

# Ontario's



GREGOR BECK

# LIVING LEGACY REPORT CARD

for parks and  
protected areas

**In 1999, the Ontario government announced its intention** to create 378 new protected areas. Establishing these was the foundation for *Ontario's Living Legacy* (OLL), which grew from the *Ontario Forest Accord*. It was the single largest expansion to Ontario's parks system ever, and it remains a tremendous conservation achievement.

Four years later, it is time to review *Ontario's Living Legacy* and to identify challenges and opportunities. While the new protected areas received interim protection from forestry, mining and hydro-electric development, getting all sites regulated and dealing with conflicting issues has proven a very large and complex task.

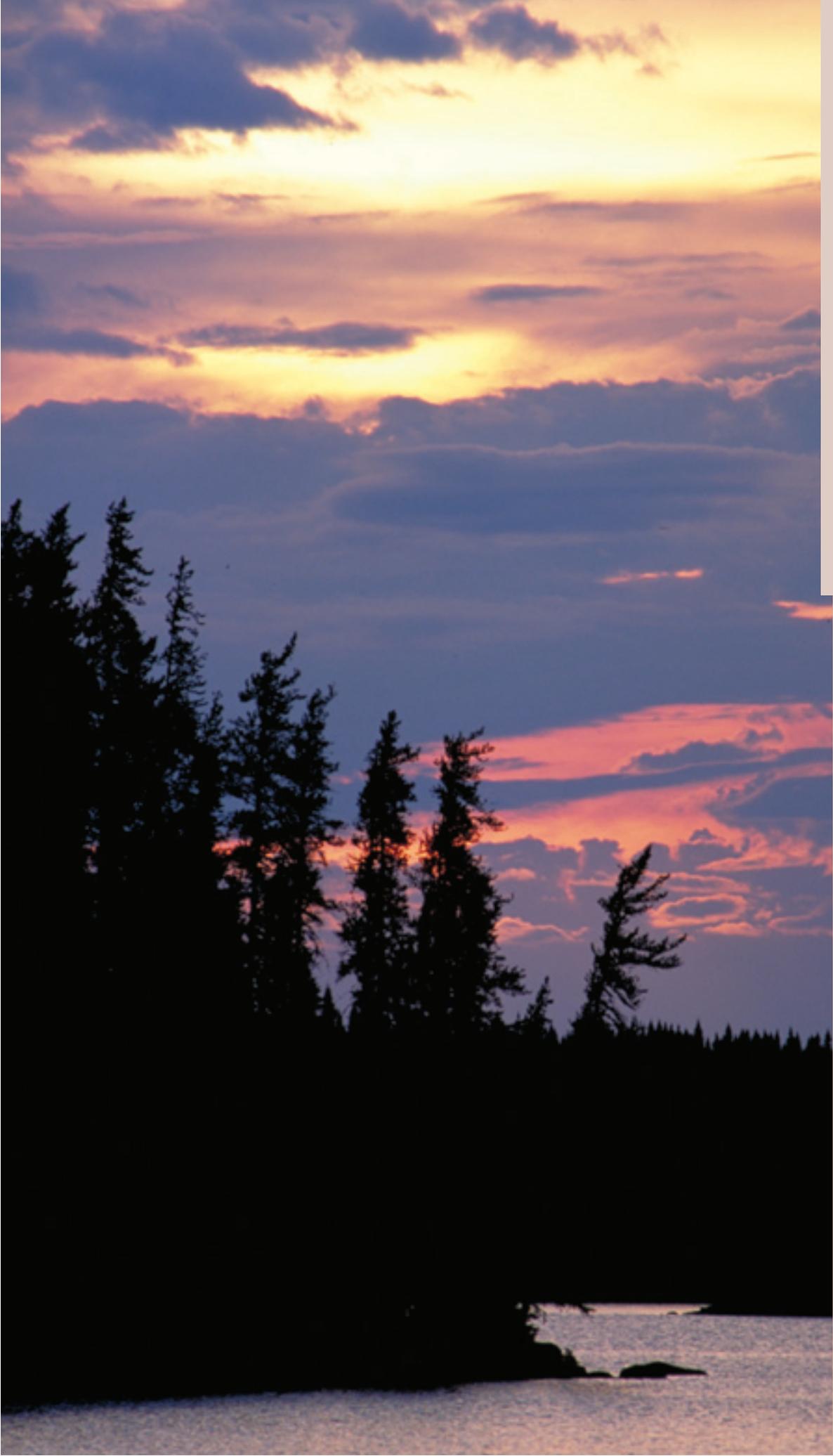
Despite progress, fewer than half have been officially regulated. And while ecological integrity should be paramount in protected areas, the Kawartha Highlands Signature Site remains a political pawn and the Great Lakes Heritage Coast is currently charting too heavily toward development, to cite just two examples. On the positive side, major progress has been made in resolving issues of pre-existing mineral claims in OLL sites, and many additional areas appear close to regulation.

