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ISSN 1180-436X

Legislative Assembly
of Ontario

Second Session, 38th Parliament

Assemblée législative
de l'Ontario

Deuxième session, 38e législature

Official Report of Debates (Hansard)

Thursday 1 June 2006

Journal des débats (Hansard)

Jeudi 1er juin 2006

Standing committee on the Legislative Assembly

Provincial Parks and Conservation Reserves Act, 2006

Comité permanent de l'Assemblée législative

Loi de 2006 sur les parcs provinciaux et les réserves de conservation

Chair: Bob Delaney
Clerk: Tonia Grannum

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario

Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

COMITÉ PERMANENT DE L'ASSEMBLÉE LÉGISLATIVE

Thursday 1 June 2006

Jeudi 1er juin 2006

The committee met at 1006 in room 151.

PROVINCIAL PARKS AND CONSERVATION RESERVES ACT, 2006

LOI DE 2006 SUR LES PARCS PROVINCIAUX ET LES RÉSERVES DE CONSERVATION

Consideration of Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, 2006, repeal the Provincial Parks Act and the Wilderness Areas Act and make complementary amendments to other Acts / Projet de loi 11, Loi édictant la Loi de 2006 sur les parcs provinciaux et les réserves de conservation, abrogeant la Loi sur les parcs provinciaux et la Loi sur la protection des régions sauvages et apportant des modifications complémentaires à d'autres lois.

The Chair (Mr. Bob Delaney): Good morning, ladies and gentlemen. This is the standing committee on the Legislative Assembly. Welcome. This morning we are going to be considering Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, 2006, repeal the Provincial Parks Act and the Wilderness Areas Act and make complementary amendments to other Acts.

SUBCOMMITTEE REPORT

The Chair: Our first order of business is the reading of the subcommittee on committee business. I recognize Mr. Rinaldi.

Mr. Lou Rinaldi (Northumberland): Your subcommittee met on Tuesday, May 16, 2006, to consider the method of proceeding on Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, 2006, repeal the Provincial Parks Act and the Wilderness Areas Act and make complementary amendments to other Acts.

1. That the clerk of the committee, with the authorization of the Chair, post information regarding public hearings on Bill 11 on the Ontario parliamentary channel and the committee's website.

2. That the committee meet for public hearings on Thursday, June 1, 2006, and Thursday, June 8, 2006, from 10 a.m. to 12 p.m. and 3:30 p.m. to 6 p.m. subject to witness demand.

3. That interested parties who wish to be considered to make an oral presentation on Bill 11 contact the clerk of the committee by 5 p.m. Monday, May 29, 2006.

4. That, if all witnesses cannot be accommodated, the clerk provide the subcommittee members with the list of witnesses who have requested to appear, by 5:30 p.m. on Monday, May 29, 2006, and that the caucuses provide the clerk with a prioritized list of witnesses to be scheduled, by 10 a.m. on Tuesday, May 30, 2006.

5. That organizations be offered a maximum of 20 minutes for their presentation and individuals be offered a maximum of 10 minutes for their presentations, and that the clerk of the committee, with the authorization of the Chair, may amend the amount of time allotted for organizations to 15-minute presentations in order to accommodate all requests to appear.

6. That the ministry provide the committee with technical briefing binders on Bill 11 prior to the start of public hearings.

7. That the deadline for written submissions on Bill 11 be immediately after the last deputation or 12 noon on Thursday, June 8, 2006.

8. That the research officer provide the committee with a summary of witness presentations by Tuesday, June 6, 2006.

9. That, for administrative purposes, proposed amendments should be filed with the clerk of the committee by 10:15 a.m. on Thursday, June 8, 2006, or after the last deputation.

10. That the committee meet for the purpose of clause-by-clause consideration of Bill 11 on the afternoon of Thursday, June 8, 2006.

11. That the clerk of the committee, in consultation with the chair, be authorized prior to the adoption of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair: Thank you. Discussion on the subcommittee report?

Mr. Gilles Bisson (Timmins–James Bay): Just for the record, from the conversation we had this morning, I want to make sure we understand that we may very well be done with clause-by-clause on Thursday morning, but if need be, we will be back in the afternoon.

The Chair: That's correct.

Mr. Bisson: And that we'll be allowed to present amendments up until—

The Chair: That's correct.

Shall the report of the subcommittee carry? Carried.

PEACEFUL PARKS COALITION

The Chair: This morning we have a number of presentations. Our first presentation is from the Peaceful Parks Coalition. AnnaMaria Valastro, please come and have a seat. These are fairly informal. You'll have 15 minutes to make your deputation. If you leave any of the time remaining, it will be divided among the parties, as appropriate, for questions. Please begin by stating your names for the purposes of Hansard and then proceed.

Ms. AnnaMaria Valastro: My name is AnnaMaria Valastro. I'm with the Peaceful Parks Coalition. We're a volunteer grassroots people's coalition that formed in 1999 as a reaction to Ontario's Living Legacy. Ontario's Living Legacy established many new protected areas, but we felt protection was in name only. Peaceful Parks has campaigned extensively to raise this issue with the public, including a door-to-door canvass during the last by-election, and to move this bill to committee. So we're hoping and anticipating that this process will result in meaningful and progressive changes to Bill 11.

This process here today offers Ontarians the best possible opportunity to define the role of the province's protected areas into the future and establish Ontario as a leader in environmental protection, so we're very excited to be here today. However, we believe that Bill 11 is a failure that simply legislates many of the flaws of the old Provincial Parks Act and entrenches regressive measures.

Here are some of our concerns. "Ecological integrity" is currently an empty statement in Bill 11. It is not defined in any measurable terms, and the numerous exceptions permitted under this act betray the very notion of maintaining and restoring ecological integrity. We're in the 21st century, a new century, and this century belongs to people that are much younger than us. They have exceptionally high levels of education, and passing empty legislation will not serve them well, nor will they be fooled.

We urge this committee to take its time, research the meaning of ecological integrity and then apply it to all possible activities and management options proposed under this new legislation. While the bill talks about ecological integrity as being the first priority in park management, it's not supported throughout the bill. This is a big concern for us. We want it to be meaningful and have substance.

If ecological integrity is to be the first priority in park management, then we must acknowledge that the province's protected areas cannot be all things to all people. If ecological integrity is to be the first priority, as Bill 11 states, then protected areas must be managed as biological reserves, first and foremost. This is what we would like to see. This does not in any way restrict access to the province's protected areas to anyone, but it does define how one can access these areas, how they can move through these areas and be in these areas.

It is important that we all acknowledge right here and right now that many activities being pushed into protected areas are intrusive and have negative environmental impacts. I don't think anyone here can say that all activities that want to be in these parks have no impact. No one is being fooled when one argues that motorboats travelling down small rivers do not cause shoreline erosion, damage birds' nests on the water's edge and fish habitat, nor is anyone being fooled when the argument is put forward that motorized vehicles such as ATVs and snowmobiles do not leave a stench of gasoline, ruts in the ground and disturb wildlife. No one is being fooled when someone puts forth the argument that roads for industrial activities such as mining and forestry, and private development such as private cottages in Rondeau Provincial Park, uphold ecological integrity. We're just too educated; we know too much. These sorts of arguments do not have credibility in the broader public.

The reality is that we're only talking about 12% of all crown land. It's a small fraction of all the landscape in this province, and this is the reality of what we're talking about. Setting a strong precedent as to how people can move through these areas will only strengthen appreciation for these areas and go a long way to preserving biological integrity, which is the stated goal of Bill 11.

Therefore, we're asking the committee to withdraw subsection 7(2) in reference to wilderness parks. Subsection 7(2) states, "visitors travel primarily by non-motorized means." This is a new definition that's been imposed in Bill 11. We are asking the committee to restore the original wording, which states, "visitors travel by non-mechanized means." It's a huge difference. The purpose of wilderness parks is to allow nature to function naturally and that we move through these areas in a way that leaves the least footprints.

We're also asking the committee to add a section that reads, "Private mechanized vehicles are prohibited in nature reserves, wilderness and natural environment zones and other classes of parks." In other parks there are zones that have a higher degree of protection than, let's say, development zones or recreational zones, and in those areas that are recognized as being biologically important, we're asking the committee to emphasize that motorized traffic be prohibited in those areas as well. Often these areas are very small compared to the rest of the park.

We're asking the committee to withdraw sections 19 and 20, which permit access roads for industrial purposes such as mining, forestry and transmission lines. The very presence of roads has been proven to fragment habitat, increase roadkill and open up otherwise inaccessible areas to poachers and unauthorized motorized traffic. Bill 11 right now has all these qualifiers as to when these roads can be permitted: cost is not to be an issue, convenience is not to be an issue. If that's the case, then they simply shouldn't be in protected areas at all.

We are also asking this committee to withdraw sections of Bill 11 that address logging in Algonquin Park. It is a complex issue that requires a thorough public debate that assesses economic and environmental impacts. It should be debated and legislated independently of Bill 11. Our concern is that Bill 11 will make

forestry legal in Algonquin Park without a public debate and define ecological integrity against this permitted activity, reducing the definition of ecological integrity to the lowest denominator. We think that logging in Algonquin Park is controversial. It should be dealt with respectfully and with a full public debate. That was not done with the establishment of Bill 11.

At this point, I want to just pass the floor to Anita Krajnc, my colleague.

Ms. Anita Krajnc: Hi. Thank you for the opportunity to speak before this committee. My name is Anita Krajnc. I was one of the original co-founders of Peaceful Parks Coalition and currently volunteer for the organization. I'm also an assistant professor in the department of political studies at Queen's University.

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I'd like to address section14 of the act and start off with what our recommendation is. The Peaceful Parks Coalition recommends the phase-out of sport hunting in all protected areas, both conservation reserves and provincial parks. Currently, subsection 14(1) reads, "Hunting is not permitted in provincial parks unless it is allowed by regulation made under the Fish and Wildlife Conservation Act." We have a problem with this. We feel that this section is actually quite deceiving. Currently, it's not treated as an exception but rather a rule. Before the introduction of Ontario's Living Legacy in January 1999, one fourth of all parks in protected areas was exempted from this prohibition on sport hunting. With the introduction of Ontario's Living Legacy by the Tory government in 1999, this figure increased to a colossal 69%. How could that be an exception? Is 69% an exception or is it a rule? We find this sort of doublespeak in the previous legislation and in the current proposed legislation.

In reality, the act is deceiving because sport hunting is permitted in most parks. We believe that allowing some form of recreational hunting in a majority of our protected areas means that these parks are not really protected at all. Our vision of parks and protected areas is that they are wildlife sanctuaries, and I think the majority of the public holds that position. Subsection 14(1) does not reflect the public preferences of the vast majority of Ontario citizens, in particular the younger generations. I'm a member of generation X and I certainly know that the students I teach—post-generation X—and the X boomers are opposed to consumptive uses of wildlife and would prefer a gentle, appreciative, non-consumptive use of nature. That would include birdwatching, hiking, canoeing and shooting wildlife with a camera, not a gun.

We also have problems with subsection 14(2), which states, "Hunting is permitted in conservation reserves unless it is prohibited by regulation made under the Fish and Wildlife Conservation Act." The Peaceful Parks Coalition takes a strong position in defence of wildlife and believes that conservation reserves should also prohibit hunting. The areas are simply too small to allow such intensive uses of nature.

I wanted to say a few words about the background to this issue and remind many of you of the history of the creation of parks and the uses made of parks. In 1983, Alan Pope, then the Tory natural resources minister, announced the creation of 155 parks. However, those parks were compromised because they allowed for all sorts of activities—all activities except logging. So these included mine exploration, hunting—

The Chair: Just to remind, you have about two minutes left.

Ms. Krajnc: Okay. The Liberals fortunately had a visionary cabinet minister, Gregory Sorbara, who suggested that the wilderness parks in fact not include these intensive uses. I would hope that there would be visionaries among the committee members here. I'll end at that.

Ms. Valastro: I just have some closing remarks, Mr. Bisson, if you want to wait.

Mr. Bisson: I'm trying to get the Chair's attention.

Ms. Valastro: Okay, but I'm just speaking, so—these are the closing remarks:

Today the committee will undoubtedly hear remarks regarding the traditional and heritage use of the natural environment and that access to protected areas should always be made available for these activities. We're here to say that unless tradition and heritage are closely associated with one's ancestral culture and society, language, food, clothing and shelter, and one's religion, such as First Nations, lending the definition of tradition and heritage to recreational activities, especially those that use motorized equipment, must then be applied to all recreational outdoor activities that have a long-standing history on the landscape. Traditional and heritage recreational activities cannot simply be applied to sport hunting and fishing alone, as is currently the case. It shows bias.

Interjection.

Ms. Valastro: Sorry, I'm speaking. I just wanted to finish off. I just have less than a minute here.

The Chair: You'll have to end on just that thought, please.

Ms. Valastro: I'm almost done here.

In this context, canoeing, hiking, berry-picking, photography, birdwatching and many other non-consumptive nature-related activities must also be described as traditional and of one's heritage. These activities have a long-standing and perhaps longer relationship with the outdoors than sport hunting and fishing.

The Chair: Thank you. That would conclude your time this morning. I want to thank you both for having come in to make your deputation. Unfortunately, there isn't time for questions on this one.

Mr. Bisson: I'd just move a motion that we extend it by five minutes just so we can do a couple of questions.

The Chair: They have had their time.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

The Chair: Our next deputant is the Ontario Federation of Anglers and Hunters, Mr. Terry Quinney. Welcome this morning. Please make yourself comfortable. You'll have 15 minutes to make your deputation here.

Please begin by stating your name for the purposes of Hansard. If there's any time remaining, it'll be divided among the parties for a question. Please proceed at your leisure.

Dr. Terry Quinney: Good morning, ladies and gentlemen. My name is Terry Quinney. I'm the provincial manager of fish and wildlife services for the Ontario Federation of Anglers and Hunters. On behalf of our more than 81,000 dues-paying members and over 600 community-based member clubs, we wish to thank you for this invitation to address your important deliberations. I can summarize the OFAH request of the Ontario government in one sentence: Fulfill your promise not to change the status quo.

Since this exercise began approximately 18 months ago, Minister Ramsay has repeatedly promised us and others that there would be no changes to the status quo regarding conservation reserves and provincial parks. This includes no expansion of the current network of parks in protected areas and no change to crown land use commitments made under Ontario's Living Legacy crown land use planning program. Ontario has a tremendous diversity of parks, protected areas and conservation reserves, and we respect the fact that the Ontario government wishes to update legislation that has been on the books for more than 50 years.

To fulfill that important promise of maintaining the status quo, only five straightforward changes to Bill 11 need to occur, and they are found in our two-page submission to you, which hopefully has been circulated. Attached to the two-page submission is additional important information that we trust you will find the time to read. But the five changes we are requesting are as follows, and again, they are described in the page titled "Bill 11," under (a), (b), (c), (d) and (e).

We'll start with (a), where our request is that three words be added to section 4(3) which would appear in a section 4(3)(c), adding the words "ecologically sustainable recreation." We provide our rationale for that request as described in the handout. Those three words appear very frequently in the act. They appear in the purpose of the act and in the objectives associated with both provincial parks and conservation reserves. They need to appear associated with the section devoted to ecological integrity.

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Ontario is, quite frankly, making a tremendous leap of faith by legislating a definition of "ecological integrity." Parks are certainly motherhood for, I think, all of us, but motherhood is not without its trials, tribulations and problems. Quite frankly, with reference to this new territory that is being explored with reference to legislating a definition of ecological integrity, it's very important to us that sustainable outdoor recreation activities be acknowledged as being completely compatible with ecological integrity. So that's request number one.

