight open houses ranged from a low of 31 participants to a high of 62. A total of 425 people attended these open houses. Information displays were set up at each open house. MNR employees were present to answer questions and explain the legislative proposals. The open houses served a useful purpose by providing information and a forum for exchanging views.

Written Submissions

141 written submissions were received from Aboriginal organizations, provincial stakeholders, organizations, and individuals. Additionally, a total of 1,118 campaign form letters or faxes were received from non-governmental organizations with environmental, sport hunting, and forestry interests.

Written submissions were received from the following Aboriginal organizations and communities:

- Bearskin Lake First Nation
- Oneida Nation of the Thames
- Marten Falls Indian Reserve #65
- The Algonquin Nation Advisory Committee
- Algonquins of Pikwakanagan
- Union of Ontario Indians
- Mattawa First Nations: Chiefs' Council
- Nishnawbe Aski Nation

The following provincial stakeholders also provided written submissions:

- Nature Canada (formerly Canadian Nature Federation)
- Ontario Mining Association
- Rural Ontario Municipal Association
- Ontario Power Generation
- Ontario Waterpower Association
- Algonquin Forest Authority
- Carolinian Canada
- Ontario Federation of All Terrain Vehicles
- Ontario Federation of Snowmobile Clubs and OnTrail
- Ontario Forest Industries Association
- Ontario Federation of Anglers and Hunters
- Quetico Foundation
- Ontario Nature (Federation of Ontario Naturalists)

- Earthroots
- Wildlands League with Sierra Legal Defence Fund
- Canadian Parks and Wilderness Society

Meetings

MNR employees met with a number of stakeholders and some aboriginal organizations. These included:

- Nishnawbe Aski Nation
- Anishinabek/Ontario Resource Management Council
- Ontario Federation of Anglers and Hunters
- Ontario Prospectors Association
- Ontario Fur Managers Association
- Northern Ontario Tourism Outfitters
- Ontario Forest Industries Association

Questionnaire Consultation Summary

In total, MNR received 1,510 valid questionnaires that were either completed on the Internet or mailed.

There was generally strong public support expressed for the eight legislative proposals considered during the protected areas legislative review. Stakeholders and aboriginal representatives expressed a variety of views. Support was much stronger for specific proposals than for others. The averaged input for all eight legislative proposals was 75% of respondents somewhat agree or strongly agree whereas 11 % somewhat disagreed or strongly disagreed with the proposals. The remainder did not know, did not answer, or were neutral.

Refer to Appendix I for a summary of questionnaire input in terms of the overall response and a proposal-by-proposal basis.

Conclusion

It is not the intent of this report to provide an interpretation of this input in terms of how the Ontario government's legislative proposals might be revised to address the input received to date. Rather this document serves to provide a summary of the input received for public information. MNR has produced more detailed reports for internal use.

For further information, contact Robert Moos, Ontario Parks at (705) 755-1700.

Appendix I: Summary of Questionnaire Input

Methodology

Collection of Public Opinion

A questionnaire was used to collect public opinion regarding the eight legislative proposals. The questionnaire was available in hard copy as well as an electronic document. Hard copy questionnaires were distributed by MNR at public open houses, to stakeholders and interested organizations and individuals. The electronic questionnaire was available as a World Wide Web based document on the Ontario government I Serve network.

The Ministry of Northern Development and Mines housed the survey and provided access to their online survey software called Ultimate Survey. Respondents were asked to rate their level of agreement with each of the legislative proposals using check box responses. Respondents were able to select one of the following categories: strongly agree, somewhat agree, neutral, somewhat disagree, strongly disagree and don't know. Strongly agree was assigned a score of 5 and strongly disagree was assigned a score of 1. The questionnaire form was also designed to collect comments on each of the proposals. Upon submission by a respondent, their record was entered into the Ultimate Survey database. Hard copy questionnaires were entered into the Ultimate Survey database by staff at the MNR Peterborough office.