Ontario has many opportunities to demonstrate its support for a strong protected areas system. For example, we need to complete the regulation of the 378 OLL sites and enshrine processes for creating additional protected areas through *Room to Grow* or other initiatives. We must review our antiquated Provincial Parks Act and develop sound protected areas management and conservation plans, with ecological integrity as a first principle.

A strong and renewed commitment to our protected areas system will benefit not just wildlife and ecosystems, but ultimately all Ontarians.

Gregor Beck  
Director, Conservation and Science







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**Ontario's Provincial Park** system dates back to 1893 with the establishment of Algonquin Provincial Park. Twenty years later the first draft of the *Provincial Parks Act* was released, which defined provincial parks as "areas unsuitable for settlement or agriculture." At the time, parks were largely considered pleasure or resort destinations providing opportunities for nature appreciation. By 1954 eight parks comprised the provincial network, maintained for "enjoyment, health and the benefit of future generations" under the revised (1954) *Provincial Parks Act*. The act also allowed mining and logging in parks. By 1960 the parks system included 72 parks and was managed by the new Division of Parks within the Department of Lands and Forests. The 1970s and '80s marked a period of major expansion of Ontario's protected areas. In 1970, Polar Bear, Ontario's largest park at 24,000 square kilometres, was created, and by the end of the 1980s Ontario had 220 parks. In 1999 the Ontario's Living Legacy (OLL) Land Use Strategy was announced, identifying 378 new protected areas that would protect an additional 2.4 million hectares – the largest expansion in Ontario's history. Today, Ontario Parks continues to manage the province's parks under the now-outdated direction of the 1954 *Provincial Parks Act* while Ontario's conservation reserves are protected under the *Public Lands Act* (PLA).

### Ontario's Living Legacy Regulation Status

The Partnership for Public Lands (PPL) was formed in 1997 as a joint effort of the Federation of Ontario Naturalists, CPAWS-Wildlands League, and World Wildlife Fund Canada. The partnership was instrumental in establishing 378 new protected areas in the Lands for Life process and continues to work for the completion and proper management of the protected areas system.

The formal protection or regulation of the 378 Ontario's Living Legacy protected areas began in late 1999. The regulation process is required to protect new OLL sites under the *Provincial Parks Act* (PPA) or the *Public Lands Act* (PLA). Public input is solicited with regard to boundaries, locations, and uses of the sites, and if needed, minor boundary adjustments are made subsequent to this consultation. The Partnership for Public Lands (PPL) has been involved in all OLL boundary negotiations to date, and overall the Ontario Ministry of Natural Resources (OMNR) has allocated necessary resources to advance the consultation and regulation process.

Once the boundaries are finalized, site configurations are formally documented, and groups of OLL sites are sent to Cabinet to be officially regulated. This ensures that they are formally protected from logging, mining, and hydroelectric development. As of May 2003, 33 of the OLL provincial parks are now regulated under the *Provincial Parks Act*, and 132 conservation reserves are protected under the PLA. OMNR estimates that 76 more of the OLL protected areas will be regulated during the spring of 2003, with another 44 regulated throughout the remainder of 2003.