Request number two is that the first conservation reserve was established in Ontario not very long ago, in the early 1990s. That system of crown land has grown to over 300 conservation reserves, over 1.6 million hectares of public crown land. This government, to its credit, has promised us that there will be maintenance and enhancement of existing access for ecologically sustainable outdoor recreation like fishing and hunting in all of those conservation reserves. So what needs to happen to deliver on that promise is that there be explicit wording in the act to acknowledge that. That explicit wording currently is not there. The act is either silent or there is ambiguous wording, so we're asking that that explicit recognition for maintenance enhancement of access for sustainable outdoor recreation in conservation reserves appear in the act.

Our third request is associated with methods of travel in wilderness class parks. Over the last several months, we've drawn to the government's attention our alarm associated with MNR newly establishing land use zones in conservation reserves. Land use zones have been used in the park system for decades. Therefore, to entrench zoning in provincial parks in the legislation is completely consistent with maintaining the status quo. Our item here is associated particularly with reference to conservation reserves because we've seen recent examples from the Ministry of Natural Resources, such as the La Cloche conservation reserve near Killarney and Espanola, where they have, in our opinion, arbitrarily recently imposed a very large wilderness land use zone in an existing conservation reserve, the effect or consequence of which is to evict traditional crown land users. Anglers and hunters, for example, who have used either ATVs or snowmobiles to get to their favourite fishing hole, so to speak, or their favourite hunting spot can no longer use those tools. A snowmobile and an ATV, for our constituency, are tools just like a fishing rod or a bow is.

We note that in Bill 11, the intention of the government is to use the words with reference to wilderness class parks that "visitors travel primarily by non-motorized means," as opposed to "visitors travel by non-mechanized means." We'd ask you in your deliberations over the next week or so to closely scrutinize those words. Why? Because there is a long-standing status quo, so to speak, and tradition now that has established itself over a long period of time in wilderness class parks. As a result of that—in other words, as a result of the realities over the last several decades—Bill 11 has chosen to use the words "visitors travel primarily by non-motorized means." Then, more recently, we've heard indications that the government may wish to use the words "visitors travel by non-mechanized means."

The point is, whatever words are chosen, the words are extremely important, and let us tell you why. If you're not extremely careful here, current methods of access such as wheelchairs, wheeled portage carts or even bicycles may be banned, and, quite frankly, that would be silly. Our parks and conservation reserves should be accessible to all Ontarians, young and old, infirm and handicapped. It's not at all clear how, without some close scrutiny and changes, the existing methods of

access in wilderness class parks can be maintained. So we'd ask you to please closely scrutinize that.

To its credit, the government has informed us that they will amend section 14. That is item D on the handout in front of you. We wish to congratulate the government and thank the government for that amendment.

Finally, our item E, at the very end of the act, subsections 55(1) and (2): Subsection 55(1) is preceded by the heading "Subsequent amendments." It's my understanding that after Bill 11, in whatever form, receives successful third reading and then is proclaimed, it's the government's intention, at future dates yet to be named, that additional changes or amendments will occur. For example, subsection 55(1) creates an entirely new class of provincial park called an aquatic class of park. Quite frankly, that would be contrary to Minister Ramsay's promise to us that through Bill 11 the park system will not be expanded. So we are requesting that subsection 55(1) be deleted and, as a result, that subsection 55(2) also be deleted.

The Chair: Just to advise you, you have about two and a half minutes left.

Dr. Quinney: On October 13 of last fall, Minister Ramsay again repeated to the Ontario Federation of Anglers and Hunters, but also to the Ontario Forest Industries Association, the Ontario Waterpower Association, the Ontario Mining Association, the Ontario Fur Managers Federation and others, that Bill 11 would not change the status quo. Please help us in ensuring that Minister Ramsay, on behalf of the government of Ontario, keeps his promises. Thank you very much.

The Chair: Thank you. We probably have time for one brief question, and that would be Mr. Miller's.

Mr. Norm Miller (Parry Sound–Muskoka): Thank you very much for your presentation this morning. Just a clarification on your first couple of points: I note that you want a change to subsection 4(3). Section 4 is "Definitions and interpretation." You'd like to see the words "ecologically sustainable recreation" added to that section. Is that correct?

Dr. Quinney: That's correct.

Mr. Miller: On your second point, you're saying the status quo in terms of conservation reserves, so clarification in terms of access specifically to conservation reserves. Can you expand on that and how you see that it needs to be done in this bill?

The Chair: Briefly, please.

Dr. Quinney: If memory serves me, in the bill, access is addressed largely in section 19. But when you go to section 19, it is silent with reference to maintaining and enhancing in conservation reserves access for the purposes of sustainable outdoor recreation activities like fishing and hunting. We need that to be made explicit somewhere in section 19.

The Chair: Thank you for coming in today.

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ONTARIO FOREST INDUSTRIES ASSOCIATION

The Chair: Our next deputation will be the Ontario Forest Industries Association, Scott Jackson. Mr. Jackson, welcome this morning. You have 15 minutes to make your deputation. If you leave any time remaining, it will be divided among the parties for questions. Please begin by stating your name for Hansard and then proceed.

Mr. Scott Jackson: My name is Scott Jackson. I am the manager of forest policy with the Ontario Forest Industries Association. It is a great pleasure to be able to present our concerns and comments to you this morning. Thank you very much for the opportunity. As a brief introduction to our association, we are one of two provincial trade associations for the forest industry in Ontario. We represent approximately 80% of the land base that is currently managed for industrial forest operations, and about 80% of the crown timber—that's the provincially owned timber—that is harvested for production in this province.

At the risk of sounding repetitive, I would like to reemphasize some of the points made by Dr. Terry Quinney, as they deal with the minister's commitments that were made to a broader coalition of resource users back in January 2005 and then again in October. I would like to emphasize that the minister did commit to our parties that this legislation was about maintaining the status quo. It was intended to roll existing legislation and existing policies into a single umbrella legislation, and perhaps most important to our organization, the commitment was that this is about how parks and protected areas will be managed. This is not about the expansion of parks. This is not about activities that exist outside of parks. This is legislation to determine the management of existing parks and protected areas.

That being said, to clarify, the Ontario Forest Industries Association does support the review and update of the provincial legislation as it deals with parks and protected areas. It is an outdated act. Much has happened, and we do support the need to update that.

Following up on the minister's commitment to embed existing legislation and policy into this single legislation, we do think that there are very many positives, and we would just like to emphasize those very quickly. One is to increase the requirement for management planning within parks and protected areas. We think that's a very responsible approach. If you're going to protect parks and protected areas, you should ensure that they're managed consistently with the intent for which they were developed in the first place. Some could argue that the required management—there is some optional management within the legislation—does not go far enough. When you compare that to the management requirements that exist on the outstanding land base, I think it illustrates the example quite clearly.

We accept the broad prohibitions to commercial logging in parks and protected areas. We do, however, support the continued provision for exceptions where silvicultural activities, such as the felling of trees, do support forest research or forest management in support of park conservation reserve objectives. We do support the allowance for governments to sell any resulting timber from such activities. Just to be clear, this is not about managing parks for timber extraction; this is about managing parks according to the ecological integrity and the objectives of managing those parks. Should silviculture be a by-product of that, then it should be allowed.

Perhaps our greatest support is around the continuation of the logging and associated activities in Algonquin Park. Again, to emphasize, this is directly supported by the minister's commitment of status quo and rolling existing policies into one legislation.

I won't go through all of these, but in addition, we do support the continuation for existing aggregate pits and roads that are currently in place within parks and protected areas, and the allowance for additional roads or the expansion of existing roads, of course with the minister's approval. That's not a blanket approval; it will be addressed on an individual basis.

That being said, we do have two very specific concerns which I would like to bring forward to the committee today. They both deal with subsection 10(2), and they both deal with the requirements for the minister in his five-year reporting. The first one is for the minister to report on threats to ecological integrity and ecological health of parks and conservation reserves. In our minds, this is a very open and vague statement. We have registered this concern with the minister's office and with the park staff, that this cannot proceed as currently written. It is entirely too vague. The OFIA believes that the proposed legislation should be very specific, as per the minister's commitment to the management of provincial parks and conservation reserves; therefore, any reporting requirements should be specific to how the park is managed and what goes on inside that park.

Specifically, we believe that that section should be amended to exclude forestry. Forest operations in Ontario are governed by two ministries, the Ministry of the Environment through the class Environmental Assessment Act and the Ministry of Natural Resources through the Crown Forest Sustainability Act. The Crown Forest Sustainability Act requires assurance of long-term forest health as its underlying premise.

Just to repeat—section 10(2), reporting on the threats to ecological integrity and ecological health: forestry, activities that exist outside of parks should be excluded. In discussion with staff of Ontario Parks, we do recognize that there was some sensitivity around external phenomena, such as acid rain, global warming etc. That is of less concern to us if Ontario Parks wants to report on those. But activities that currently exist on the land base that are governed by the provincial government and which have environmental conservation as their underlying premise—there is no need to include these as potential threats to ecological integrity.

Our second concern deals with the minister's requirement to report on the degree of ecological representation of parks and protected areas—again, section 10(2). We are in no way requesting or implying that it is not the government's role and responsibility to look at the representation of parks and protected areas in the province; we just don't think that it should be under the sole jurisdiction of this legislation. It is a land use planning initiative, and it needs to consider other existing policies and legislation on the land base. As such, we think that the minister's requirement to report on the ecological representation of parks and protected areas is outside the jurisdiction of this legislation and should be removed.

In that I think I'm under time, I'd be happy to entertain any questions.

The Chair: Thank you very much. We should have time for a little over two minutes for each caucus, beginning with Mr. Bisson.

Mr. Bisson: I'm just looking at the legislation in regard to the two last points you made in regard to section 10(2). I guess I'm having a bit of a problem trying to make the leap to where you're trying to go with this, because, as I read it, it basically only deals with parks. Are you saying that you read it that those principles can find their way into crown forests?

Mr. Jackson: What we're saying is the requirement to report is vague, and we would very much like it to read explicitly according to your interpretation and say that the reporting should be specific to what goes on within parks and protected areas.

Mr. Bisson: So it's your view that the way it's written now, it could be interpreted as meaning timber that's forested or harvested under the CFSA?

Mr. Jackson: That's one example, yes.

Mr. Bisson: That's all I've got.

The Chair: Okay. Mr. Orazietti?

Mr. David Orazietti (Sault Ste. Marie): Thank you for your presentation. Can you elaborate a little bit on your concern with section 10(2) in terms of threats to ecological integrity? What this bill is attempting to do is find a balance between protection of our parks and conservation areas and those activities that currently take place or organizations like yourselves and the previous presenter. From the perspective of the government, we're concerned about ongoing issues that may arise in terms of our ability to protect conservation areas, parks, wilderness areas and the like. We think that there is some merit in having this mechanism in here to be able to report back and take further steps, if need be. I can't see that being a significant issue with the forestry sector, provided your concerns are taken into consideration. Can you be a bit more specific in terms of how you think that might apply?

Mr. Jackson: Absolutely. I am pleased to hear that you do want to take a balanced approach. That has generally been our interpretation of this legislation as well. That being said, if you're trying to strike a balance

between what goes on in parks and what goes on outside of parks, as far as forestry is concerned, the pieces are already in place to govern what goes on outside of parks. You've already established that side of the coin through the timber Environmental Assessment Act, which is governed by the Ministry of Environment, which was reapproved, reviewed and revised back in 2003, and the Ministry of Natural Resources own act, the Crown Forest Sustainability Act, which does require the protection of ecological forest health as its underlying premise. So you already have that piece in place. If you're trying to strike the balance, then it's now about how parks protected areas are managed internally. That is the balance.

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The Chair: Thank you. Mr. Miller.

Mr. Miller: Just on your point to do with forestry, you spoke in favour of allowing logging to continue in Algonquin Park. What I'm wondering about is—this bill states that its main priority is ecological integrity—do you think forestry is something that can occur in a park where the stated first priority of this bill is ecological integrity? Is forestry compatible with ecological integrity? I guess that's my question.

Mr. Jackson: Forestry is definitely compatible with ecological integrity. Again, it's the fundamental premise of the Crown Forest Sustainability Act. With regard to Algonquin Park specifically, in addition to the minister's commitment that this would be status quo, Algonquin Park is subject to independent forest audits under the Crown Forest Sustainability Act. If you look at those independent forest audits, you'll find that it's a glowing review for the operations within Algonquin Park. It's recognized that Algonquin Park is probably under more scrutiny than any other management unit in the province. And those independent forest audits have shown that the operations at Algonquin are above and beyond the government requirements. So yes, we absolutely do believe that forestry can be compatible, and is compatible by its definition under the Crown Forest Sustainability Act, with ecological and forest health.

Mr. Bisson: Very quickly, just as a follow-up to my first question. In subsection 10(2), at the end it talks about "provincial parks and conservation reserves, threats to ecological integrity and ecological health and socio-economic benefits." Is there something in there that leads you to believe that extends it beyond parks? Is it that?

Mr. Jackson: No. It's the fact that it is a very open-ended statement. I don't think it's very difficult to say that we will be looking at threats to ecological health as per the management of parks and conservation—

Mr. Bisson: But you agree that there has to be some eye to socio-economic benefits as well, though.

Mr. Jackson: Some eye in terms of the management of parks and protected areas?

Mr. Bisson: Do you have any problems with that principle? That's what I'm asking.

Mr. Jackson: No.

The Chair: Thank you very much for having come in this morning and for taking the time to present to us.

SIERRA LEGAL DEFENCE FUND

The Chair: The Sierra Legal Defence Fund, Anastasia Lintner, please come forward. I'd like to welcome you this morning. You have 15 minutes for your deputation before the committee. If there's any time remaining, we'll divide it among the parties for questions. Please introduce yourself for the purposes of Hansard and then begin.

Dr. Anastasia Lintner: Mr. Chair, members of the committee, my name is Anastasia Lintner. I'm a lawyer with the Sierra Legal Defence Fund and an adjunct professor of economics at the University of Guelph. I am here today on behalf of the Sierra Legal Defence Fund. We appreciate the opportunity to appear before you today and make submissions regarding Bill 11.

Sierra Legal is Canada's largest non-profit environmental law organization and is dedicated to defending Canadians' right to a healthy and natural environment. Sierra Legal encourages you to seize this opportunity to become a leader and set a new standard for protected areas legislation. In 1978, Ontario moved to the forefront of protected areas management with the provincial parks policy statement and the so-called blue book, the provincial parks planning and management policy. In 1978, Ontario was progressive in setting the standard which other jurisdictions modelled. Now is the time to re-become the leader.

The rationale for protected areas has evolved as our population and economy have grown: from its origins in enabling urban parks in 1883, to setting aside a specific individual forest reserve for research and retreat for artists in the Algonquin National Park Act in 1893, moving on to setting aside additional crown lands in the early 1900s, and then, with increased financial wealth and outdoor recreation demands, we moved to a system of parks in 1954.

Now conservation science informs us that natural areas provide ecosystem services that are of value in and of themselves: biodiversity, mitigating climate change, and as ecological benchmarks. Natural areas are becoming globally rare, and we should treat them with great care, leaving them unimpaired for future generations.

Protected natural areas, according to our Environmental Commissioner of Ontario in his 2003-04 report, "should be havens for wild species." According to the recommendations of the parks board in 2005 regarding the review of our protected areas legislation, they "are havens for biodiversity."

Protected areas are part of Ontario's natural capital, and when discussing issues about the uses of our natural capital, the issue of protection is often improperly framed as an attack on the merits of other sustainable uses, such as mining, logging and other development. Sierra Legal doesn't question the merits of sustainable use of our natural capital. We are questioning the appropriateness of such industrial uses within protected areas, and sus-

tainable or wise use of natural capital does not equate with ecological integrity.

If protected areas are to be a haven of our vast biodiversity and wildlife, they should be protected, prohibiting industrial activities, and it is worth protecting some of our natural capital. The economic value of natural capital extraction for Canada's boreal forests was recently determined to be $37.8 billion in 2002 dollars. That's the extraction part of our natural capital, using the environment for commercial purposes.