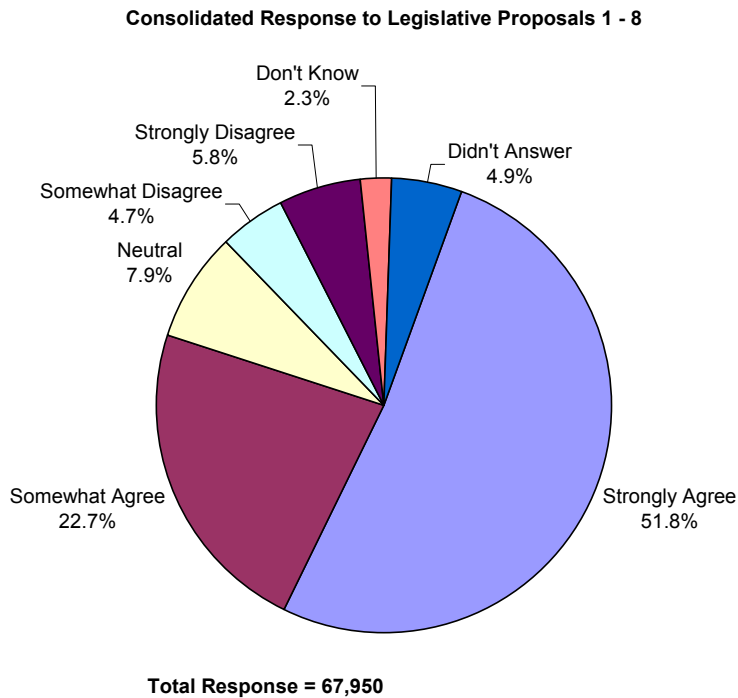
Public opinion was collected from September 9th to November 9th, 2004. A total of 1,566 records were entered into the database by respondents and staff. The data was edited in Excel to check for duplicate records and for respondents not providing full identification. A total of 56 records were deleted from the database as a result of this editing. The final number of records used in the analysis of public opinion was 1,510. Statistical Package for the Social Sciences (SPSS) was used to compute the strength of agreement for each proposal. Open-ended comments were coded by a team of staff using accepted social science research methods. The open-ended comments were coded in three successive rounds of coding. A respondents' first three opinions were coded for each of the open-ended questions associated with the eight proposals. The last question of the questionnaire was general in nature and for this question a respondent's first six opinions were coded. SPSS was used to construct multi-response tabulations for the open-ended responses.

It is noted that the 1,510 responses were collected as part of an official MNR public consultation process. Survey research sampling methods were not used in conjunction with the distribution of the questionnaires. Therefore, the 1,510 respondents do not constitute a sample of the population of Ontario. No inferences are made to the opinions noted in this report as being representative of the population of Ontario.

Service Delivery Issues

A number of service delivery issues were encountered during the public consultation process. The first and most significant issue was the electronic form. Approximately 50 respondents indicated that they had encountered problems with the submission of their electronic questionnaire. With the help of government data and network experts, two sub-issues were identified. The first was related to security; some respondents' computers were not accepting a session "cookie" logged by the Ultimate Survey software. The second sub-issue was identified as the length of time needed to complete the questionnaire; some respondents were "timing out" before they were able to submit their opinions. This was addressed by extending the session to a maximum of one hour. Respondents that notified MNR of their problems were sent a hard copy of the questionnaire by mail or Word form of the questionnaire by e-mail. The second issue was the language of the questionnaire. A small number of respondents commented that they found the language of the questionnaire to be unclear and a challenge to understand and formulate an opinion. Staff followed up with all respondents who identified technical issues to address their concerns.

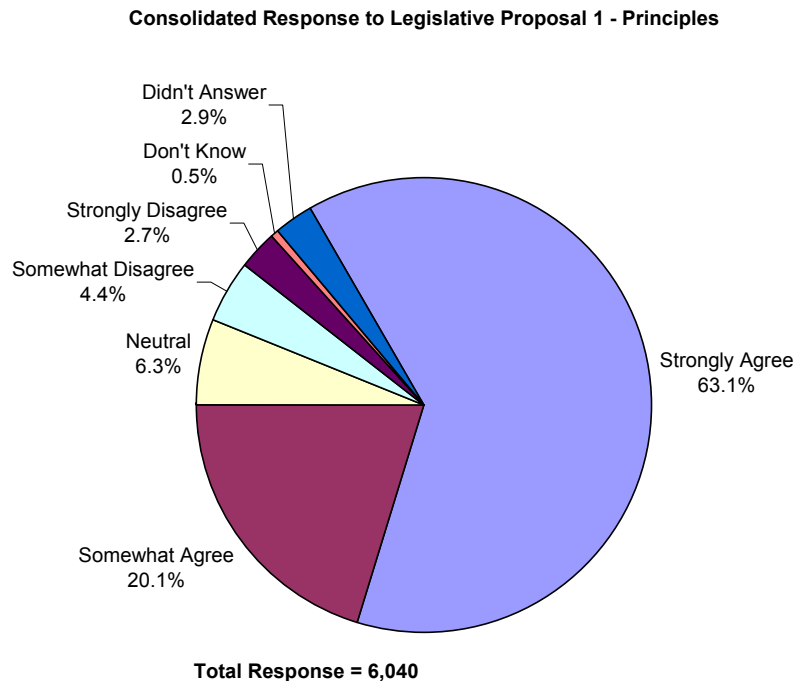
10.4 Overall Response to All Eight Legislative Proposals¹