In total, OMNR has successfully regulated 165 of the 378 new protected areas, or approximately 44 percent. However, the actual area that has been regulated is less than 20 percent of the total 2.4 million hectares, because many of the large parks are as yet unregulated. Some very serious concerns remain about the direction of regulation for the nine "Signature Sites" designated under OLL, which are discussed in the next section. Number

Region	Parks		Conservation Reserves		Total OLL	
	Number	Area	Number	Area	Number	Area
Boreal East	16	74,470	55	104,896	71	179,366
Boreal West	4	28,196	11	70,329	15	98,525
South-Central	13	75,274	66	101,209	79	176,483
<b>Total</b>	<b>33</b>	<b>177,940</b>	<b>132</b>	<b>276,434</b>	<b>165</b>	<b>454,374</b>

Number of OLL sites regulated by May 1, 2003



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**As a result of the Ontario's Living Legacy Land Use Strategy, nine Signature Sites were identified as special planning areas because they exemplify Ontario's unique natural heritage. Management planning for these sites is in various stages of completion and is discussed further below.**

### **Kawartha Highlands**

Once regulated, the Kawartha Highlands Signature Site (KHSS) will represent the largest protected area south of Algonquin Park. Its pending management recommendations and subsequent regulation as a park could set a precedent affecting how other Signature Sites are established and managed. In January 2000 a 12-member Kawartha Highlands Stakeholder Committee (KHSC) was appointed by the provincial government in a unique approach to local decision-making for public lands. The intent was that the committee would act as an advisory body to the Ontario government in gathering local input, examining existing uses and making a final recommendation for the protected area designation and management intent for the Kawartha Highlands.

The public consultation period, which ended in 2001, resulted in a reasoned set of recommendations made by the KHSS Local Stakeholder Committee. Among the highlights of the report was the committee's conclusion that the KHSS should be an operating provincial park and should limit motorized vehicle access. The recommendations remained with Minister John Snobelen and were not finalized prior to his resignation as minister in the spring of 2002. The recommendations remained with the new minister of Natural Resources, Jerry Ouellette, for much of the past year, with no indication of official approval.

In December 2002 a new bill entitled the "Recreation Reserve Act" (RRA) was introduced in the Ontario Legislature. The proposed legislation, if enacted, was to be specific to KHSS and would permit the following: unrestricted access for motorized vehicles; opening KHSS to forestry activity such as horse logging; and enhanced angling and hunting opportunities. Of major concern to PPL was the potential that the RRA legislation could be modified in the future and used as a blueprint for other Signature Sites and protected areas in Ontario.

In March 2003 Premier Ernie Eves prorogued the Legislature, and all bills still under consideration, including the RRA, "died on the order paper."

PPL continues with efforts to ensure that the government commits to implementing the stakeholder committee's original recommendations that KHSS be regulated as a fully operational provincial park. In March 2003, Premier Eves appointed MPP Chris Hodgson to work with stakeholders to seek agreement on the appropriate designation and protection for KHSS. The Throne speech on April 30, 2003, confirmed the government's intent to introduce special legislation for KHSS, and recent meetings with OMNR and PPL indicate that a modified version of the original RRA may still be a possibility. Consequently this remains an issue of great concern. PPL believes that any legislation for KHSS must enshrine long-term ecological integrity of the site as its primary mandate.

### **Great Lakes Heritage Coast**

The Great Lakes Heritage Coast (GLHC) Signature Site spans 2,900 kilometres of Great Lakes shoreline from Port Severn to Thunder Bay, encompassing over one million hectares of land. This coastline is of international significance and is known for its natural, cultural, scenic, and recreational values. The management goals for GLHC, as stated in the OLL Land Use Strategy (1999), are to protect its outstanding beauty and natural ecosystems; to promote its recreational and tourism value via a network of parks and protected areas; to ensure that development is compatible with overall policy intent; and to foster cooperation and seek partnerships with others along the coast. The GLHC represents an excellent example of the need to plan at a landscape level to ensure protection of natural values while including economic development in this large-scale ecosystem.