In the same report, the economic value of the boreal ecosystem services was determined to be $93.2 billion in 2002 dollars. That's more than two times the economic value of the industrial uses. It's worth protecting some of our natural capital permanently, and here's the opportunity with Bill 11.

Sierra Legal Defence Fund, in collaboration with CPAWS Wildlands League, have provided you, or may be providing you—they're coming up next—with a document that provides an analysis of second reading of Bill 11. In this document, we provide the rationale for amendments that will make Bill 11 the new standard for protected areas. The key components that must remain intact in Bill 11 are:

First, permanent protection and ecological integrity as an overriding priority in a protected area system and management. In our document, we discuss the rationale behind permanent protection and ecological integrity in the sections that we've labelled A, E and F.

The second key component is that the rights of aboriginal peoples must be properly accommodated. In our analysis, we've discussed this in section B.

Third, industrial activities must be banned from protected areas, and that includes the phase-out of logging from Algonquin Park. We've addressed this in our submission in part C.

Finally, roads and motorized access must be severely restricted within our protected area system. We discuss the concept of restricting road access in our part A discussion of ecological integrity, and that's specifically at page 2 of our submission, and we discuss motorized access in section D.

I'll leave you with the written analysis as you are making your deliberations on Bill 11, and I want to point out that Sierra Legal believes that the single biggest strength of Bill 11 now is that the purpose and objectives are clearly targeted toward permanent protection and maintaining ecological integrity as a priority.

We feel that the single biggest weakness of Bill 11, as it is now, is that that overarching purpose is weakened through multiple exemptions and permissions for exceptions to the rule. Sierra Legal encourages you again to seize this opportunity to reassert Ontario's position as a leader and set a new standard for protected areas legislation.

Thank you. I will answer any questions you have.

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The Chair: Thank you very much. We should have enough time for one question from each caucus, beginning with Mr. Orazietti.

Mr. Orazietti: I don't have any questions. Thank you very much for your presentation this morning.

Mr. Miller: In this bill, ecological integrity is the main focus in terms of protecting parks and conservation reserves. What's your definition of "ecological integrity"?

Dr. Lintner: We haven't sat down and written out a definition of "ecological integrity." As with any sort of standard that involves how the science will resolve these issues, we expect that it will evolve. We like the way the parks board recommendations set out some of the criteria that might be used, but enable an ability to be flexible and sort out what this is going to mean and how it's going to be applied in policy and regulation. So it's a vision of providing areas where we restrict use in particular ways in order to allow the functioning of the natural system and hopefully restore some of our natural systems that may have been degraded.

Mr. Bisson: Two quick questions: One would be on a non-derogation clause vis-à-vis First Nations' rights. Would you support such an amendment?

Dr. Lintner: Yes.

Mr. Bisson: I think the second one was in section 27. Basically, what the legislation says at one point is that once the legislation is created, the minister must appoint a committee; in five years, they have to review current policies, and after five years, that becomes the basis of what this bill will be all about. Except that at the end it says, "If you don't finish the job, the current policy then becomes whatever it's going to be in the end." Do you think that's wise? In other words, you can do nothing and be stuck with what you've got.

Dr. Lintner: Sierra Legal would be in support of a more regular review, making sure that updates, given the current information about conservation science, are included rather than leaving it to, "If it doesn't get updated, then we'll just revert back."

The Chair: Thank you for coming in this morning.

CPAWS WILDLANDS LEAGUE

The Chair: CPAWS Wildlands League, please—Evan Ferrari and Janet Sumner. Please be seated and make yourselves comfortable. Welcome, this morning. You'll have 15 minutes to make your deputation to us. If you don't use all of your time, it will be divided among the parties for questions. Please introduce yourself for the purposes of Hansard and then begin.

Ms. Janet Sumner: Mr. Chair and members of the committee, I appreciate the opportunity to comment on Bill 11. My name is Janet Sumner. I'm the executive director for the Wildlands League. With me is Evan Ferrari, director of the parks and protected areas program. Rather than go through the detailed clause-by-clause analysis that we've done with Sierra Legal

Defence Fund and that we've brought here today for you, I would like to paint a picture.

I have a vision. I dream of a province where the children of my family will inherit the natural beauty that we all enjoy today. In my dream, I see caribou roaming as far south as Algonquin, like they once did. I see monarch butterflies, trilliums, bald eagles, polar bears, walrus, peregrine falcons, salmon and the wolverine once again abundant in Ontario. I dream of this unspoiled legacy of wilderness and all that it embodies: the biological diversity, the opportunity for the renewal of spirit in crystal clean lakes, pristine forests, rushing rivers, sage-sweet grasslands and, above all, healthy ecosystems.

Over 90% of our province is not protected from industrial development. So how is it possible to believe in this dream for the children in my family? How can we make sure all our children and their children can see polar bears, caribou and eagles? The only way is to protect nature, or at least some places for nature. We need parks so that nature has somewhere to live, and we have to mean it when we say that it is protected.

Ecosystems are not just where critters live. They provide valuable life-sustaining functions for all life on this planet. From the Carolinian forests deep in southwestern Ontario, through the Great Lakes-St. Lawrence forests curling around the Great Lakes, into the vast boreal forest of Jack pine stretching through much of the rest of Ontario, up into the taiga at the northern edge of this province and even into the adjacent marine ecosystems, Ontario is a beautiful place, a marvel and an envy of the world. These ecosystems filter our water, purify the air we breathe and increasingly regulate the climate and effects of climate change. If we destroy these ecosystems that species depend on, we will have destroyed the systems that sustain us.

We are the destination of choice for Europeans wishing to reconnect with nature, Americans wishing to see real wilderness flock to Algonquin, and the people of Ontario enjoy a pride of place that few others do in the world. But never more than now do we need to take a stand for wilderness. The threat has never been greater. In Ontario, we have the highest number of endangered species in the country, we are slowly driving caribou to extinction, and we offer no protection to parks from what happens on their doorstep.

So what can we do? How can we realize this dream, not just for my children and the children in my family but for all of us, for all the children and their children too? The answer: We can decide that parks must truly be protected. So what does that look like? Well, this legislation is a start, and it's a good start. Let's get it passed. Right now, parks are compromised every day. The purpose of a park is to protect nature, but without strong legislation there is no protection. What we have right now leaves parks vulnerable on so many fronts.

Second, don't weaken even one clause, one comma, one word of Bill 11. With less than 10% of our land in parks and over 90% open to industrial development, we have to make protection mean something. Don't let parks die from 100 paper cuts. I urge you to keep Bill 11 as strong as it is today. In fact, I encourage you to strengthen it. There are three ways you can do that and make this not only the best parks act in the country, but the legislation that is actually ecologically required to keep wolverine, eagles, caribou, monarchs and polar bears thriving in Ontario.

The greatest weakness I see in this legislation is that it doesn't protect any park from what happens outside the park, and unfortunately, that's the greatest threat to a park. Yes, you can see boldly set out in the purpose and objectives of the act the intention to protect the ecological integrity, but the act fails to do so from its greatest threat. We applaud this government for taking the bold move to protect ecological integrity, but for goodness' sake, please, please, be true to the spirit of that intention and protect the park from its greatest threat: the activities going on outside of it. We call this a good neighbour clause. Make sure the activities going on outside the park don't destroy the ecological integrity inside the park. Those responsible need to be held accountable.

And, of course, you just can't protect nature in a place where you have logging, mining or hydroelectric development. The footprint is just too devastating. The other 90% of our land is open for industrial development. We only want to keep what we have in parks truly protected. So please keep mining, logging and hydro development for commercial purposes out of parks where it belongs, and that includes Algonquin. We don't need to log in Algonquin. We need to look at taking the pressure off the Algonquin ecosystem and take logging outside the park. We know it's possible. We've looked at the numbers, and there is enough wood that we could move logging outside and not lose a job. We'd have to do it over a phase-out period, but we know we can do it. So why are we still carving up Algonquin with forestry and the 8,000 kilometres of roads that are needed to do that forestry? Why, when we could just take it out and keep the park a park?

Finally, I encourage you to keep park boundaries intact. Right now, the legislation allows what seem like small changes to boundaries, but this is the death of a thousand paper cuts. If we allow even small changes, we could lose the essential functions of that particular park's ecosystem.

I'll leave you with this image: Imagine that it's long before my family or, more importantly, long before any European settlement came to this province. Imagine, if you will, a squirrel in a tree just outside this committee room at Queen's Park. If that squirrel was so inclined, it could travel in the treetops from Queens Park all the way to Windsor, Ontario

Now, imagine today you're driving in a car west to Windsor. It's a very different landscape. What's left of that primordial forest are tiny little scraps of land that attempt to cling on to some form of ecological health, places like Trillium Woods Provincial Park south of Woodstock. At 10 hectares, it's no bigger than the piece of land we're sitting on surrounding Queen's Park Circle.

The trillium protected in this park once covered huge expanses of the province. This park is a mere representation of what once was. In southwestern Ontario, less than a fraction of 1% of the land has been protected. Please make a dream come true and protect the places nature has left. Protect our parks.

I leave you with the detailed analysis of second reading of Bill 11 that we've done in collaboration with Sierra Legal Defence Fund. I encourage you to read it as you make deliberations on this bill. Thank you.

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The Chair: Thank you very much. We should have about a minute for each party to ask a question.

Mr. Miller: I was waiting for Evan to start up with his presentation, but thank you very much. You've outlined your dream very well. I guess my question is on the parks and recognizing that there are conservation reserves and six classes of parks. What access for people do you see in that dream, looking forward?

Mr. Evan Ferrari: Access for people would be unrestricted in any of those parks. If people want to go in and snowshoe or canoe or hike, there's unrestricted access in any of those parks. We see that regardless of where things go from a motorized access perspective, there's always the ability for people to do that.

From the standpoint of people who have challenges in getting around, there are organizations that will actually take quadriplegics on canoe trips, so there are ways of bringing people in, to have access without motorized or mechanized means. That should continue to be completely unrestricted from a non-motorized perspective.

Mr. Miller: There's been some discussion about mechanized versus motorized. I know the OFAH raised concerns that it would mean someone with a wheelchair wouldn't be able to use a park. I suppose it means that a mountain bikes as well would be excluded if it was strictly mechanized versus—

Mr. Ferrari: From that perspective, if we want to make exceptions for wheelchairs, they shouldn't become the rule, number one. Number two, there are ways of doing it. I've seen one example of the mayor of Vancouver, who is a quadriplegic and invented a one-wheeled wheelchair that strapped to his buddies that he used to trail run with, and they literally climbed mountains in this thing. So clearly there are ways of getting someone wherever you want to go without motorized access.

Mr. Bisson: You touched on a couple of things here. I didn't hear you say it, but you're in support of a non-derogation clause, I do know, so I appreciate that. The good neighbour—what did you call it?

Ms. Sumner: A good neighbour clause.

Mr. Bisson: Have you had any discussions with anybody else? What kind of feedback are you getting from others on that concept?

Mr. Ferrari: Not only have we had discussions with others, but there is a precedent for it in the provincial policy statement of the Ontario Planning Act. I believe it's section 2.1 of the provincial policy statement that essentially states that within natural areas, in this case southern Ontario, nothing that happens outside of those natural areas is to have a negative impact inside. More importantly, if you and I are neighbours and I drop battery acid on my property and it pours onto your property, should I be liable for it? Should I be responsible for it? We see the good neighbour clause, and the greater park ecosystem is the same thing, that if someone does something outside the park that has a negative impact inside, they should be responsible for it.

There seems to be a fair bit of support for that concept. It doesn't put any kind of a restriction on what happens outside a park; it just says that if you've caused some damage inside as a result of something that you've done outside, then you need to be responsible.

The Chair: Mr. Orazietti?

Mr. Orazietti: Mr. Chair, Mr. Sergio has a question.

Mr. Mario Sergio (York West): It's not necessarily a question, but just to welcome Janet Sumner and Evan Ferrari. Evan Ferrari's family are long-standing members of my riding. I'd like to welcome them here, and especially Evan—I spoke to him prior to the meeting—who has shown such a desire to come down and make representation at our committee.

If I can sum up from the presentation, Ms. Sumner, you seem to be eager to see this Bill 11 go through. Am I right?

Ms. Sumner: Yes.

Mr. Sergio: Having said that, I want to thank you for your presentation today. Keep up the good work.

The Chair: That concludes the time we have for this deputation. I'll join by adding my thanks to you.

WILDERNESS CANOE ASSOCIATION

The Chair: Our next deputation is from Wilderness Canoe Association, Mr. George Drought. Mr. Drought, make yourself comfortable. Welcome this morning. You will—

Mr. George Drought: Thank you, Mr. Chairman and members of this committee, ladies and gentlemen. My name is George Drought, and I'm chairman of the Wilderness Canoe Association. I'm here, really, on behalf of Erhard Kraus, who is our conservation chairman. Unfortunately, he is out of the country at the moment so I am pinch-hitting for him. However, I probably have a unique position in this hall today in that I doubt very many people have seen as much of this country as I have from the point of view of wilderness travel.

I am a canoeist who has travelled over 50 rivers in Canada, probably 30 of them in this province alone. I am entirely familiar with the damage done by mining, timber and hunters and anglers because I've seen it on the ground. Twenty years ago I attended a hearing like this in Timmins for the creation of the Missinaibi wild water reserve. I've been down the Missinaibi something like four times. I have seen the timber extraction right up to the shoreline on the Missinaibi wild water reserve. They

claim they have to do that because, if they don't do it, they will get blowdown. That's baloney, quite frankly.

I'm also probably very privileged in that I was contracted by the Friends of Algonquin Park to write the river guide for the Petawawa River, which was published some 15 years ago. Subsequent to that, I have made a film on the Petawawa River. To be able to do this, the Friends of Algonquin Park gave me access to the road system in the park so that I could get into the various places to do the filming and write the river guide. You would be astounded at the number of roads travelling through Algonquin Park that you do not see from the rivers or from Highway 60. It is absolutely staggering, the damage done by those roads. They extract lumber from probably about 80% of the park.

Not only is that damage caused, but when I was doing the research for the river guide, because the roads were there—and they were gated roads to stop poachers, hunters and so on getting into the park—I saw evidence of and was told about the facts by Dan Strickland, who at that time worked for the park as their senior naturalist, of dynamited gates, so that people could get in and have access to the park. The more roads you create, the more ecological integrity is damaged, because it encourages other people to use them.

I'm not going to be lengthy in this talk. I know I have 15 minutes, but I would sooner take questions from this committee or from anybody here. I think it's very important to realize that I question how many people have had as much access on the ground to wilderness travel as I have. I will entertain any questions from you now.

The Chair: Thank you very much. We'll begin with Mr. Orazietti—I'm sorry. Mr. Bisson is back, so actually the question rotation—

Interjection.

The Chair: All right, we'll start with Mr. Orazietti. We've got a little over three minutes for each party. Go ahead.

Mr. Orazietti: Thank you for your presentation and for being here today. The government's position with respect to this bill is to try to find a balance and obviously update the Provincial Parks Act, which hasn't been done since 1954, so we have some significant work to do here in that regard.

You referenced your travels around the province and throughout the country and on numerous rivers as someone who is an avid canoeist. Do you not see in this bill ways in which the province can ensure ecological integrity of our parks, conservation areas and wilderness areas, and make that compatible with other activities that are important to Ontario's economy and to other individual and organizational interests in this province?

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Mr. Drought: I do see ways. There's the very fact that in excess of 90% of all the crown land in this province is not a park or a conservation area. That being said, I heard the anglers and hunters say they had 81,000 members; good. They've got 91% of the crown land in this province to hunt and fish in. Why do they need motorized access to our parks and conservation areas? What's wrong with their two legs, or a canoe over their head? Why can they not shoot within the parks with a camera, not a gun? They have 90% of the rest of the province to do that in.