¹ Pie Chart is summarized from input received on all eight legislative proposals.

10.5 Legislative Proposal 1: Principles

Include in legislation fundamental principles to guide the management of protected areas including: Protected areas are dedicated to the people of Ontario; Protection and maintenance of ecological integrity comes first; Protected areas will provide compatible recreation for the health and enjoyment of Ontarians and visitors to the province; and A network of protected areas will provide for the permanent protection of representative ecosystems and significant natural and cultural elements and habitats.²



Of the 1510 surveys completed, additional comments concerning this legislative proposal were included in the space provided. The most frequent additional comments were as follows:

Additional Principles to be included – 274 participants:

- Supported nature first/ecological integrity/greater parks ecosystems - 62
- Allow extractive uses, exploration, and the relocation of protected areas to allow resource development - 19
- Limit/restrict motorized use – 18

Additional Comments – 274 participants: (in this case the same trend is repeated from above)

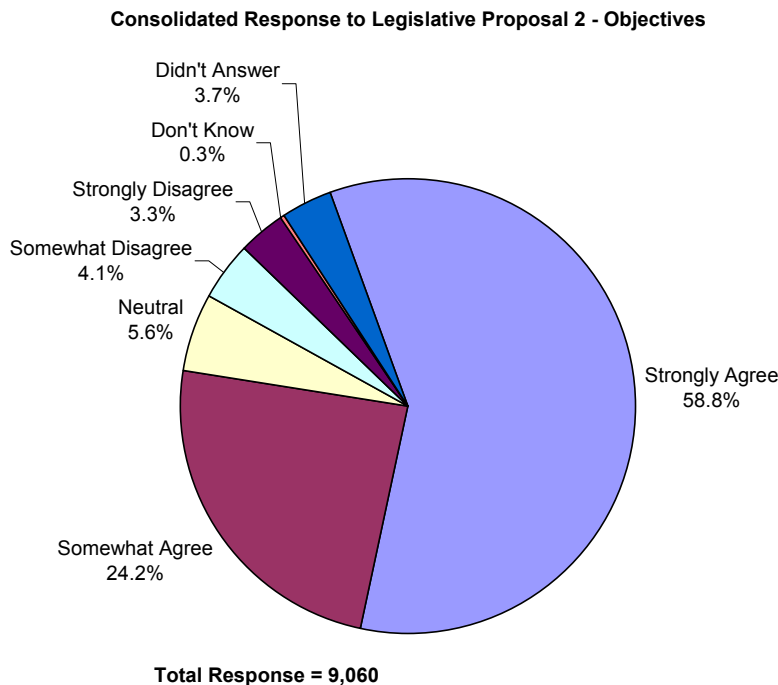
- Supported nature first/ecological integrity/greater parks ecosystems - 62
- Allow extractive uses, exploration, and the relocation of protected areas to allow resource development - 19
- Limit/restrict motorized use - 18

² Pie Chart provides a summary of input received on the four fundamental principles.

10.6 Legislative Proposal 2: Objectives

Include the following objectives in legislation for provincial parks: to protect representative and provincially significant elements of the natural and cultural landscape of Ontario; to provide compatible outdoor recreation opportunities ranging from high-intensity day-use to low-intensity wilderness experiences; to provide opportunities for exploration and appreciation of the outdoor natural and cultural heritage of Ontario; to provide Ontario's residents and out-of-province visitors with opportunities to discover and experience the distinctive regions of the province.