Targeted consultations have taken place across the planning area, but progress on the GLHC Strategy has been slow on all fronts. The extremely large and politically complex nature of the GLHC area has made planning difficult. The government appears to be struggling with how to balance protection of GLHC while promoting tourism opportunities. Currently, the vision for GLHC



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focuses on tourism development with too little protection for the coast. PPL concerns stem from the emphasis on the economics of the GLHC opportunities rather than on the protection of the coastline ecology. The government's GLHC initiative also suffers from the absence of an overarching land-use direction that would adequately protect the GLHC for future generations. The next set of management recommendations is pending and should highlight the government's commitment to appropriate management and protection for this coastline. This was emphasized in the Throne speech on April 30, 2003.

### Lake Nipigon

At over 448,000 hectares Lake Nipigon is the largest body of water entirely in the province and is often described as the "sixth Great Lake." It is also one of the least developed aquatic environments in Ontario. The basin serves as a natural corridor connecting habitats extending from Wabikimi Provincial Park to the new Great Lakes Heritage Coast and includes a variety of proposed protected areas within the watershed. The northern half of the basin is pristine and represents the southern limits of the retreating range of Woodland Caribou in northwestern Ontario.

FON staff became engaged in a comprehensive year-long planning exercise through membership in OMNR's Nipigon Signature Site planning team. Together with

other stakeholders, the team worked towards the development of the Lake Nipigon Basin Ecological Land Use and Resource Management Plan. Throughout the planning process, we were able to attend over 10 planning-team meetings within the community of Nipigon as well as attending all three phases of the public open houses scheduled in a number of the communities surrounding the basin.

Some highlights of the final plan include: maintaining the northern half of the basin in a pristine condition by limiting future development; ensuring that buffers and road closures in Enhanced Management Areas prevent uncontrolled lake access; ensuring that any new cottage lot expansions include only cluster type developments set back a minimum of 500 metres from shoreline habitats; ensuring that caribou calving islands are not disrupted by increased tourism; and ensuring that any connecting road around the north half of the basin be subject to review by Species at Risk staff. The planning process appears to have been effective, but delays in the final approval of the management plan are of concern to PPL. Currently the site remains unregulated and thus without overall management direction.

The other Signature Sites in various stages of consultation include the Algoma Headwaters, Spanish River Valley, Killarney Provincial Park, Woodland Caribou, St. Raphael, and the Nagagamis.



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### Mining and Prospecting Issues

When 378 new protected areas covering 2.4 million hectares were added to Ontario's protected areas system, it was inevitable that a lot of work would be needed to finish the job and get all sites regulated and officially gazetted. One of the major challenges has been the mining claims, leases, and patents that pre-dated the Ontario's Living Legacy announcement in spring 1999 and overlapped some of the proposed new protected areas. Over the past year FON has worked to develop a process to identify, categorize, and mitigate any pre-existing mineral tenure issues in OLL sites.

FON and PPL have developed productive working relationships with the Ontario Prospectors Association (OPA) and the Ministry of Northern Development and Mines (MNMD) to achieve positive outcomes that do not compromise the ecological values or integrity of the OLL sites. Given the historic animosity between the conservation community and provincial mining interests, this cooperative approach to resolving the conflicts has been noted by government staff to be a precedent in land-use planning in Ontario.

FON analyses of conservation and mineral values yielded 100 OLL sites that showed probable overlap with mineral tenure. FON and OPA agreed to work together to develop a method to address the issues associated with these sites and report back to government on the results. The methodology that was subsequently developed enabled OLL sites with mineral tenure issues to be categorized and then addressed through follow-up actions.

To date, all parties have worked cooperatively through this process. While discussions are still ongoing, approximately 60 of the 100 sites are now listed as "solved," meaning that mapping clarification has revealed no mineral tenure issues in these sites. After some initial reluctance to participate, OMNR and MNMD have provided resources and demonstrated the will to finish this process in a way that ensures that mineral interests will minimally impact OLL sites. With the encouragement of both ministers, it is anticipated that fair and environ-

mentally sound solutions for each of the 100 sites should be established by fall 2003.