Yes, I do see the legislation guiding us on a path that can, shall we say, protect the other people of this province who are not in favour of hunting and fishing, who want a mere 9% to 9.5% of the land set side for the environment, for ecological reasons, and for their own presence of mind, that they can go and sit quietly without the noise of an ATV roaring by. Yes, I think we need that protection.

Mr. Miller: Thank you for your presentation. Let me start off by saying that I'm very envious of you, having paddled those 50 rivers. The last few years—

Mr. Drought: It's kept me broke; let me put it that way.

Mr. Miller: —I've enjoyed paddling a few rivers—not 50, but a few of them anyways, so I'm certainly envious.

Part of Bill 11 allows for hydroelectric generation for off-grid communities. I'm sure in most cases—

Mr. Drought: I would certainly like to speak to that.

Mr. Miller: I thought you might like to speak to that. That's why I'm asking a question about it. I note that the off-grid communities that have been noted as potential that are near a park—in the information I was given, there are about five on the Missinaibi River, for example, and the biggest one is on the Winisk River. I assume that this would affect mainly First Nations communities, and we will be hearing from some First Nations communities, I hope, to hear their perspective on this as well. Maybe you could just talk about that, whether it's compatible, and how you see it.

Mr. Drought: Yes. Hydro power for small native communities or any small isolated community that is not on the grid system is very feasible without destroying the environment. However, it is somewhat dependent upon water levels at the time. You cannot do what has been down on the Mattagami River at the Kipling dam site, which has a series of four dams holding back water for release very 12 hours, in conjunction with the Abitibi River. I don't know if any of you are familiar with that practice. The environmental damage done on the Mattagami River that I saw in 1974 was absolutely horrendous. When you arrive at the Kipling dam site, there's a large lake up above it. Through the small community of Fraserdale—big four-wheeled vehicles can get in there. I saw fish camps in an absolutely disgusting state, because they had motorized access to this area.

That provides to the grid, but in spite of that, the damage to the Kipling dam itself—because they did not prepare the land properly, the trees uprooted. They came out of the ground when the lake was flooded, and they got into the turbines at the Kipling dam, a horrendous cost to this province, both environmental and fiscal.

Mr. Miller: You were starting to say there are ways to do it. How would you do it?

Mr. Drought: We have a large system right here in southern Ontario on the Niagara River. They have not destroyed Niagara Falls by putting a dam down below them. Instead, they divert some of the water through turbines underground. It can be done in a small degree in any of these small rivers where you get an isolated community that's not on the grid.

The Chair: Mr. Bisson.

Mr. Bisson: I'd only say it would be fairly difficult to do in some cases because you don't have the landfall, the drop in elevation.

Mr. Drought: I did qualify that by saying—well, you do have a drop in elevation on most of these rivers. There are falls somewhere, as a rule.

Mr. Bisson: I look at the Winisk River—I was there just two weeks ago—and the first falls are quite a way away from the community. But I hear what you're saying, for argument's sake. I didn't hear your presentation. I just heard your comments afterward. Thank you for your presentation.

Mr. Drought: It was not read.

Mr. Bisson: I was looking for the writing. I didn't see anything.

The Chair: Mr. Drought, thank you very much for taking the time to come in this morning. Thank you for your very enlightened comments.

Mr. Drought: You're welcome. Thank you for having me here.

DOKIS FIRST NATION

The Chair: Our next presentation will be from the Dokis First Nation. They'll be videoconferencing with us via North Bay. Good morning. Can you hear me?

Mr. Jack Restoule: Yes, I can.

The Chair: Okay. My name is Bob Delaney. I'm the Chair of the standing committee on the Legislative Assembly. Am I speaking to Mr. Jack Restoule?

Mr. Restoule: That's right.

The Chair: Mr. Restoule, you have before you the members of the standing committee on the Legislative Assembly. They'll be listening to your deputation this morning. You have 15 minutes. If you leave any time remaining, I'll divide it among the parties for questions. Please introduce yourself clearly for the purposes of Hansard and then proceed.

Mr. Restoule: All right. My name is Yukon Jack Restoule, and I'm the band economic development officer for the Dokis First Nation. I want to thank the committee for allowing me the time to be able to address you guys and ladies on the effects Bill 11 will have on our community. I'll begin by giving an introduction and a brief history of our hydro project and the effects that Bill 11 will have on our proposal development.

Dokis First Nation has been investigating the possibility of constructing a run-of-river hydro project on the French River watershed at a dam that is presently owned and operated by Public Works and Government Services Canada in maintaining the navigable water levels of the Lake Nipissing and French River watershed. The Dokis First Nation has the indication that the viability of a hydroelectric generation station is looking positive for our First Nation in today's market realities. We are intending to address the implications that Bill 11 creates respecting our economic proposal to the regulatory bodies that handle hydro power.

The Dokis First Nation has been involved in ongoing studies to identify the economic feasibility of constructing a run-of-river small hydro plant on the French River at Dokis. Extensive studies have been conducted historically, and more so during the last 15 years, on the feasibility of developing a small hydro at the Big Chaudière dam site. The Big Chaudière is the site we are addressing in this presentation to the committee on the amendments to Bill 11, as this is the site that is being affected by the passing of said bill. This presentation will form the basis for the required amendment to Bill 11 so as not to preclude the possibility of developing hydro at Big Chaudière for the Dokis First Nation.

The most recent study was conducted by the IBI Group, formerly known as Cumming Cockburn Ltd., out of Richmond Hill, and was commissioned by Public Works and Government Services Canada and is defined to be an examination of the options available to the Dokis First Nation and Public Works and Government Services Canada respecting hydro development at both sites in consideration. Additionally, the study was commissioned because Big Chaudière needs to be replaced due to its deteriorated state and is now reaching the end of its useful life.

The study was commissioned by Public Works and Government Services Canada so as to not preclude the development of hydro generation by the Dokis First Nation. The time has come to take this development to the next level, respecting the replacement of Big Chaudière and the location of a run-of-river small hydro plant for the Dokis First Nation.

The electricity market has now opened, and Hydro One is looking for developers to supply the needed power to fulfill the demand on the already strained Hydro One system. The Dokis First Nation wants to be one of those electricity suppliers to Hydro One—or any other market operator, for that matter—to begin to generate revenue and clean hydro power from this site.

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Big Chaudière is approaching 90 years old and has been assessed by Trow Consulting Engineers out of Sudbury as nearing the end of its useful life, and therefore Public Works and Government Services Canada wishes to determine cost options for its eventual replacement. The Dokis First Nation wishes to construct a hydroelectric generator at Big Chaudière and wishes to examine the options it has at its disposal. The feasibility of constructing a generator at this site shall be determined by examining the electricity market reflected using the latest data from the electricity market as it presently stands as opposed to those of a number of years ago. Our

proposal looked feasible years ago and I think it still will look feasible now, seeing that the climate has changed.

The Dokis First Nation is presently in the process of re-crunching the financial feasibility numbers of the small hydro plant construction. The scope of the project will also encompass which approval processes we are looking at respecting this development, which includes environmental assessments from both the provincial and federal levels of government. The project study shall outline the necessary approvals for the licence to operate the hydro plant, permits to take water, approvals to connect to the distribution system, safety and regulatory measures, reliability measures for incentives for production in peak demand hours, will examine the provincial park issue respecting First Nation riparian hydraulic economic development, and will examine the regulatory issues surrounding the Canadian heritage river system, the provincial park system and any necessary Ministry of Natural Resources approvals that we require for our project.

Now, the present situation: The Dokis First Nation was formed by virtue of the Indian Act of 1850 and has been in existence since that date. Now fast-forward to the 1980s. This era sees the formation of the French River Provincial Park, and its roots are firmly planted by the Ontario government and the Ministry of Natural Resources. That system formed the French River Provincial Park and there were no negotiations that were set in place respecting the area First Nations' input into those plans at that time.

Another call was sent out last year and our First Nation leadership either ignored the call to participate or felt it wasn't necessary to the ongoing development of our First Nation economy. Now the time has come for the Dokis First Nation to voice our concerns and opinions on the ongoing development of the French River Provincial Park. The situation raises certain issues that are omnipresent in our everyday development of the resources we have at our disposal, like this opportunity for hydro power and revenue generation. The formation of the French River Provincial Park causes the Dokis First Nation a considerable amount of distress, as the park surrounds our First Nation and therefore has implied that there is no hydro development that will happen from within the boundaries of said park.

I want to refer to a map really quickly, so hopefully I'll do this properly. As you can see on this map, the Dokis First Nation is in the grey area and the provincial park is in the green. In essence, it surrounds our First Nation. That is why the Dokis First Nation is seeking this amendment to Bill 11, the provincial park act, because the park, in essence, surrounds our First Nation. As you can see by the map I just made reference to, it clearly shows the physical relationship between the French River Provincial Park and the Dokis First Nation, and that physical relationship is what causes our First Nation to experience this distress. The map clearly outlines that the park literally surrounds our First Nation and therefore has been deemed to be the driving force behind our concerns.

At this time it is unclear to us if the French River Provincial Park is presently classified under section 7 of the act as a wilderness-class park, a nature reserve-class park, a cultural heritage-class park, a natural environment-class park, a waterway-class park or a recreational-class park. To the Dokis First Nation, it doesn't matter which class of park the French River Provincial Park falls under, as we are just as concerned about the protection issue as the provincial government, and that protection issue seems to be the main point raised by the province in this housekeeping initiative.

Now, the reason for the act amendment: At this time we are concentrating on an amendment to Bill 11, the provincial park act, respecting the five prohibited uses under section 15, one of which is the generation of electricity. We are not only concerned about the provincial park system preventing our First Nation from pursuing economic opportunities in hydropower; we are also concerned about the other prohibited uses, which we may want to pursue in the future.

In the spirit of sustainability, we would like to conduct ourselves in such a manner that our actions and initiatives don't preclude future generations—your future generations and ours—from enjoying the French River Provincial Park in all of her majesty and pristine wilderness. In that same spirit of sustainability, the Dokis First Nation should not be precluded from our attempts to become self-sufficient by virtue of a provincial act that has the ability to stifle our plans to develop ourselves economically and financially.

I want to thank the members of the standing committee on the Legislative Assembly for allowing me the opportunity to have a brief discussion with you on this piece of legislation that has a direct impact on what we as a First Nation are planning to accomplish. Thank you.

The Chair: Thank you very much. I certainly commend both you and the staff of the Legislature for making the technology work perfectly and on the first try.

We should have time for one very brief question from each caucus, beginning with Mr. Bisson.

Mr. Bisson: I have two questions, but if I have to pick one: Are you confident that a non-derogation clause in itself will be enough to protect your right to develop this initiative?

Mr. Restoule: To me, it's unclear right now, but it may be. It may be, but I'm not exactly sure.

Mr. Bisson: Nobody has told you where that particular park falls under the classification? Is MNR not able to tell you?

Mr. Restoule: I haven't really talked to them about it yet. That's why I didn't know which one they were actually classifying it under.

Mr. Orazietti: Thank you, Mr. Restoule, for your presentation. It's a pleasure to hear from you today.

My understanding is that there will be provision and allowance for the development of hydro in certain circumstances. My question is around the sale of hydro. Is this for internal use for the band, for supply, or is this to

be sold back to the Ontario grid? Where do you see this going?

Mr. Restoule: I believe the band council right now is basically looking at both of those options. They want to be able to supply power to our First Nation at a slightly reduced cost, but still charging them for the service, and the remainder will be sold to Ontario Hydro or Hydro One or any independent market operator. So it's a combination of both.

Mr. Orazietti: Thank you very much.

Mr. Miller: Hello, Jack. Norm Miller here. Thank you for your presentation. I've been to the site and seen the location of your hydro project. Probably the key point is that you do plan and hope to sell onto the grid. As I understand it, the way the bill currently reads allows for hydro generation projects, but only for off-grid communities. So you would need a change in this bill to be able to do what you want to do, which is to supply your community but also to sell to the grid. That's part of my first question, but seeing as I only get one question, I want to combine it with a couple of others. I know you have forestry operations south of the French River, that I assume are on crown land, not in the park. Do you have concerns about whether this bill will affect your access to that land? I know it's very important to your community.

The Chair: Gentlemen, I need you to be very economical in the balance of the time.

Mr. Miller: Yes. In terms of the hydro project, it's a run-of-the-river project. Do you see that affecting the ecological integrity of the area?

Mr. Restoule: I'll try to answer the first part of your question. For our forestry operations, a buffer was created on the provincial park from the shoreline. We are respecting that buffer. So that isn't an issue right now.

With respect to the second portion of your question, if I can remember it correctly, you were asking whether the project will ecologically damage the system. No, it will not. We're going to try to design the dam in such a way that it will be aesthetically pleasing to any visitors. We are living on this river as well, so we want to make sure this project is done properly so it's not an eyesore. We want to be able to design this properly so it looks good. We're not just going to throw up any old structure here.

The Chair: Thank you.

Mr. Miller: And the dam structure is already there at this time?

Mr. Restoule: Yes. There are a couple of structures already there. What's happening is that Public Works wants to rebuild Big Chaudière and we want to piggyback on that site because both of those sites are feasible. There's one called Big Chaudière and the other one's called—

The Chair: Thank you very much, Mr. Restoule and Mr. Miller. Thank you for taking the time to go to North Bay to make this videoconference deputation to us this morning.

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ONTARIO NATURE

The Chair: Our next deputation will be from Ontario Nature; Wendy Francis. Please be seated and make yourself comfortable. Welcome. If you've been here for a while, you generally get the protocol. You've got 15 minutes to do your deputation. If you leave any time remaining it will be divided among the parties for questions. Please introduce yourself for the purposes of Hansard and then begin.

Ms. Wendy Francis: Thank you very much. My name is Wendy Francis. I am the director of conservation and science at Ontario Nature. I appreciate the opportunity to present Ontario Nature's views on Bill 11 today. I will make some brief comments and hopefully leave some time for questions from the committee.

Ontario Nature, formerly the Federation of Ontario Naturalists, is a province-wide network of 140 naturalist clubs and 25,000 members. Our mission is to protect nature in Ontario through parks and other protected areas, through legislation and policy and through our own system of nature reserves. We strive to connect people with nature.

Ontario Nature's efforts helped to shepherd in Ontario's first parks act. We are pleased to have been closely involved in the efforts to enact a new Provincial Parks and Conservation Reserves Act for Ontario.

Ontario Nature commends the government of Ontario for introducing these significant changes to provincial parks and conservation reserves, to the system. Bill 11 contains many strong provisions that put nature first in the management of parks and conservation reserves. We support the general thrust and content of the bill.

Today I'm going to focus on four specific areas where we think the bill needs improvement:

(1) the provisions regarding ecological integrity of Ontario's parks and conservation reserves;

(2) the prospects for logging, mining and hydroelectric development in Ontario's parks and conservation reserves;

(3) the process for adjusting the boundaries of Ontario's parks and conservation reserves; and

(4) the treatment of aboriginal and treaty rights in Bill 11 and in relation to provincial parks and conservation reserves.

With respect to those four issues, the first one that I will address is ecological integrity. "Ecological integrity" is a shorthand that's used by parks managers to describe a landscape that is in its natural condition. It means that the forces of nature that help shape the landscape and its wild inhabitants continue to function without impairment by human interference. When a landscape has ecological integrity, it maintains healthy populations of all its native plant and animal species and they continue to interact with each other as they have done for millennia. An ecologically intact landscape is also protected from pollution, industrial development, motorized transporta-

tion and other influences that impair natural habitats or put native species at risk.

Bill 11 takes a major step forward by providing that ensuring the maintenance of ecological integrity is an objective in the management and establishment of provincial parks and conservation reserves. This is a very significant achievement. However, the specific contents of the bill do not go far enough in ensuring that ecological integrity within provincial parks and conservation reserves will be maintained, for often the greatest threat to ecological integrity comes from activities that occur outside park boundaries but have an impact inside their boundaries. Yet Bill 11 does not address at all how parks and conservation reserves will be protected from the negative impacts of adjacent activities. In order to achieve ecological integrity within the boundaries of parks and conservation reserves, parks managers must be enabled to have regard to, to plan for and to influence existing and proposed activities outside their boundaries. CPAWS Wildlands League has submitted specific recommendations regarding how the bill needs to be amended to ensure that parks managers are given the discretion and the capacity to take into account activities outside park boundaries and other amendments to ensure that the maintenance and restoration of ecological integrity is the top management priority, and Ontario Nature endorses those specific recommendations.