State the following objectives in legislation for conservation reserves: to protect representative and provincially significant natural heritage values on public lands; to provide opportunities for compatible land use activities including outdoor recreation.³



Of the 1510 surveys completed, additional comments concerning this legislative proposal were included in the space provided. The most frequent additional comments were as follows:

Additional Objectives for Parks – 376 participants:

- Provide greater protection for habitat, biodiversity, ecological integrity, greater parks ecosystems, and old growth forests. Put nature first - 46
- Limit/restrict motorized use - 45
- Promote education as an objective in provincial parks - 35

Additional Objectives for Conservation Reserves – 376 participants:

³ Pie Chart summarized input received on all objectives for both provincial parks and conservation reserves.

- Provide greater protection for habitat, biodiversity, ecological integrity, greater parks ecosystems, and old growth forests. Put nature first - 34
- Limit/restrict motorized use - 19
- Prohibit industrial uses - 16

Additional Comments on Proposal 2 - 202 participants:

- General concern for what defines a compatible recreational activity - 31
- Allow less high intensity uses - 24
- Promote nature first, ecological integrity, and permanence - 18

10.7 Legislative Proposal 3: Classes and Zones

Recognize the following provincial park classifications and associated objectives:

Wilderness Class: protect large areas where nature can exist freely, and visitors travel by non-mechanized means while practicing low-impact camping to experience solitude, challenge and personal integration with nature.

Nature Reserve Class: Represent the distinctive natural habitats and landforms of the province, and protect these for research and as gene pools to benefit present and future generations.

Historical Class: Represent the distinctive historical resources of the province in open space settings, and protect these for interpretive, educational and research purposes.

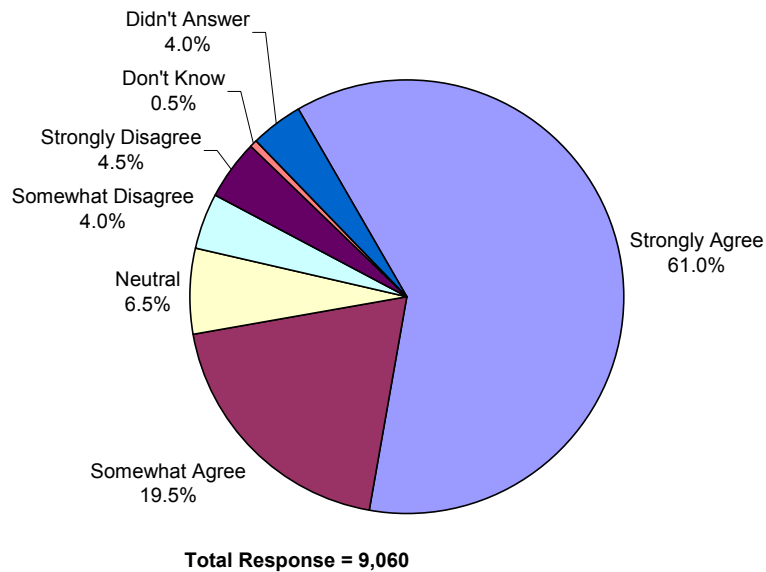
Natural Environment Class: Protect outstanding recreational landscapes with representative natural features and historical resources to provide high quality recreational and education experiences.

Waterway Class: Incorporate outstanding recreational water routes with representative natural features and historical resources to provide high quality recreational and educational experiences.

Recreation Class: Support a wide variety of compatible outdoor recreation opportunities for a large number of people in attractive natural surroundings.⁴

⁴ Pie Chart summarized input received for all six provincial park classes and their objectives.

**Consolidated Response to Legislative Proposal 3 - Classes and Zones
Recognition of Park Classifications and Associated Objectives**