### Hydroelectric Development

The formal regulation of the 378 OLL sites represents the legislative mechanism to keep these areas protected from logging, new mining activities, and hydroelectric development. In terms of hydro development, there has been little activity to show government commitment in either direction in keeping OLL sites free from hydro projects. The OLL Land Use Strategy lists commercial hydro development projects as not permitted in new and existing provincial parks and conservation reserves.

While PPL currently is unaware of any new hydroelectric proposals that may directly impact on Ontario's protected areas, we understand that a new proposal to change the Environmental Assessment criteria for power proposals is currently being developed by government. Any hydroelectric (or wind power) proposal that would generate more than 2 megawatts presently requires a full Environmental Assessment. The proposed change, if successful, would increase the 2 megawatt limit to 100 megawatts. Hydro projects can have major impacts on aquatic ecosystems, and as these ecosystems are linked across the landscape, the effects of hydro projects in one area may have effects on protected areas in another. PPL views this proposed change with concern, as it may potentially remove the necessary safeguards to effectively evaluate hydro development proposals and thus fail to protect Ontario's watersheds.

### Room to Grow

Room to Grow is a commitment of the provincial government, through the Ontario Forest Accord, to add additional protected areas to our parks system beyond the 378 identified by the OLL Land Use Strategy. Although the program is not well known among the general public, Room to Grow would automatically increase our protected areas system when forestry companies request expansions to their mills and forest operations. Over the last year, FON and the PPL have been working actively with several forest companies, the provincial government, and others to look for opportu-



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nities to gain better ecological representation through park system expansions and the Room to Grow process.

The Room to Grow framework ensures that any industrial forest expansion or commitment of new wood supplies to industry, such as a new mill, would require an expansion of the protected area network in that region. The framework also provides for expansion of the protected areas system whenever wood supply in excess of 1999 use levels is identified. Unfortunately the Ontario government has not acted on the Ontario Forest Accord Advisory Board recommendation to enshrine the Room to Grow framework in legislation, thus placing at risk the long-term survival of this process and the fundamental change to forest conservation that it represents. PPL is currently seeking to have this deficiency addressed by encouraging the placement of the Room to Grow framework within the Terms and Conditions of the Timber Class Environmental Assessment renewal. We expect to know the outcome of this effort by late spring of 2003.

There are two areas in the province where proposed forest industry expansions have triggered the Room to Grow process. In both cases the selection and protection of new protected areas is moving more slowly than we would like. A proposal to build a new roundwood processing facility in northwestern Ontario stimulated the development of a cooperative planning exercise that has identified candidate protected areas that could advance protected areas representation within the region. Following the identification of these candidates, OMNR advised MNDM of the need to perform an analysis to determine if any of the candidates have potential conflicts with Provincially Significant Mineral Potential (PSMP) interests. This PSMP process is underway, and we are waiting for the conclusion of their analysis to determine if new sites or boundary adjustments are required.

The Room to Grow process has also been triggered as a result of a proposal to expand and modify a forest product mill located east of Lake Nipigon. FON and PPL have worked cooperatively with the government using agreed-upon methods to select protected areas

candidates. These candidates, if chosen, will advance ecological representation in the areas affected by this proposed expansion.

These first two Room to Grow expansions are perhaps the most important, as they will set a precedent and provide us with valuable lessons on how to proceed with a process for addressing subsequent Room to Grow opportunities. The current cooperation by OMNR staff will benefit this process; however, we fear that budgetary and staff allocation to this process will wane unless we can secure an appropriate legislative home for the Room to Grow framework and structure.

To date the involvement of the forest industry in Room to Grow varies by forest company, district, and proposed expansion. Some forest companies understand the importance of the Room to Grow expansions and actively seek to complete ecological representation to ensure stability in fibre supply. Yet other companies perceive Room to Grow as a threat to wood supply and jobs and in some cases refuse to participate in protected areas selection. Currently a lot of misinformation regarding Room to Grow is being presented in northern Ontario to municipalities and the public. PPL, OMNR, and progressive forest companies have been making efforts to counter these false claims.