The second issue I wish to draw to your attention is the prospect for logging, mining and hydroelectric development. Provincial parks are no place for industrial development. For a variety of reasons, it is essential that there be places on the landscape that remain in their natural condition. These range from maintaining benchmarks against which our efforts to manage other landscapes can be compared, to providing people with opportunities to experience, learn from, recreate in and gain spiritual renewal from the natural world.

Bill 11 contains a general prohibition against industrial development in provincial parks and conservation reserves. However, this provision is greatly weakened by a number of exceptions that allow timber harvesting and the establishment of new aggregate pits in Algonquin Provincial Park, improvements to hydroelectric generation facilities, and new roads and trails to access mining claims either within a park or even for minerals or timber outside a park. These many exceptions have the potential to undermine ecological integrity in many parks and conservation reserves, and they must be removed from the bill. Again, we endorse the language of the recommendations from CPAWS Wildlands League in that regard.

The third issue I will address is boundary adjustments. As currently drafted, Bill 11 would allow the boundaries of a provincial park or conservation reserve to be decreased by cabinet and allow cabinet to dispose of lands within a park, provided it's less than 2% of the lands of a park that is less than 100 hectares in size. These provisions create a loophole that threatens the integrity of the park system and create an opportunity for parks or conservation reserves to be diminished for commercial purposes. We recommend that the establishment of parks or the increase in their size be a matter for cabinet but that the full weight of the Legislature must be brought to bear on any proposal to decrease the size of a park or to dispose of any its lands.

The final issue I will address is aboriginal and treaty rights. Bill 11 does not address the impacts of park creation or management on aboriginal or treaty rights. This is unacceptable in today's climate. Elsewhere in Canada, such as British Columbia and the northern territories, aboriginal peoples play a major role in parks and wildlife management. Ontario has a global responsibility to help protect the largest expanse of intact boreal forest left on the planet. This will be possible only if Ontario's aboriginal people's are fully involved in the establishment and management of northern protected areas.

Ontario Nature recommends that Bill 11 be amended to require consultation with local aboriginal communities and to provide for co-operative management of parks and conservation reserves by local aboriginal communities. We also endorse the inclusion of a derogation clause in the bill that would ensure that aboriginal and treaty rights are not affected by the creation and establishment of parks and conservation reserves.

That concludes my comments. Again, we support the very specific language recommendations that have been made by CPAWS Wildlands League. In particular, we feel that these four issues—ecological integrity, industrial development, boundaries, and aboriginal and treaty rights—are the most important ones for the bill to address. I would be happy to answer any questions the committee may have.

The Chair: Thank you very much. We have just a little under two minutes for each party, beginning with Mr. Miller.

Mr. Miller: Thank you very much for your presentation. It's good timing, as we just heard from Mr. Restoule at Dokis First Nation. Obviously, his concern is a hydroelectric generation project that he wants to sell to the grid, which would not be allowed by this bill. He was fairly clear, in his mind—and I'm sure they've done studies—that it's not going to have a negative effect on the ecology of the area. Do you have some comments on that? I'd be interested in hearing your comments.

Ms. Francis: We support the establishment of small-scale hydro projects that will allow these remote communities to produce and generate their own power for their own use, but we would not support the production of power to be exported outside of the community. In supporting hydroelectric development within protected areas, normally our position would be not to have any of that kind of industrial development in a protected area, but in the case of a northern community, it makes sense to get them off diesel and other very expensive and damaging forms of energy.

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Mr. Miller: They're on the grid at this time. This is the French River we're talking about, so they're on the grid. They're looking at economic development. There

are not too many opportunities for them for economic development, so it's fairly critical to the community, as is their forestry. You have to cross the park to access the area where they do forestry. It's really quite critical to their community.

Ms. Francis: Yes, it's difficult. I would prefer to look at areas outside the park for those kinds of opportunities.

The Chair: Thank you. Mr. Bisson.

Mr. Bisson: As one who represents First Nations up in the James Bay area, I think that last comment would be taken quite badly by a lot of my friends in First Nations. We came into the north, said, "We're going to develop dams and such," and left them with absolutely nothing and devastated their communities. If we were to take the position that they can have hydro for their own use but can't sell to the grid, I think it would be taken somewhat negatively. Do you still feel that?

Ms. Francis: Yes.

Mr. Bisson: Really?

Ms. Francis: Yes. There obviously needs to be a balancing between—and I'm well aware of some of the dire conditions facing northern communities, and they must be addressed.

Mr. Bisson: In some cases, it's the only chance for economic development they have.

Ms. Francis: Well, I wonder if that's really the case. Has there been work done on what the potential for a diversity of economic activities might be?

Mr. Bisson: I hear you. Neither the federal nor provincial governments have done a very good job at working with First Nations to identify that, but I'm just saying be aware. A lot of people would take exception to that.

I want to come back to your section 8 comment.

The Chair: Briefly.

Mr. Bisson: What you're saying is that any amendment to the park would need to be not just the tabling in the Legislature of what it is the minister, he or she, wants to do but that it would take an order in council and a vote of the Legislature to make any amendments to a park boundary. That's what you're basically—

Ms. Francis: That would decrease the size of a boundary.

Mr. Bisson: Or increase?

Ms. Francis: No, an increase does not need the—

Mr. Bisson: Oh, okay. I just wanted to be clear. So for a decrease you would have to have a vote of the assembly, period.

Ms. Francis: Well, that would go through the normal—as if it were a bill, yes.

The Chair: Thank you very much. Mr. Orazietti.

Mr. Orazietti: Thanks, Ms. Francis, for your presentation this morning. I'd like to clarify a couple of things.

You're indicating that you are insistent upon consultation with First Nations. I just want to make it very clear from the government's side that we sent letters to all chiefs and all political organizations and had numerous consultations in the north as well. Only a handful of organizations and First Nations groups have taken us up on some of that consultation to date. That input and that opportunity has been extended, and we fully continue to negotiate and discuss those issues with First Nations organizations in the province of Ontario. I want to make that clear as well.

You have just heard Mr. Restoule make comments with respect to the sale of power. This issue around the deregulation aspect is important. If we're going to listen to First Nations and respect some of their interests, it appears that there needs to be a change in this particular aspect to allow for the sale of electricity, to allow resources or financial ability for First Nations to improve certain circumstances within their own First Nation. How do you resolve those seemingly challenging issues between what we may be able to do here in terms of the deregulation of a portion of the park that would allow for the development of hydroelectricity—and that's not to say that we can't acquire additional lands to bring into the park to compensate for what might be deregulated—and balance that with the needs of First Nations communities and what they're saying to us with respect to this legislation?

The Chair: That was a long question. We will need an economic answer.

Ms. Francis: There have been other examples of parks where that sort of win-win solution has been achieved, where there has been an ability to actually trade off perhaps some lands that might have an economic use for adding to the park. I'm not familiar enough with the specific park to say whether that could be the case, but I would be open to those sorts of solutions.

Mr. Orazietti: Okay. I appreciate that.

The Chair: Thank you again for coming in and taking the time to make your deputation this morning. This committee stands in recess until 3:30 this afternoon or the close of routine proceedings, whichever is later.

The committee recessed from 1155 to 1538.

The Chair: Ladies and gentlemen, in the reasonable expectation that the balance of our members are on their way in after proceedings in the House, and for those of you who are joining us to make your deputations or to observe them the standing rules of the House provide that committees can't begin until after petition time and the calling of orders of the day, and that event having just happened, I will bring the committee to order. This is our return from our recess that began at 12 noon today. We'll be hearing a number of other deputations pursuant to Bill 11.

KAWARTHA HERITAGE CONSERVANCY

The Chair: Our first one is from the Kawartha Heritage Conservancy, Mr. Ian Attridge, who is seated and ready to go. Mr. Attridge, I hope you've had a chance to get comfortable and grab yourself a cup of tea or whatever. You'll have 15 minutes to make your deputation before us this afternoon. If you leave any time remaining, I'll distribute it among the parties to ask you questions.

Please begin by introducing yourself for the purposes of Hansard and then proceed.

Mr. Ian Attridge: My name is Ian Attridge and I'm the executive director and counsel of the Kawartha Heritage Conservancy. We are a non-profit charitable organization focused on the Kawartha bioregion: essentially, Peterborough, Lindsay, down on to the Oak Ridges moraine and up to the northern part of those two counties. We are involved in land securement, the acquisition of land and the conservation of the natural and cultural heritage of the Kawartha bioregion through working directly with landowners, gathering information, contributing toward land use planning and other measures and sharing that to create and, really, foster sustainability in our region.

Bill 11 is an important, substantial and positive step toward updating Ontario's protected areas legislation. We believe that making ecological integrity a central goal of the legislation is a welcome direction, and it's also consistent with policy initiatives found at the international, national and provincial levels. However, we feel this concept of ecological integrity needs to be more fully reflected and integrated throughout the legislation on a consistent basis, and also to pick up the concept the federal government has adopted in their parks legislation, and that is the notion of cultural or commemorative integrity.

Through protecting watersheds, ecosystems, cultural sites and recreational experiences, we believe that protected areas add value to local communities and properties in the Kawartha region, and indeed across the province. We want to play a constructive role in working with Ontario Parks, the Ministry of Natural Resources and other agencies, stakeholders and community groups to foster sustainability in our region, and we certainly see that protected areas are one component of doing so in the Kawarthas.

One of the things we've identified in our review of Bill 11 is that it is essentially silent on measures to manage activities external to a protected area, and I'll use "protected area" to lump parks and conservation reserves. Activities outside of a protected area may well have impacts within the park and within conservation reserves, and the reciprocal may happen as well, where activities within those protected areas can affect important features beyond that.

When Canada ratified the Convention on Biological Diversity back in 1992, there was an obligation that extended to the province, and I've documented some of those statements under that convention, a commitment to look at the management of lands surrounding protected areas. I won't read that today. I'll leave that for you to have a closer look on page 2. There have been very few legal and policy responses to that directive, to that commitment, found in Ontario policy and legislation. There is a brief and fairly weak statement of that in the provincial policy statement under the Planning Act by the province, and yet the statement there is weaker than what's in place for wetlands, for fish habitat, for things such as designated heritage properties, species at risk or even the kind of language that's used for airports and waste management systems. It's a fairly weak statement.

The sciences of conservation biology and landscape ecology are pointing to the need to look at landscape-level planning and landscape-level initiatives that will link and ensure that, as climate change and other changes in our landscape occur, there will be some resiliency, some flexibility over time and the ability of wildlife and ecological functions to persist over the longer term. Ontario has at least four biosphere reserves, such as the Niagara Escarpment. In that case, they are looking at a core area with a surrounding buffer area and research initiatives to look at that interaction between a protected area, a core and the surrounding landscape.

Accordingly, we feel that Bill 11 should better reflect the science, the experience in biosphere reserves and the international commitments, and overcome some of the weak policy and legal responses by adopting a series of external integrity measures—activities and legal measures within the bill—that will address some of those external pressures. Other provinces and jurisdictions have developed mechanisms to do so. I've got a list of some of those examples on page 3, and will let you have a closer look at that. I'll highlight some as I move through some of the proposals I have made.

What I've done in the remaining pages is identify some proposals. You'll note, as you reflect upon them, that many of them do not infringe on the jurisdiction of either government agencies or entities that have responsibilities. In fact, what they're doing is identifying an issue and creating a conversation to look at resolving anything that may arise. Some include support for land acquisition and stewardship. There are many opportunities to support that, and law, and this bill in particular, can do a lot to frame and support that stewardship initiative. The Ministry of Natural Resources has been putting in place a number of measures for conservation easements in law, and also through funding for land trusts and other conservation charities. We welcome that very much, but more needs to be done, particularly to ensure that that's effective to work well with protected areas.

I have a number of proposals to put before you, starting on page 4. The first one is to ensure that protected area staff are explicitly authorized to engage in processes that are occurring beyond the boundaries but which may well have an effect internally. You can find an example of that in the Canada National Parks Act.

The second is to require that management planning documents—several forms are identified in the bill—identify important natural and cultural heritage resources external to that protected area, perhaps within a circumference of some five kilometres, and also identify ways to maintain and restore connectivity—links, corridors, trails, greenways—with the surrounding area. The mechanisms to do that can be varied. They can be stewardship, land use planning—a whole raft of measures. Identifying a strategy and letting that be developed at the local park

or conservation reserve level can be very helpful—putting that in legislation so it can be developed.

The third is to require that all management planning documents identify a strategy, including voluntary and regulatory means, for promoting ecological and cultural integrity outside and near to a protected area.

The fourth would be to look beyond individual protected areas and to say that there need to be policies and direction in the bill to deal with the system of protected areas, and that that system plan identify existing and potential ecological linkages among those protected areas, and require a periodic report, such as the United States does in their legislation.

The fifth is to allow the Minister of Natural Resources to add conditions to an approval or permit authorized, perhaps, by another provincial ministry or agency, and to add conditions where that may affect activities within the protected area itself.

One of the key ones I identify here is number 6: fostering partnerships, land securement, creating that dialogue, that engagement beyond the boundaries. There are a number of possibilities there to explicitly authorize a variety of agreements between the minister and perhaps senior protected area staff to foster stewardship, education, land securement and related measures. There's a general power in there now, but making it explicit to cover those kinds of things will inspire creativity and innovation in those kinds of discussions and partnerships that may emerge.

There are tax incentives that might be looked at. For example, if a land trust such as my own was involved in acquiring land that would either complement a protected area or perhaps, at some point, be transferred to Ontario Parks or the Ministry of Natural Resources, then perhaps there's the opportunity to exempt that transfer from land transfer tax. That would be one measure that would foster these kinds of arrangements with conservation charities.

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One that would also help is the increasing use of conservation easements. Where a registered interest in land and title is put in place, the Assessment Act is silent on how to deal with that for property tax purposes. MPAC—the Municipal Property Assessment Corp.—has not had any direction from the Assessment Act on that new mechanism to foster ecological integrity external to a protected area. Without that direction, we're getting varied responses, and it's really creating a disincentive for landowners and their advisers to figure out the implications of—

The Chair: You have about two minutes.

Mr. Attridge: Thank you. Dealing with the Municipal Freedom of Information and Protection of Privacy Act: allowing for stewardship activities to occur and allowing for efficient sharing of data between MPAC and conservation charities and agencies. A number of other measures allowing charities to match a bid of a tax sale—that occurred in one case near Kawartha Highlands provincial park, just north of Peterborough, in our area, where there was a site available but the municipality could not purchase that and there was no opportunity, unlike the measures that are in place in Spain, to look at matching that.

A number of other things: certainly better addressing aboriginal and treaty rights, looking at co-management opportunities and at recognizing traditional and local community knowledge in this process. That needs to be more explicit, in our view.

Interministerial consultation is important, looking at activities beyond the area, and ensuring that park and conservation reserve enforcement personnel are able to exercise some of those powers beyond the protected area boundary in order that they can protect the resources found within them.

I trust that that is a helpful series of suggestions for looking at that external integrity issue, and that some of these may see their way into the bill.

The Chair: That just about concludes the time we had for your presentation. Thank you so much for coming in to share your thoughts with us today.

ONTARIO FUR MANAGERS FEDERATION

The Chair: The Ontario Fur Managers Federation: Mr. Stewart Frerotte and Mr. Howard Noseworthy. Welcome, gentlemen. You have 15 minutes to share your thoughts with the committee. If you leave any time, I'll divide it among the parties for questions. Please begin by identifying yourselves for the purposes of Hansard and then proceed.