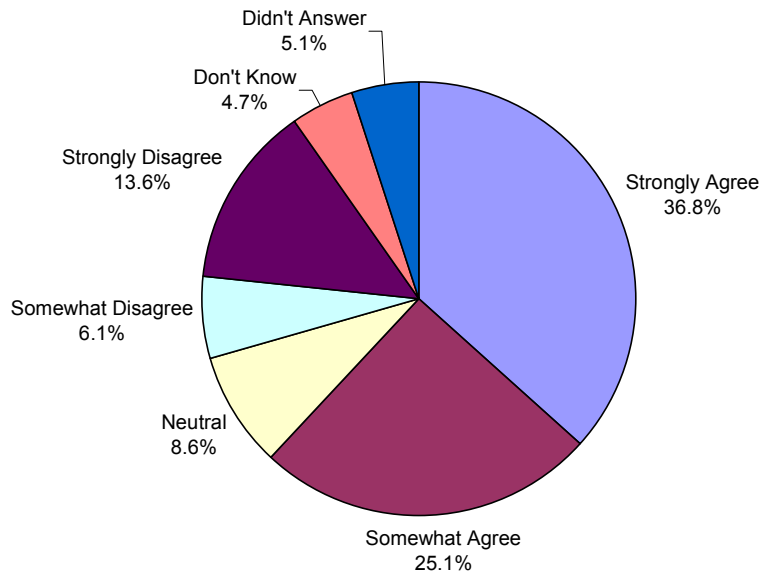


Provide authorization for the Minister of Natural Resources to establish additional park classes and zoning policies for provincial parks (this will recognize existing zones and allow the establishment of new zones in the future if necessary).

Provide authorization for the Minister of Natural Resources to establish zoning policies for conservation reserves (this would allow for the establishment of a system of zoning in the future – currently zones are not used as a management tool in conservation reserves).⁵

⁵ Pie Chart summarizes input received on the provision of Minister's authority to establish additional park classes and zoning policies for provincial parks as well as zoning policies for conservation reserves.

**Consolidated Response to Legislative Proposal 3 - Classes and Zones
Authorization for Minister to establish zoning policies for parks and conservation reserves**



Total Response = 3,020

Of the 1510 surveys completed, additional comments concerning this legislative proposal were included in the space provided. The most frequent additional comments were as follows:

Suggestions about park classification and objectives for park classes – 362 participants:

- Ensure protection first and ecological integrity - 55
- Limit/restrict motorized use - 25
- Prohibit downgrading through changes to classification - 15

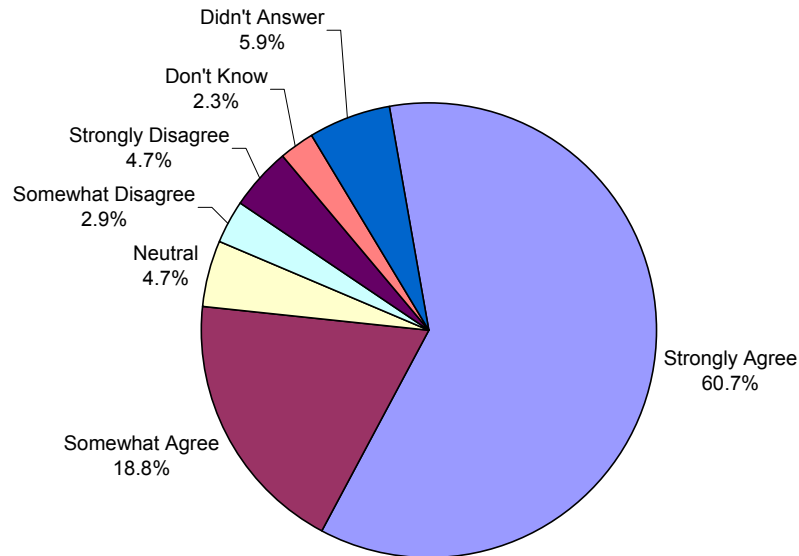
Suggestions about zoning in provincial parks and conservation reserves – 266 participants:

- Ensure protection first - 47
- Supported existing zoning - 18
- Ensure public involvement in determining zoning - 18
- Limit/restrict motorized use - 18

10.8 Legislative Proposal 4: Wilderness Areas

Evaluate the ten wilderness areas that are outside of provincial parks and conservation reserves. Where natural values justify protection, regulate the areas through a public consultation process as provincial parks or conservation reserves, whichever is most appropriate.

Response to Legislative Proposal 4 - Wilderness Areas



Total Response = 1,510

Of the 1510 surveys completed, additional comments concerning this legislative proposal were included in the space provided. The most frequent additional comments were as follows:

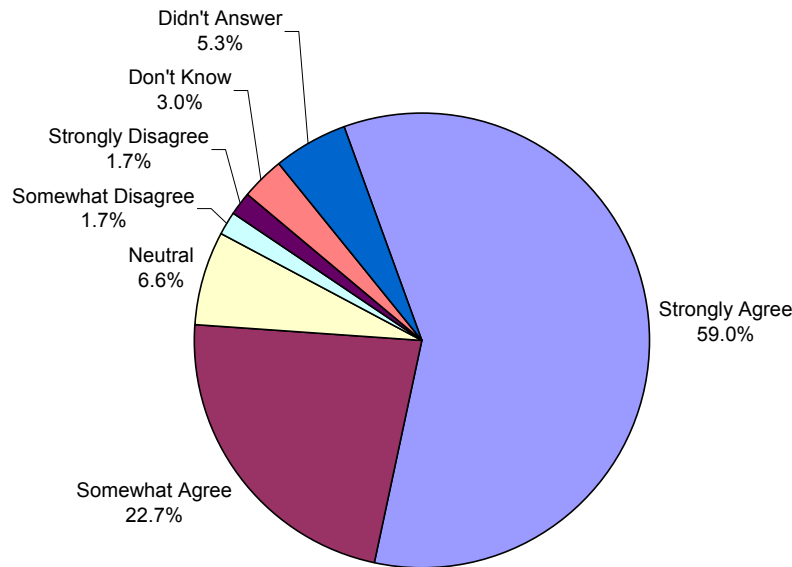
Suggestions about wilderness areas and how they should be dealt with through the legislative review – 334 participants:

- Supported Legislative Proposal #4 - 46
- Do not change - leave as wilderness, undeveloped, need more wilderness - 46
- Ensure public consultation before making decisions - 24

10.9 Legislative Proposal 5: Planning and Reporting

Require that: Management direction is approved for each protected area within specified timeframe after passage of the legislation or establishment of the area; Appropriate consultation is carried out regarding development of management direction; and Public reporting on the state of protected areas to be prepared at five-year intervals.⁶

Consolidated Response to Legislative Proposal 5 - Planning and Reporting



Total Response = 4,530

Of the 1510 surveys completed, additional comments concerning this legislative proposal were included in the space provided. The most frequent additional comments were as follows:

Suggestions about preparation of management direction, or the timeframe for preparation of management direction – 220 participants:

- Reporting cycle should be less than 5 years - 33
- Ensure public consultation and more public involvement in process - 28
- Generally supportive of Proposal #5 - 16

Suggestions about state of protected areas reporting - 160 participants:

- Reporting cycle should be less than 5 years - 31
- Generally supportive of Proposal #5 - 16
- More monitoring is needed particularly of keystone species - 14

Suggestions about the need for public consultation – 285 participants.

- Ensure public consultation and more public involvement in process - 52
- Generally supportive of Proposal #5 - 46

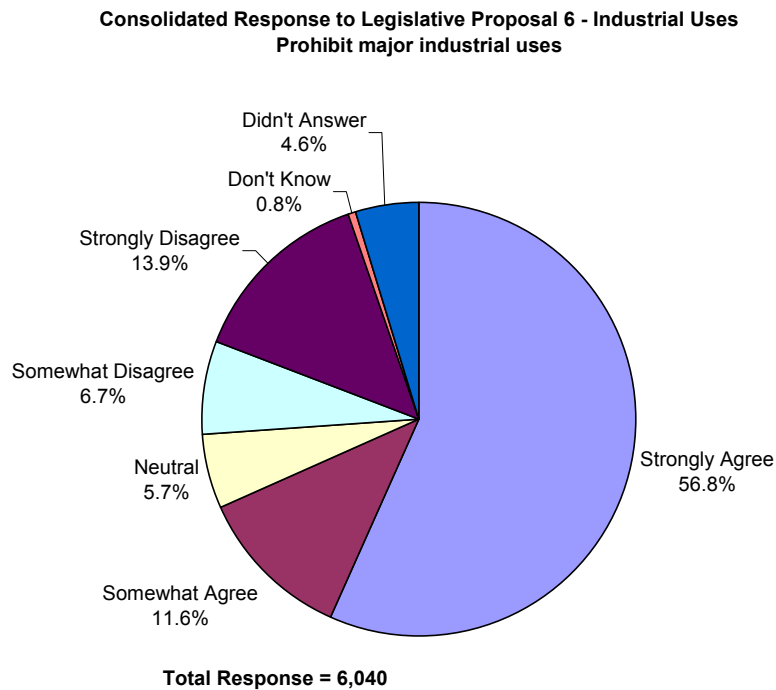
⁶ Pie Chart summarizes input received on management direction, consultation, and state of protected areas reporting.

- There is a need for a clear and transparent process - 15

10.10 Legislative Proposal 6: Industrial Uses

Prohibit major industrial uses:⁷

- Commercial Logging (with the exception of the recreation/utilization zone of Algonquin Provincial Park).
- Mineral Exploration and mining.
- Aggregate and peat extraction.
- Electric power development (hydro, wind, solar, etc.).