### Protected Areas Management

Strategic direction for the protection and management of the 378 new protected areas promised under OLL is provided by the OLL's 1999 Land Use Strategy. The management direction for each site varies based on whether it is a provincial park or a conservation reserve. Both the *Provincial Parks Act (PPA)* and the *Public Lands Act (PLA)* provide similar legislative protection to these areas. However, conservation reserves under the *Public Lands Act* do not require management plans, nor do they have a source of funding similar to provincial parks. Under the current system, OMNR staff has no additional resources to manage these protected areas. The *Public Lands Act* defines conservation reserves as areas with a dual purpose: the maintenance of conservation and of non-commercial



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PAUL LEADBITTER

or industrial resource utilization or recreation. Within the framework of the *Public Lands Act*, Statements of Conservation Interest (SCI) are developed for the management of conservation reserves.

SCIs are written by OMNR under the *Public Lands Act* and are intended as stand-alone management documents. They follow a standard template and offer a general description of the life science features, providing limited management direction for the site. Conservation reserve management is overseen not by Ontario Parks but rather by the OMNR districts in which they are located. Associated management, monitoring, and enforcement tasks are the responsibility of OMNR district staff.

Given the limited staff and fiscal resources of OMNR, conservation reserve management and the protection of site values in Ontario are currently inadequate. To date, OMNR has regulated 132 of the 271 Ontario's Living Legacy conservation reserves. Considering that a majority of new OLL sites are conservation reserves, the lack of a stable funding source, conflict resolution mechanisms, and management capacity is of ongoing concern. Ineffective management of these areas may have significant impacts on the integrity of the protected areas network. It is paramount that the necessary resources for effective conservation reserve management and monitoring are integrated into the operating structure of the provincial government. Considering the limitations of the *Public Lands Act* and the inherent weakness of Statements of Conservation Interest, a better approach would be to move conservation reserve management into the jurisdiction of Ontario Parks and the *Provincial Parks Act*. These protected areas would greatly benefit from the stronger management capacity and protection measures offered by their inclusion in an updated act.

### Motorized Vehicles

Motorized vehicle access (especially for all-terrain vehicles or ATVs) in Ontario's protected areas is becoming an increasingly common problem, highlighted as a significant land-use issue by the conservation community. In the absence of adequate Statement of Conservation Interest enforcement and monitoring as well as a provincial roads policy, the impact of roads and the inevitable



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motorized vehicle traffic that follows need to be addressed by government. While it is commonly acknowledged that new roads increase pressures on wildlife and fisheries and cause habitat fragmentation, the general response of OMNR to date is one of resignation rather than resolve to take actions to mitigate these impacts.

The development of new roads and trails, while not encouraged in the planning framework for provincial parks and conservation reserves, is ultimately left to the discretion of OMNR district managers and/or park superintendents. The result to date has been ongoing approvals for new road, trail, and infrastructure development in OLL sites as well as remote access Enhanced Management Areas (EMAs) across the province. To be fair, the OMNR is often responding to intense pressure from vocal user groups, without the support of strong policy or legislation to counter the development pressure. Recent examples include motorized vehicle access in the Jevins and Silver Lake Conservation Reserve, a road approval in the Mattawa Provincial Park Addition, new forestry roads through remote-access EMAs in the St. Raphael Signature Site, and ongoing pressure for a road through the Black Bay Peninsula in the Northwest.

Very often OMNR's solution to this problem is to experiment with access restrictions. However, time and again attempts to restrict motorized vehicle access have been largely ineffective in most areas of the province. In fact, a recent audit of the Temagami area revealed that of those sites with access controls actually inspected by OMNR, access restrictions had been violated 45 percent of the time. Coupled with OMNR's lack of resources to effectively enforce such controls to begin with, this finding points to a need for a comprehensive review and development of appropriate policies and regulations. While there have been recent attempts to restrict ATV access into the McCrae Lake and Jevins and Silver Lake Conservation Reserves, motorized vehicle access in Ontario's protected areas system and elsewhere remains a serious problem.