Mr. Howard Noseworthy: Thank you. My name is Howard Noseworthy. I'm the general manager of the Ontario Fur Managers Federation.

Mr. Stewart Frerotte: My name is Stewart Frerotte. I'm the southern region vice-president of the Ontario Fur Managers Federation. I represent the southern half of Ontario.

Mr. Noseworthy: The Ontario Fur Managers Federation and our 5,000 members appreciate the opportunity to appear before the committee this afternoon. We do express our disappointment that committee hearings are not being held outside Toronto. We have thousands of members and dozens of local trappers' councils in beautiful cities and towns of northern and rural Ontario. Many of them have their stories that we hoped might have been heard as well.

This province recently went through a multi-year public consultation and public policy writing exercise, Lands for Life/Living Legacy, which, despite its quirks, did provide a degree of certainty to resource users, including trappers, which was a commitment of the government of the day. We were pleased to hear Minister Ramsay tell us and other organizations that he and his government are committed to the Living Legacy land use strategy. We trust in the minister's ongoing commitment that Bill 11 will not change what is, in effect, on the ground today.

Trapping was one of the few activities that had the full support of all three Lands for Life round tables. In fact, in

the provincial forum, virtually everyone acknowledged that the trapper's footprint on the land is incredibly small.

The Living Legacy land use strategy permits trapping to continue in all provincial parks and protected areas, with the exception of existing wilderness parks and new and existing nature reserve parks. As I said, the process that has evolved under Living Legacy is not perfect, but at least the ground rules that have been established to allow trapping to continue in almost all provincial parks and conservation reserves provide us with a process that is manageable.

While the trapper's footprint on the land is incredibly small, the footprint of parks and protected areas on Ontario's traplines is incredibly huge. Provincial parks and protected areas affect as many as 900 registered traplines and perhaps as many as 2,000 trappers in this province. As an example, an excerpt from the Black Sturgeon River Park management plan says that, "Existing commercial trapping is permitted to continue within the Black Sturgeon River Provincial Park. There are eight active, registered traplines within the park boundary"—eight registered traplines within one park, and we have hundreds of provincial parks and reserves.

Trapping as an activity and a livelihood has existed for centuries, with some traplines having been in the same family for many generations, predating even the requirement for formal trapping licences or the formal designation of trapline boundaries. Nonetheless, as early as 1916, the Ontario Game and Fisheries Act required that trappers be licensed and that trapline areas be designated in the licence. Prior to 1954, Ontario had just eight provincial parks but thousands of traplines. Clearly, parks and protected areas have been placed upon Ontario's traplines and not vice versa.

Trappers are spread across Ontario's public lands, their numbers controlled by registered traplines and access to crown land in which permission is granted to limited numbers in any given area. While this ensures that trappers are sparsely distributed, it also dictates that a trapper who is displaced by a park or protected area cannot simply move over. There's already another trapper there.

Virtually all park management plans, including those that prohibit commercial trapping, make allowance for trapping for the protection of park values and infrastructure. As an example, an excerpt from the Neys Provincial Park preliminary management plan says, "Commercial fur trapping is prohibited within the boundaries of the park," but "Nuisance animals will be trapped under the supervision of or directly by Ontario Parks staff, either for protection of human health and safety, health of animal species or the protection of park infrastructure." It is the contention of the Ontario Fur Managers Federation that appropriate park management plans should include wildlife management plans, including regulated commercial trapping, to avoid situations in which our valuable furbearers come to be considered as nothing more than a nuisance.

Trappers remove only a harvestable surplus of furbearers annually. Trapping and trappers do not threaten furbearer populations, conservation, habitat, biodiversity or ecological integrity.

Most trapping occurs at times of year when provincial parks are frequented little by the general public and most often in areas of parks that have little public traffic. Most park visitors are unaware of trapping activities, indicating that trapping does not interfere with the pursuits of other park visitors.

In our opinion, trapping should be a protected use within Bill 11 to ensure certainty to trappers. An example of how this might be done is contained within the Kawartha Highlands Signature Site Park Act, in section 11(1), which says, "For greater certainty, a person may hunt, fish and trap in the park in accordance with the Fish and Wildlife Conservation Act." Regulation and policy that can be easily changed offer much less certainty.

The Kawartha Highlands Signature Site Park Act also provides an appropriate example of a means to protect trapper access via motorized transportation while controlling unregulated access on trapper trails. It says, in section 14(4), "A person who holds a licence to trap under the Fish and Wildlife Conservation Act in a registered trapline area that is situated in the park, or a person authorized by the licence holder, may, without charge, enter the park and operate a motor vehicle or a motorized snow vehicle anywhere in the park but only to the extent that it is necessary in order to access the registered trapline area for the purpose of trapping."

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Trappers depend on a healthy environment and abundant furbearer populations to continue to harvest the wild furbearer resource in a sustainable manner. In this regard, trappers are not at odds with other sectors of the public that espouse similar values.

Public uses of public land must be broad enough to encompass all uses that do not directly detract from the sustainability or long-term viability of parks' and protected areas' values. The harvestable surplus of furbearers removed by trappers does not threaten other public uses of public land, nor should other uses be allowed to take precedence by the exclusion of trapping. Public uses of Ontario's public lands must be broad enough to encompass all compatible uses, including trapping.

We have been advised by the Minister of Natural Resources and by Ontario Parks staff that the current exercise to enact the new legislation represented by Bill 11 is not an exercise to create more parks. Nonetheless, if conservation reserves are governed by parks legislation, we remain concerned that in all but name they will become de facto parks. Adequate protection of conservation reserves is already provided under the existing legislation and regulation of the Public Lands Act.

Some of our registered traplines are hundreds of square kilometres in area, impossible to traverse without the use of motorized equipment. We understand the concern that Bill 11 should adequately address the un-

controlled use of snowmobiles and all-terrain vehicles within protected areas. But Bill 11, in subsection 19(4), does indicate that trails in provincial parks or conservation reserves "that exist on the day this section is proclaimed in force shall be deemed to comply with the policies under this act and to have the approval of the minister." We encourage the committee to recommend that this be explicitly inclusive of the trails required by trappers to travel to, from and within their trapline areas.

Subsection 13(3) of Bill 11 continues, according to their terms, those commercial agreements made in respect of the use of land in provincial parks or conservation reserves that are in effect the day the section is proclaimed in force and deems them to have been made under the act. We encourage the committee to recommend that trapping licences and the trapline boundaries described therein are included within the meaning of subsection 13(3), or to revise subsection 13(3) to be explicitly inclusive of trapping licences and traplines.

The Chair: Just to advise, you have a little less than three minutes.

Mr. Noseworthy: Thank you.

Section 54 of Bill 11 notes that the Public Lands Act does not apply to provincial parks or conservation reserves. However, Minister Ramsay has committed that the Living Legacy land use strategy does apply. Many of the policies currently pertinent to trapping in conservation reserves are policies that have been made under the Public Lands Act. We encourage the committee to recommend that the policies made under the Public Lands Act that are applicable to trapping will be deemed to be policies made under Bill 11 and applied as such.

Minister Ramsay and his colleagues, the wildlife ministers of Canada, recently—in fact, in Whitehorse, Yukon, September 16, 2004—issued a statement in support of trapping that stated in part, "Trappers have proven to be effective stewards of the environment, informing wildlife managers of changes in population numbers, alerting them to the presence of disease, and providing insight on the possible effects of climate change on the biodiversity in their area." The wildlife ministers have acknowledged a situation that exists across the Canadian landscape: Trappers form an unbroken chain of eyes and ears on the land, often where no other observers exist. It would be unconscionable that parks and protected areas should be excluded from the stewardship protection provided by trappers.

We believe that the wildlife ministers have acknowledged that the actions of trappers over many generations have fostered the sustainable resource use and conservation principles that allow for the continued health of Ontario's provincial parks and conservation reserves. Removing trappers from the land would act as a direct threat to some of Ontario's most cherished public places. We encourage the committee, in its review, to recommend the continuation of trapping and its necessary access in all provincial parks and conservation reserves.

Thank you very much and we'd be happy to entertain questions.

The Chair: That pretty much concludes the time we have allotted for you. I'd like to thank you on behalf of the committee for having taken the time to come in to make your deputation for us today.

MATAWA FIRST NATIONS MANAGEMENT

The Chair: Our next presentation comes to us by videoconference from Thunder Bay, from the Matawa First Nations Management. I'd like to welcome Chief Arthur Moore of the Constance Lake First Nation and Paul Capon, who are joining us. Gentlemen, can you hear us?

Chief Arthur Moore: Yes, we can hear you.

The Chair: Okay. I'd like to welcome you. You'll be addressing the standing committee on the Legislative Assembly. We are here at the Ontario Legislative Assembly buildings in Toronto. Seated around me are the committee members representing all three parties. You have 15 minutes to make your deputation before us today. If you leave any time remaining, I'll divide it among the parties for questions. Please begin by introducing yourselves for the purposes of Hansard, and then continue.

Chief Moore: My name is Chief Arthur Moore from Constance Lake First Nation. It's located about 40 kilometres west of Hearst, Ontario. We're about five to six hours from Highway 11-17 towards Thunder Bay. I belong to the Matawa Tribal Council. The Matawa Tribal Council has about 10 First Nations and we belong with the Nishnawbe-Aski Nation. Later on, the Grand Chief will make our presentation regarding Bill 11.

I'd like to thank you for allowing me to speak to the committee.

Mr. Paul Capon: My name is Paul Capon and I work with Matawa First Nation, which is essentially the 10 First Nations of the tribal council, and I work with them as a political adviser. Thank you also for letting me present as well.

Chief Moore: What we want to do is basically bring to your attention a letter that was written to David Ramsay, Minister of Natural Resources, on March 22, 2006. It indicated:

"On November 9, 2004, Matawa First Nations wrote to Bob Moos, Ministry of Natural Resources staff lead, regarding the proposed parks and protected area legislation with their concerns. The Matawa chiefs, along with the other chiefs of Nishnawbe-Aski Nation, also rejected this proposed legislation when a ministry official, Ms. Adair Ireland, gave a presentation at their assembly. Finally, on December 16, 2004, the Matawa chiefs wrote again to Bob Moos, as per the Environmental Bill of Rights registry, wanting to know how the ministry was going to initiate consultation with First Nations."

We haven't heard anything from the Ministry of Natural Resources and their staff regarding the consultation process. As you know, there was a booklet that was distributed to all the members of Matawa First

Nations and that booklet indicated that there would be consultation with First Nations, on page 2.

"Now that Bill 11 has been introduced to the Legislature in its first reading, it is imperative that it be referred to committee for hearings that will consult with First Nations. Amendments to this Bill 11 are needed to reflect the concerns of First Nations, whose traditional territory is often covered by these parks and conservation areas.

"Public information sessions and ministry resource material mention consultation with First Nations and aboriginal people. This has not happened," as I indicated earlier. "First Nations are not satisfied with the existing parks legislation, and any new laws should provide an opportunity to correct past wrongs. Therefore, the bill should not go forward until its consultation is complete.

"Please see the attached points of concern regarding the consultation process and problems with the legislation.

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Looking at the background and consultative process, the Matawa First Nations that are signatories to Treaty 9 never gave up their water rights in 1905 and/or access to lands for personal livelihood in or near parks.

The Ministry of Natural Resources has over the years created many parks and protected areas in the traditional territory of First Nations, often without their consent or without compensation. This is very true of the water parks on the Albany, Attawapiskat, Winisk, Attwood, Ogoki, Nakina, and Aguasabon Rivers, which abut or are near our First Nations. For example, in our Matawa tribal council there was a dam that was constructed near Martens Falls, the Waboose dam, to divert the river system. It affected the First Nations there. It depleted their supply of fish and, as well, impacted on their community. The other area that was impacted was the Albany River park. It impacted on their development.

These parks and protected areas have limited the economic potential of the surrounding First Nations. Webequie First Nation is in the middle of Winisk River Provincial Park and it took over 20 years to secure reserve status in their traditional territory.

The proposed vision for the legislation will have a direct impact on First Nations and their ability to realize the economic potential for the water power and energy resources in their traditional territory.

Ontario has not provided resources for meaningful consultation and review, and adequate time, for the proposed legislation as required by constitutionally protected aboriginal and treaty rights. While the vision talks about aboriginal consultation, no community sessions were held in any of the Matawa First Nations.

Just recently I was informed by one of the district managers that there was a consultation. We do have numerous meetings with MNR district offices, but it doesn't mean that we're consulting with them regarding Bill 11. We normally would meet on other matters relating to trapping and forestry issues.

The components of the legislation that we want to present:

(1) Principles: Respect for aboriginal and treaty rights is not mentioned as one of the overriding principles. There is not even a non-derogation clause. I am sure the grand chief will bring that up when he does his presentation.

(2) Goals and objectives: Again, applications for aboriginal people are not mentioned; for example, usage, trapping, potential land claims, etc.

(3) Zoning: No mention is made of aboriginal parks, although Ontario Parks currently has some parks under First Nations management and they are developing a joint park in the Pikangikum area.

(4) Assess wilderness areas: Recognition of traditional environmental knowledge, TEK, in the legislation is needed.

(5) Management direction and state of the protected areas reporting—The State of the Forest, a reporting guide for crown lands under the Crown Forest Sustainability Act: This reporting does not adequately provide information concerning First Nations and their relationship to the forest. Jointly developed criteria and indicators are needed before they are implemented to show the issues and concerns of First Nations.

(6) Major industrial uses: It excludes hydro and wind development unless it is for an off-grid community "where no economically viable alternative exists." This is an impediment to First Nations because an economically viable alternative may conflict with other aboriginal values. First Nations need much more latitude and ability to initiate economic development in their traditional territories. Interestingly, logging in Algonquin Park and existing hydro developments are allowed. A First Nations exemption is needed. Access to First Nations on all weather or seasons roads is another exemption that is required.

(7) Continue to address non-industrial uses in policy: This could include hunting, tourism, etc. by regulations instead of legislation. Recognition of First Nations non-industrial uses is required as well.

(8) Administration and enforcement: There is no recognition of recruitment or retention of aboriginal staff in Ontario parks, input from First Nations, or impacts to First Nations. Increased power to the minister to make regulations with cabinet approval is supported through.

So these are our concerns as the Matawa tribal council. One of the salient topics I wanted to bring up is the non-derogation clause. I'm sure the grand chief will be bringing that up during his presentation as well, with the full management and traditional harvesting issues.

The Chair: Gentlemen, thank you very—

Chief Moore: Thank you.

The Chair: Sorry. Was there any comment that you wished to add before we do questions?

Chief Moore: No comment at the moment.

The Chair: Thank you. We should have time for just one question, and it would be the turn of the PC caucus. Mr. Miller.

Mr. Miller: Hello, Chief Moore and Paul. Thank you for your presentation today.

One of your points has to do with hydroelectric generation and deriving economic benefit from it. The way Bill 11 is written at this time, you're able to do hydroelectric projects, but only if they're just supporting an off-grid community. Earlier, we heard from Dokis First Nation, which has a project they want to do, and they are connected to the grid. Is that a change to Bill 11 that you would like to see as well, so that you have the ability to develop a project that is connected to the grid?

Chief Moore: Yes, we would like to see that, because we have potential companies that are willing to partner with Constance Lake First Nation. One is from Quebec and the other one is from British Columbia. This potential development would take place near the Shekak dam. The area we were looking at is Highwood Falls. At the moment, it's protected. I did speak with the district manager regarding this potential development.

We're also looking at the KB River—

Mr. Miller: Sorry, which river was that? I missed the name of the river.

Chief Moore: Yes, it's Kabina River. In short I call it "KB."

You probably heard about the development going on in Hearst to do with the ethanol project. The big corporation from the United States, MEMS, is coming in. Constance Lake was hoping that we would connect that project with that ethanol project.