Do not include in prohibitions:⁸

Electric power development for park or First Nation use; existing hydro-electric power facilities; and commitment made for new facilities prior to protected areas being established.

Resource access roads and utility corridors.

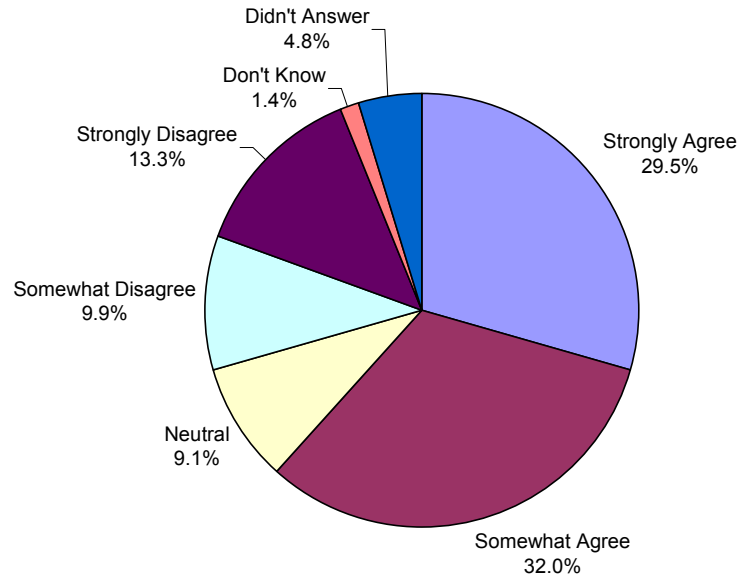
⁷ Pie Chart summarizes input received on all four major industrial uses prohibitions.

⁸ Pie Chart summarizes input received on all four exceptions to the major industrial prohibitions.

Existing approved pits established for public purposes, which will be permitted to continue. No new pits or quarries would be permitted.

Felling of trees or removal of plant materials for approved projects and research in accordance with management plans.

**Consolidated Response to Legislative Proposal 6 - Industrial Uses
Exceptions from prohibition**



Total Response = 6,040

Of the 1510 surveys completed, additional comments concerning this legislative proposal were included in the space provided. The most frequent additional comments were as follows:

Suggestions about prohibitions of industrial uses – 624 participants:

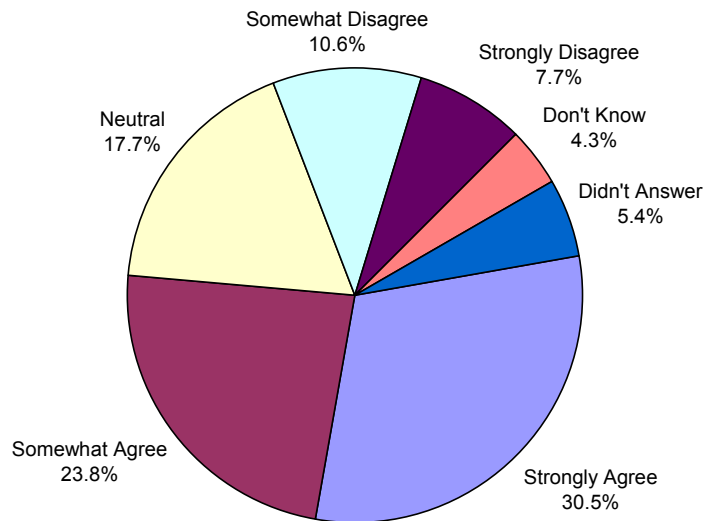
- Generally supportive of Proposal # 6 - 121⁹
- Enforce environmental responsibility - 77
- Prohibit logging in Algonquin - 73

⁹ Coding for “Supportive of Proposal 6” (22/624) and “No Industrial Uses” (99/264) were combined.

10.11 Legislative Proposal 7: Non-industrial Uses

Continue to address non-industrial uses (such as hunting, motorized use, commercial fur harvest and bait fishing) through regulations or policy rather than in legislation.