### Enhanced Management Areas

The conservation community has long advocated the



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concept that ecosystem health at a landscape level depends not only on protected areas but also on the policies that govern activities on intervening lands. The overarching goal of Ontario's Living Legacy is to ensure that the full biodiversity of Ontario's lands, waters, and forests is maintained for generations to come. PPL therefore sees the parks system as one of many vital elements in a sustainably managed landscape.

OLL identified 86 Enhanced Management Areas as a means to maintain important forest values on the developed forest landscape between protected areas. Since 1999, however, there has been little further direction provided to OMNR staff for management in EMAs. The result has been a "business as usual" approach. This gap has been highlighted in the ongoing planning for the nine OLL Signature Sites. Within the Signature Sites, the intent was to integrate planning across a large area in an effort to give due consideration to all values at a broad-

er landscape level. In these areas, the proper implementation of the EMA concept can play an important role in providing examples of how resource activities could be carried out while minimizing impacts to other forest values.

The lack of planning direction has been especially problematic in areas more adversely affected by commercial activities: in particular, the impacts of ongoing pressure for road development across the province. Examples can be seen in the Northwest, where new road construction for the forest industry continues in a designated "remote access EMA" within the St. Raphael Signature Site. This is an area important both for the remote tourism industry and for its high caribou habitat value. Forestry road building continues in the absence of a management plan and with little consideration for the remote values the St. Raphael Site was intended to protect.

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**Summary**

Since the OLL announcement four years ago, progress towards fulfilling the promise and intent of Ontario's Living Legacy has met with mixed success. While OMNR has regulated 165 of the 378 protected areas, the actual area that has been regulated is less than 20 percent of the total 2.4 million hectares. PPL is cautiously optimistic that OMNR will meet its target of 120 sites regulated during 2003 and will support OMNR in completing the regulation process.

All nine Signature Sites are as yet unregulated, and planning is in various stages of completion. There is growing concern in the conservation community that these featured areas will not be adequately protected. It seems that in some cases the economic potential of these sites is considered more important than their long-term ecological protection. Of most concern is the imminent fate of the Kawartha Highlands Signature Site, as it appears it will be the first Signature Site to be "approved" and so will set the example for the other eight sites.

PPL views the OLL Signature Sites as an opportunity for government to demonstrate its commitment to appropriate protection of globally significant areas. The OLL process represents the largest land-use planning exercise in Ontario's history, and the protection of the Signature Sites, if managed in accordance with the principles laid out by the Land Use Strategy, could be one of its finest achievements.

Forward progress to identify and regulate additional protected areas will rely on the survival of the Room to Grow process. The current processes underway represent opportunities for Ontario to take the lead in demonstrating how a rational and collaborative approach to protected areas selection and establishment can work for all parties. If successful, it will set an example and possibly a template for Canada and the world. PPL is supporting the current efforts of OMNR staff to select areas for protection and is urging government to enshrine the process in Ontario's forest management legislation.

Implementing the OLL Land Use Strategy has been an immense undertaking for both PPL and OMNR. It has highlighted some of the strengths and weaknesses of Ontario's approach to biodiversity conservation. Some excellent cross-sectoral working relationships have been developed through the implementation of OLL. These have provided inspiring examples of how land-use conflicts can be resolved. In these situations, a proactive approach by all parties concerned has facilitated progress towards a meaningful protected areas system for Ontario. In other examples, the process has been stalled by narrowly focused interest groups with an emphasis on economic development at the expense of the ecological values that are an integral part of sustainable development principles.



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The Federation of Ontario Naturalists (FON) protects Ontario's nature through research, education, and conservation action. FON champions woodlands, wetlands and wildlife, and preserves essential habitat through its own system of nature reserves. FON is a charitable organization representing 25,000 members and supporters and 125 member groups across Ontario.

If you wish to support the FON or learn more about current conservation issues in Ontario visit [www.ontarionature.org](http://www.ontarionature.org).

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