The Chair: Gentlemen, I'm sorry to cut you off. I want to thank you very much for your time. That concludes the time we have for this deputation. Thank you very much for the time you've put into preparing for us, and certainly for joining us by videoconference today from Thunder Bay.

ONTARIO WATERPOWER ASSOCIATION

The Chair: Our next deputation is going to be from the Ontario Waterpower Association, Mr. Paul Norris. Mr. Norris, welcome this afternoon.

Mr. Paul Norris: A pleasure to be here.

The Chair: If you've been around for more than a few minutes, you've probably figured out the routine. You have 15 minutes to make your deputation. If you leave any time remaining, it will be divided among the parties for questions. Please begin by introducing yourself for Hansard and then proceed.

Mr. Norris: Thank you, Chair, and committee members, for the opportunity to be here today. My name is Paul Norris. I'm president of the Ontario Waterpower Association.

I want to begin by saying that our industry and our association are very much interested in working within the body of the legislative framework that's been developed, and so our comments are going to be offered as suggested modifications and improvements to that piece of legislation.

The Ontario Waterpower Association was founded in 2001, and we represent the common and collective interests of the province's water power, or hydroelectric, sector. Our members own and operate almost 200 water power facilities across the province, producing, on average, one quarter of the province's electricity supply.

Our industry is committed to the responsible management and development of the province's water power resources. We have demonstrated, for over a century, that society's objectives and values can be balanced on our waterways, and we continue to make improvements to adapt to new challenges.

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Water power is Ontario's primary source of renewable energy and is key to achieving the province's economic, environmental and electricity objectives. A number of recent reports have confirmed that the province has the potential to increase the production of water power by more than 50%. Reasonable and rational land and resource management legislation, regulation and policy—cognizant of and coordinated with energy and electricity goals—are critical to maintaining existing water power production and optimizing new potential. It is within this context that our recommendations on Bill 11 are offered.

I'd like to begin by giving you our perspective on the coexistence of hydroelectric generation and parks and protected areas values. I'll talk next to some of the key challenges we see in the legislative framework as drafted and, finally, provide you with some specific areas of suggested improvement. I've also included in our deputation a copy of our clause-by-clause recommendations, which I'll leave to you to read at your leisure.

At the outset, I think it's important to recognize that values regarding water power production and ecological sustainability are not, by definition, incompatible, as would be enshrined in the proposed legislation. Ontario has a number of examples of long coexistence. At Kakabeka Falls in northwestern Ontario, a natural environment park, there has been hydroelectric production for more than 70 years. These facilities have been operating for decades in concert with societal values associated with parks and protected areas. I think it's instructive to note that the province has directed Ontario Power Generation to pursue additional water power development at Niagara Falls, the province's original signature park.

Additionally, many more examples of coexistence were recently created as a result of the proliferation of waterway parks on existing working rivers through Ontario's Living Legacy. This regional land use planning process, led by government with the direct engagement of the public, resulted in a 175% increase in the land base covered by waterway parks. Several of these parks were placed on existing managed systems. Again, a good example is the Mississagi: 490 megawatts of load-following, renewable generation in a park. This demonstrates to me that the public accepts water power production and protected areas values. Why else would you put a park on a water power river?

It's also apparent that the industry is not alone in questioning the logical disconnect between "new water power is not permitted in parks, but new parks are permitted on water power rivers." Recently, the municipal leaders of northern Ontario, through the Northern Ontario Large Urban Mayors forum, provided their report to government on supply mix and, specific to parks and protected areas, recommended the following:

(1) The government should review the extent of waterway parks created by the Living Legacy exercise from the perspective of encouraging the highest and best use of the resource and seek to find ways to liberate known hydro sites in parks for development.

(2) The government should instruct the Ontario Power Authority to include significant opportunities in parks and protected areas as practical within the time horizon of the first overall integrated power system plan.

(3) The government should amend Bill 11 so as to retain the maximum flexibility to develop viable water power sites that would be otherwise excluded.

In addition, input provided at the House debate on the bill's second reading illustrates this broader and localized support. Several members cited, in particular, the interests of First Nations in pursuing economic development opportunities through water power projects that would be constrained in the legislation. I think we just heard an example of that. Our association appreciates the interests and aspirations of these communities and is encouraging that the limitation to off-grid applications only be eliminated, providing for commercial and economic opportunities for First Nations communities in northern Ontario.

I'll move next to what we feel to be the key implications of the proposed legislation for existing and potential renewable energy. First, existing generation facilities: More than 30 existing operating water power facilities are now within the boundaries of parks and protected areas. The proposed legislation provides no certainty with respect to existing water resource management regimes. In fact, given the presumption of nonconformance, one would expect that pressures will be brought to adjust operational strategies and that redevelopment and upgrade opportunities will be limited. Compromising existing generation will only further limit the province's future energy options.

Second, existing water control structures: Approximately 100 water control structures, both government and industry-owned, have been estimated to exist within the boundaries of parks and protected areas. A number of these structures may have the ability to be managed or redeveloped for the production of new renewable energy but are constrained. The blanket exclusion of electricity production in the proposed legislation will have the effect of eliminating opportunities in existing managed systems.

Third, new greenfield opportunities: According to the Ontario Power Authority's supply mix advice to government, approximately 1,500 megawatts of opportunities are constrained by parks and protected areas, including:

—on the English River, almost 70 megawatts;

—at the Patten Post on the Mississagi, more than 250 megawatts;

—on the Missinaibi, more than 200 megawatts;

—on the Madawaska, almost 100 megawatts;

—on the northern rivers, more than 100 megawatts.

To put this into context, the amount of greenfield potential limited by parks and protected areas is equivalent to the total amount of new water power the Ontario Power Authority has included in the proposed expansion of our renewable supply objectives from 25% to 43%. Clearly, environmental choice must extend beyond parks and protected areas.

To our specific recommendations: First, in the definitions and interpretations section, in order to provide certainty with respect to parks on existing managed systems, it is recommended that the definitions section clarify that improvements to existing facilities and management regimes are provided for.

Second, in terms of classification of provincial parks, the description of waterway parks fails to recognize that several of these working rivers are already used for the production of renewable energy. It is recommended that waterway park objectives be modified to deal with this reality.

Third, recognition of existing management plans: The current provision speaks narrowly to the recognition of parks management plans and statements of conservation reserve. Given the 2002 introduction of water management planning for our sector, the section should be expanded to include existing water management plans and water management regimes that exist when the legislation comes into force.

Fourth, the definition of "generation of electricity": This section appropriately recognizes that the generation of electricity for water power production includes water resource management through specific references to reservoirs, impoundments and water control structures other than the generation facility. However, the application of the definition is in specific reference to prohibition of new generation. This concept—water resource management—is equally applicable to the recognition of existing facilities and regimes, and it should be reflected in the legislation.

Fifth, the exception of existing hydro-electric generation: As suggested prior, this section must be made consistent with the recognition of water resource management in the context of electricity generation. This section should relate back to the definition and stipulate that the existing generation of electricity located in a park or conservation reserve may continue and, with the approval of the minister, may be improved.

Sixth, provision for new generation: It is our view that provision should be added to provide within the body of the legislation the opportunity for new water power development, both greenfield and at existing infrastructure, within a protected area on a case-by-case basis, premised on the minister's discretion. Further, we would recommend that the decision to provide for new generation not connected to the IESO grid be modified

and expanded to provide for those commercial opportunities in northern Ontario.

The Chair: Just to let you know, you have about two and a half minutes.

Mr. Norris: I have one more.

Finally, aquatic class parks: Our industry is concerned about the proposed addition of this new class of park in the bill, particularly given the assurances we have continuously received that there would be no expansion of the existing policy framework. Our experience to date with respect to the consideration of renewable energy values in the context of parks policy has not been positive. This proposed addition within the body of the legislation is unnecessary and inappropriate based on the stated intent of the legislative process. If these additional classes are required or desired, we'd be pleased to participate in a separate process to discuss their rationale.

Thank you again for the time. I appreciate the opportunity to appear in front of you. I would be pleased to answer any questions.

The Chair: Thank you. We should have time for one question, and it would be Mr. Bisson's turn to ask it.

1630

Mr. Bisson: Some of what you're saying here swims against the stream, pardon the pun, of what the stated goal of the legislation is, specifically greenfield developments within the park. How do you square that off with everybody else in society who is trying to protect—

Mr. Norris: It's a good observation. The fact is that we've demonstrated that we've put parks on water-power generation existing—it would seem to me that that would speak to the fact that, site-specifically, the two values can coexist. Otherwise, why would we place parks on existing managed systems? I'm not suggesting that there be a blanket exclusion or opportunity for water power to be developed; I'm suggesting that at a local or sub-regional level, those opportunities and those values be weighed.

Mr. Bisson: You used the figure—and I just want to make sure I got it right—that there were over 100 of them now that already exist in existing parks.

Mr. Norris: There are more than 30 operating facilities within the boundaries of provincial parks. What the parks legislation does is to doughnut out those facilities as existing non-conforming uses within the boundary of a park. But if you think about the management of a hydro facility, that management regime extends beyond the facility.

Mr. Bisson: That was my question. How does this legislation hamper the ability to expand those particular facilities, if you want to increase, not necessarily the head pond, but the—

Mr. Norris: It deals with the civil infrastructure as opposed to the management regime.

Mr. Bisson: I see. Okay.

Mr. Norris: Your non-conforming use is where your cement is.

The Chair: Thank you very much for coming in today, sir.

Mr. Norris: Thank you for the time.

EARTHROOTS

The Chair: The next presentation is from Earthroots: Mr. Josh Garfinkel. Have a seat; make yourself comfortable. The protocol is pretty simple. You have 15 minutes to make your deputation. If you leave any time remaining, it will be divided among the parties for questions. Please begin by introducing yourself for the purposes of Hansard.

Mr. Josh Garfinkel: My name is Josh Garfinkel. I'm the parks and protected areas campaigner for Earthroots. Earthroots is a conservation group, a grassroots environmental group with a focus on Ontario-based issues specifically.

First off, I'd like to just say good afternoon to the Chair and to the members of the committee. I'm extremely grateful for the opportunity to speak in this forum. I'd really like to say how encouraging it is that the government has taken this very critical and progressive step of introducing new legislation for our provincial parks and protected areas in Ontario.

Earthroots has been actively involved throughout the preliminary and middle stages of Bill 11's development. We are very excited that it has been referred to the standing committee on the Legislative Assembly. We are enthused by the fact that in this new legislation, the government has committed to making ecological integrity the overriding principle for management decisions in our provincial parks and our protected areas.

With that being said, it could be very easy for the term "ecological integrity" to become vague and perhaps arbitrary in both its definitions and its connotations. To the vast majority of people who live in Ontario, ecological integrity encompasses being not only responsible stewards of the land but, most importantly, to ensure that the preservation of wildlife habitat is the primary purpose.

We are not opposed to hunting; it's just that the less than 10% of Ontario that is classified as protected should be off limits to recreational hunting. I'd like to reiterate that: It is only 10% that we're talking about. The parks and conservation reserves in Ontario are presently managed for a diverse array of objectives, striving to balance the importance of environmental protection with recreational, commercial and economic interests.

A survey conducted for Earthroots by Oraclepoll in March 2004 revealed that 88% of Ontarians strongly oppose hunting in parks, including 84% of those surveyed in northern Ontario and 66.7% of people who actually had a hunting licence in their household. Perhaps the most essential element that the survey disclosed was that wildlife and wildlife habitat was seen as the primary purpose for Ontario's parks and protected areas. If only 3.5% of Ontarians participate in sport hunting, the Ministry of Natural Resources is permitting a miniscule percentage of the population to dictate park policy, and is consequently denying the interests and principles of the majority of people in Ontario

In turn, there is an urgent and dire responsibility to update extremely weak and lacklustre regulations in

regard to species at risk. The fact that some of our protected areas actually allow species at risk to be hunted and trapped is appalling. Recognizing that there is a species at risk and allowing it to be hunted and trapped in a protected area is not only contradictory by nature, but both of the aforementioned terms become hollow if they don't live up to the fundament goal of a protected area, which is to preserve wildlife.

The eastern wolf is a prime example of this point. Research that Earthroots conducted showed that most of the outfitters in Ontario offering wolf hunts are catering to American hunters. Many of these businesses are located just outside of the boundaries of large protected areas, which offer prime wolf habitats. One of the perks of these expeditions is that they guarantee a wolf kill; this is a claim made on specific websites. This is not only unsustainable and cruel, but it is incongruent with the general attitude people in Ontario have towards hunting and, more specifically, towards a species as crucial to the ecosystem as the wolf.

Clearly, there is amazing potential in this province for the eco-tourism industry. The real revenue can come from eco-tourism in parks. While Americans may come to Ontario to shoot wolves, Canadians flock to Yellowstone National Park to view wolves in the wild. We must do something to ensure that the eastern wolf's habitat is preserved. While the government has made progressive preliminary measures, they need to enact stronger legislation. The fact that wolves can still be hunted and trapped in some of our protected areas is unsustainable. I have recently put out a freedom-of-information request to find out how many wolves are killed annually in this province.

Section 5 of the proposed legislation contains a succinct statement that is a reminder that the parks are dedicated to the public. It states that Ontario's parks and conservation reserves are "dedicated to the people of Ontario and visitors for their inspiration ... health, recreational enjoyment and benefit with the intention that these areas shall be managed to maintain their ecological integrity and to leave them unimpaired for future generations."

While this is a progressive concept, the government is falling short in its attempts to minimize human impacts in our protected areas. If the intended results were leaving the land unimpaired for future generations, then implementing a long-term strategy to phase out high-impact activities would be the necessary next step. Ontario's vast and vital network of protected areas must place the preservation of wildlife and wildlife habitat in the highest regard.

If essential changes are not made to Bill 11 as it currently stands, much-needed buffer zones will not be implemented around our provincial parks and conservation reserves. If protection ends at the perimeter, what is to prevent new roads from cutting into our parks and protected areas, which inevitably creates easier access to our natural resources? I'd like to cite the victory that was achieved when the government imposed a ban on hunting and trapping wolves in and around Algonquin Park. This is a very good paradigm to look at in terms of realizing how critical the role of a buffer zone is to actually taking preservation to a more meaningful level.

One of the most stark and symbolic omissions from Bill 11 is the practice of logging in Algonquin Park. The fact that Bill 11 makes no mention of the need to phase out logging in Algonquin Park is discouraging. The reality is that over 70% of Algonquin Park is open to logging. Why even call it a park if it is so heavily logged? Within the greater Algonquin region, logging accounts for less than 2% of all employment, and that number is decreasing.

In regard to wilderness class parks, Bill 11 contains a crucial change in wording that has been used to describe this classification of parks since the 1970s. The statement previously read, "Wilderness class parks are substantial areas where forces of nature are permitted to function freely and where visitors travel by non-mechanized means." Unfortunately, Bill 11 contains a subtle but key shift in language, replacing this with, "The objective of wilderness class parks is to protect large areas where the forces of nature can exist freely and visitors travel primarily by non-motorized means." This very important rewording impacts the definition of wilderness class parks and can undermine the ideal of preserving wildlife and the ability to enjoy recreational experiences. It is pivotal for Bill 11 to go back to its previous, more sustainable definition: "where visitors travel by non-mechanized means."

There are various ecological scars that ATVs can leave on the face of the backcountry, the most evident being wildlife habitat fragmentation. Damage to vegetation, erosion, collapsed stream banks and widening trails are also problems that emerge when the landscape sees an abundance of all-terrain vehicle use. As it stands today, ATV use represents a very serious danger to Ontario's parks and the sensitive natural areas that exist throughout the province. ATVs emit more pollution per mile than the average car.

Presently, the regulations for our protected areas do not mirror the imperative, urgent need to protect wildlife habitat. To say otherwise would be a contradiction, since the vast majority of Ontario is open to sport hunting. Canada has long prided itself on being a country composed of balance, so it is more than equitable to devote a small percentage of our land base as off limits to recreational hunting. Even the 10% of Ontario that would be off limits to sport hunting seems like a far cry from the balance we value in Ontario.