Response to Legislative Proposal 7 - Non-industrial Uses



Total Response = 1,510

Of the 1510 surveys completed, additional comments concerning this legislative proposal were included in the space provided. The most frequent additional comments were as follows:

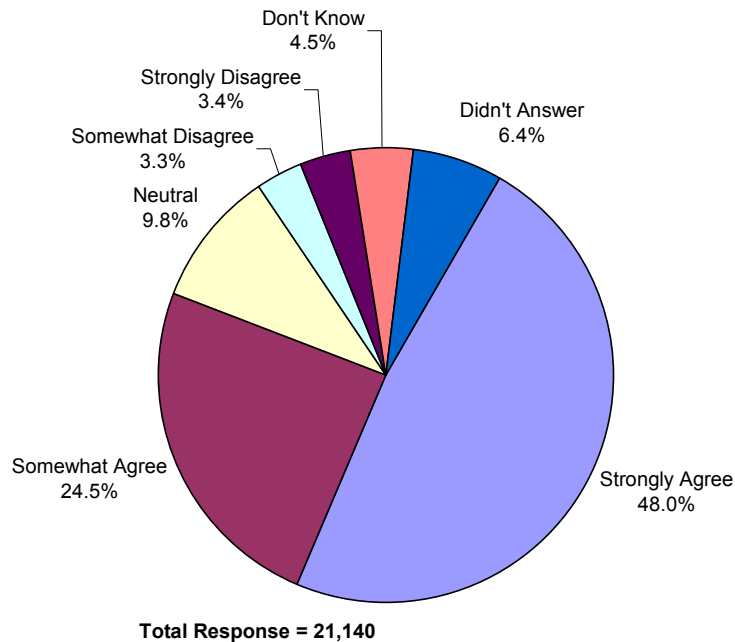
Other suggested uses that should be prohibited in legislation, rather than dealt with through regulations or policies – 430 participants:

- Motorized use - 86
- Hunting - 75
- Trapping - 30
- Additional permitted uses to be addressed in legislation - 30

10.12 Legislative Proposal 8: Administration/Enforcement

- Update administrative and enforcement provisions by: Retaining existing authority for provincial park revenues to be deposited in an Ontario Parks Special Purpose Account dedicated to spending for provincial park purposes. Consider provision of new authorities to facilitate and encourage gifts, donations and bequests in support of programs to support protected areas research, monitoring, education, and other related purposes.
- Including a range of land administration provisions to support establishment of protected areas, effective management of lands, and administration of tenure, including: Continue to establish or amend protected areas boundaries by regulation. Grant and administer leases, rights of way, easements, land use permits and work permits. Set and charge fees for land tenure of various types. Establish regulations relating to leases, rights of way, etc.
- Providing authority for the Minister of Natural Resources to undertake or enter into agreements to support: Stewardship, Marketing and Promotion, Education, Research, and Other protected areas objectives.
- Providing an up-to-date enforcement framework in accordance with the Provincial Offences Act, consistent with priority placed on protection of natural values by including: Powers of Minister of Natural Resources to make regulations with approval of Cabinet, Updated fines and penalties (upper limits will be set out in legislation), and Appropriate enforcement powers for officers.¹⁰

Consolidated Response to Legislative Proposal 8 - Administration/Enforcement



¹⁰ Pie Chart summarizes input received for all administration/enforcement provisions and authorities of the Minister of Natural Resources.

Of the 1510 surveys completed, additional comments concerning this legislative proposal were included in the space provided. The most frequent additional comments were as follows:

Suggestions about Administrative Provisions – 195 participants:

- Strengthen enforcement - 22
- Increase funding for protection - 11
- Fund protection and environmental management with taxes not revenue - 9

Suggestions about Powers of Minister – 142 participants:

- Increase powers to protect - 22¹¹
- Increase Minister's accountability to public - 18
- Ensure public consultation on all Minister's decisions - 7

Suggestions about Enforcement Powers – 166 participants:

- More enforcement capacity - 32
- Increase penalties - 30
- Expand authorities of Park Wardens - 26

Suggestions about Ontario's protected areas legislation and what should be included in legislation – 426 participants:

- Supported nature first/ecological integrity/greater parks ecosystems - 60
- Prohibit industrial and commercial activities - 25¹²
- Provide more funding to MNR to increase effectiveness - 14

¹¹ Coding for "Supportive of Proposal 8" (4/142) and "Increase powers to protect" (18/142) were combined.

¹² Although the frequency for "Comment on consultation process" (28/426) was higher than "no industrial/commercial activities" (25/426), it was dropped as its usefulness towards developing a better understanding of the responses to this question was limited.