Logging in Algonquin Park, Ontario's oldest provincial park, should be phased out over a specified period of time, and the fact that motorized access can go on in protected areas is something that must be amended. Public lands deserve protection and respect just like private lands.

We applaud the government for introducing new legislation for the first time in 50 years, and we hope they follow through with the promise of making ecological

integrity the overriding principle for our protected areas. Since the ideals and values and communities themselves are ever-changing, we hope this process is taken one step further and accurately reflects the opinions of people who live in Ontario.

1640

The Chair: Thank you very much for your deputation. We'll have time for roughly one brief question from each caucus, beginning with Mr. Orazietti.

Mr. Orazietti: Thank you, Mr. Garfinkel, for your presentation this afternoon. We appreciate your frankness in your presentation.

As you're aware, there have been numerous parks added to the complement of parks in Ontario over the years. I think you can appreciate the challenge and importance of updating a piece of legislation that dates back to 1954. I think you've provided a fairly balanced look at a few areas that are under review. Is there anything else you can suggest in terms of the motorized vehicle aspect that would allow us to review that prior to next week's clause-by-clause process with this bill? We're obviously working to find a balance between all those groups and organizations in the province: those that are adamantly opposed to any type of motorized vehicles in our parks, and those who rely on the use of motorized vehicles for their livelihood and are related to economic factors. Can you perhaps elaborate on that? If you have any other suggestions, I'd be happy to hear those.

Mr. Garfinkel: It's a very good question. I should make it clear that we're talking about recreational ATV use. For commercial all-terrain vehicle use, this is a different classification or it would be an exception, I suppose, from our vantage point. Out of all the issues I mentioned, it's the most crucial one in terms of impact to the environment. I think this is something that needs to be seriously thought over. This new legislation is really timely, the fact it's coming out right as summer is coming. Summer is the time when wildlife—

The Chair: Thank you. Mr. Miller?

Mr. Miller: Thank you, Josh, for your presentation. You stated you're happy that ecological integrity is the overriding principle of the bill, but you also said it's quite vague. That's probably true. Earlier we had the Ontario fur managers here, and I'm sure they would say that trapping is something that's an ecologically sustainable activity. What is your feeling about trapping in protected areas? Feel free to differentiate between various classes.

Mr. Garfinkel: From my organization's standpoint, trapping should not go on in protected areas. I understand the notion of tradition, and I understand the association of hunting and trapping with tradition. But what was true even 50 years ago, when this parks legislation was introduced, does not necessarily translate to being sustainable in the present. That, therefore, does not make sense in the present day.

The Chair: Mr. Bisson?

Mr. Bisson: I'll just follow up on that a little bit in regard to how this affects First Nations. We've talked about the banning of motorized vehicles in wilderness parks, and I think most people don't have a problem with that, per se, on the surface, but when it comes to, for example, a community like Peawanuck, which had a park basically developed around them without their consent, how do you deal with that? Should there be a non-derogation clause to allow them to have access?

Mr. Garfinkel: I believe there should be a non-derogation clause.

Mr. Bisson: The other thing: I'm curious as to your thoughts on the previous presenter from the Ontario Waterpower Association, who talked about the coexisting of hydro dams that are currently in parks. How do you feel about that, the suggestion that we can develop more within a provincial park and still coexist?

Mr. Garfinkel: I don't think there is room for coexistence in that case. I don't feel there's any room for—

Mr. Bisson: He raised one point—that's why I went out to talk to him, because I was wondering how they deal with it. Currently, there are—I forget what they're called—water management plans, which I think is what they're called, that they have to have to run a power dam. One of the effects of this legislation is to null and void the water management plans. I'm just wondering, should we be including water management plans in the legislation on currently existing facilities? Because it would be kind of nuts to get rid of them, I would think.

Mr. Garfinkel: On currently existing—

Mr. Bisson: Yes, the current ones that are there now, because you have to have a water management plan to run the—do you think we should—

The Chair: I'll have to say that you can answer the question very briefly, but that's it.

Mr. Garfinkel: I can't just instantaneously come up with an answer. It's something I'd have to think more about.

The Chair: Okay. Thank you very much for having come in and for making your very thoughtful deputation before us today.

ATTAWAPISKAT FIRST NATION

The Chair: The Attawapiskat First Nation, Suzanne Barnes. Welcome this afternoon. You have been following things, so you know you've got 15 minutes for your deputation. If you leave any time, it will be divided among the parties for questions. Please begin by introducing yourself for Hansard and then proceed.

Ms. Suzanne Barnes: Good afternoon. I'm Suzanne Barnes. I'm director of lands and resources for the Attawapiskat First Nation. First of all, I'd like to thank you for agreeing to see me this afternoon. I appreciate the opportunity to share with you some thoughts on this piece of legislation. However, I'd like to point out that just because I'm here today representing Attawapiskat First Nation does not mean this committee has consulted Attawapiskat First Nation or any other First Nation. We are quite disappointed that the committee chose not to

travel, as it did when there were hearings on the First Nations Resource Revenue Sharing Act.

The Ontario Parks legislation has significant implications for aboriginal rights and title. Do you realize that just a ticket from Attawapiskat to Timmins is over $1,200? I fail to understand how the committee feels this has been a fair process or that First Nations have been adequately consulted. In fact, this committee and the government in general should be ashamed of themselves for the lack of consultation with First Nations. This lack of consultation can only lead to more situations like Caledonia and Big Trout Lake.

I can share with you that, although I do not speak for the Peawanuk First Nation, they do not support Bill 11 either in its current state. I also urge the committee to fully consider and implement the work submitted by Nishnawbe Aski Nation. Grand Chief Stan Beardy is speaking in a few minutes.

First Nations use a consensus approach to government, not a parliamentary or adversarial one. While consensus may seem to take longer, I don't think it does; it just changes where you spend your time—building consensus or defending your actions. In my opinion, building consensus makes better, stronger decisions. Regardless, proper consultation is part of either process.

The courts have written extensively about consultation and accommodation, but they have also discussed the reasons why it is so necessary. In Mikisew Cree First Nation versus Canada [2005] Justice Binnie of the Supreme Court of Canada wrote:

"The fundamental objective of the modern law of aboriginal and treaty rights is the reconciliation of aboriginal peoples and non-aboriginal peoples and their respective claims, interests and ambitions. The management of these relationships takes place in the shadow of a long history of grievances and misunderstanding. The multitude of smaller grievances created by the indifference of some government officials to aboriginal people's concerns, and the lack of respect inherent in that indifference has been as destructive of the process of reconciliation as some of the larger and more explosive controversies."

In keeping with the spirit of the Mikisew decision, we invite you to fulfill your duty to consult with and accommodate our rights; otherwise, we may have no choice but to seek relief through the courts. We do not want to take this drastic step, however. We agree with the Supreme Court of Canada's words in Delgamuukw that negotiation is preferable to litigation:

"Ultimately, it is through negotiated settlements, with good faith and give and take on all sides, reinforced by the judgments of this court ... that we will achieve ... a basic purpose of s. 35(1) ... the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the crown."

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In light of section 35 of the Constitution Act and the above case law, it is our position that Bill 11 should be withdrawn until proper consultation is conducted with all First Nations, including ours.

Proper consultation with First Nations is not a letter in the mail or an e-mail or a phone call or an announcement on a web page. Proper consultation consists of respect, visits to First Nation communities, conversations with councils, community members and elders, reflection of those conversations and more conversations until consensus is reached—not a quick process, but a very worthwhile and rewarding process nonetheless.

In fact, Nishnawbe Aski Nation proposed a consultation process which was disregarded by this government. This is truly unfortunate and only allows for more distrust to grow.

Ontario has had the same parks act for many years. What will a few more months hurt to allow for proper consultation? This new parks act is the government's opportunity to show that it respects First Nations and that it wants to do right by them. We are all stronger when we work together. I urge you, I implore you, to take the time to do this right the first time: Take the time to properly consult with First Nations. Make a stronger parks act, one that we can all be proud of, not something that will not stand up to scrutiny or to the courts.

For the record, I'd also like to read the letter that my chief, Chief Mike Carpenter, has sent to the standing committee and Minister Ramsay. We're all so busy. It's just a few pages, and I thought it worth reading to you.

"Dear members of the standing committee and Minister Ramsay:

"We are writing you to set out our position on consultation and accommodation with respect to Bill 11, the new Ontario parks and conservation reserve act ('OPCRA').

"As you are aware, Attawapiskat First Nation asserts aboriginal rights and title in its traditional territory. Our rights and title will be seriously impacted and infringed by the OPCRA. We have hunted, fished, trapped and harvested the resources in our territory since time immemorial and continue to do so. Many of our citizens depend on these rights in order to survive. While the OPCRA will allow Ontario to expand or create new provincial parks or conservation reserves in our traditional territory, there is nothing in the new act which recognizes our rights or which requires consultation and accommodation for new and existing parks, or even allows for co-management.

"As well, consultation on the new act has been virtually non-existent, poorly communicated and set within a very limited time frame. We understand the legislative committee will only hold hearings in Toronto, with video conferencing available only in centres that are still remote from our location in Attawapiskat." For those of you who don't realize it, Attawapiskat is just inland from the James Bay coast. I know that Mr. Bisson knows where it is, but it's significantly north of Timmins and has fly-in access only. "We are disappointed that the committee has chosen not to attend our community (or any community outside of Toronto) since this bill has as many implications on our aboriginal rights and title as did the First Nations Resource Revenue Sharing Act.

"We also write to remind you of your legal obligations, as set out in the Constitution and by the courts. Whenever the crown (federal and provincial) passes legislation or makes decisions that impact or potentially impact our rights and title, consultation and accommodation must occur in order to minimize or avoid the infringement of our rights. Furthermore, the crown must conduct consultation and accommodation in a manner that is consistent with its fiduciary relationship to us and with the honour of the crown before the infringement occurs. See R. v. Badger (1996) ... and R. v. Sparrow (1990).

"After consultation and accommodation, we expect that the OPCRA will include provisions for consideration of our aboriginal rights and title, otherwise the OPCRA will infringe section 35 of the Constitution Act, 1982. The Supreme Court of Canada stated in R. v. Adams (1996):

"'In the light of the Crown's unique fiduciary obligations towards aboriginal peoples, Parliament may not simply adopt an unstructured discretionary administrative regime which risks infringing aboriginal rights in a substantial number of applications in the absence of some explicit guidance. If a statute confers an administrative discretion which may carry significant consequence for the exercise of an aboriginal right, the statute or its delegate regulations must outline specific criteria for the granting or refusal of that discretion which seeks to accommodate the existence of aboriginal rights. In the absence of such specific guidance, the statute will fail to provide representatives of the crown with sufficient directives to fulfill their fiduciary duties, and the statute will be found to represent an infringement of aboriginal rights under the Sparrow test.'

"With respect to Bill 11, your duty to consult with and accommodate us is at the 'highest significance' end of the spectrum contemplated by the Supreme Court of Canada in the recent Haida decision [2004]:

"'At the other end of the spectrum, i.e. cases where a strong prima face case for the claim is established, the right and potential infringement is of high significance to the aboriginal peoples, and the risk of non-compensable damages is high. In such cases, deep consultation aimed at finding a satisfactory interim solution may be required.'

"In Delgamuukw [1997], the court considered the duty to consult and accommodate in the context of established claims. The court said in that case:

"'The nature and scope of the duty of consultation will vary with the circumstances. In occasional cases, when the breach is less serious or relatively minor, it will be no more than a duty to discuss important decisions that will be taken with respect to lands pursuant to aboriginal title. Of course, even in these rare cases where the minimum acceptable standard is consultation, this consultation must be in good faith, and with the intention of substantially addressing the concerns of the aboriginal people whose lands are at issue. In most cases, it would be significantly deeper than mere consultation. Some cases may even require the full consent of an aboriginal nation, particularly when provinces enact hunting and fishing regulations in relation to aboriginal lands.'"

The Chair: Just to advise you, you have about two minutes.

Ms. Barnes: "It is our view that the hunting and fishing restrictions that may be imposed through park or conservation reserve creation in our territory will infringe our aboriginal rights and title.

"The courts have written extensively about consultation and accommodation, but they have also discussed the reasons why it is so necessary," which I have already reviewed with you. I would just repeat that "In light of section 35 of the Constitution Act and the above case law, it is our position that Bill 11 should be withdrawn until proper consultation is conducted with all First Nations, including ours."

The Chair: That pretty much concludes the time we have for your deputation today. I want to thank you very much for coming in.

NASTAWGAN NETWORK

The Chair: Our next deputation will be from the Nastawgan Network: Edwin J. MacPherson. Welcome. I think you have picked up the general procedure. You have 15 minutes for your deputation. If you leave any time, it will be divided among the parties for questions. Please begin by introducing yourself for the purposes of Hansard, and then continue.

Mr. Ed MacPherson: First of all, thank you for the opportunity to attend before the standing committee as you review Bill 11. I am Ed MacPherson. My academic qualifications include a PhD in chemistry. Professionally, I worked here in the province as an industrial scientist and director of research and development with a major corporation. But I'm retired and would presently describe myself as a wilderness canoeist. I advocate for the preservation of canoe routes, parks and wilderness. I'm a founding member of the Nastawgan Network, a group of concerned individuals who have come together to promote the preservation of the Nastawgan, the Ojibway name for ways or routes for travel through the land.

Before the advent of roads and railways, interconnected waterways provided the principal routes for travel and communication over much of Ontario. These ancient canoe routes, or Nastawgan, have become our modern-day canoe routes, the largest intact collection—

The Chair: Sir, could you please bend the microphone down a little bit closer to you.

Mr. MacPherson: Sorry about that.

The Chair: Thank you.

1700

Mr. MacPherson: The largest intact collection is in the Temagami area, where we are active as advocates. These routes are threatened by the pressures of our modern-day society.

Temagami, as some of you know, is an area located about 100 kilometres north of Lake Nipissing. Its numer-

ous lakes, wilderness waterways and large forests are home to many lodges and camps, including Keewaydin, the oldest canoe camp in the world, operating since 1893. Recreation-related industry plays a vital role in the area economy.

Forestry and mining have also had a long history in Temagami. The area is rich in natural resources. These industries have been the mainstay of the local economy and have strong ties to the community.

The variety of activities and stakeholders in Temagami has inevitably led to conflict and disagreement regarding land use.

The Temagami area, as we know it, encompasses about 700,000 hectares, including five backcountry provincial parks and eight adjacent, physically connected conservation reserves. Protected areas cover about one quarter of the region, with over half a million hectares being unregulated crown land.

Temagami contains more than 3,500 kilometres of historic canoe routes. To put that into perspective, Algonquin Park, the crown jewel of Ontario parks, contains 1,600 kilometres.

The region contains numerous sites of aboriginal significance such as Chee-bay-jing—we call it Maple Mountain—and the Spirit Rock at Chee-skon-abikong. There is evidence of use, settlement and travel throughout this area for an estimated 6,000 years, with pictographs, vision pits, caches and burial sites scattered throughout the region, and the largest collection of documented archaeological sites in northern Ontario.

Temagami is the largest wilderness area in close proximity to our urban population here in southern Ontario. The region contains the largest remaining tracts of old-growth pine forests in eastern North America. Three of the 10 highest points in Ontario, including lshpatina Ridge, the highest point, are located in Temagami.

Events to date have divided Temagami into a fragmented assortment of provincial parks, conservation reserves and large interspersed zones of resource extraction activities. The Nastawgan, which cross all of these boundaries, are managed by three separate MNR district offices. They receive sporadic recognition and are not viewed as a collective value, either from a heritage or a recreational perspective.

The Temagami area is valued by many competing recreational and industrial interests, and all have valid concerns for land use planning. Some of these interests are compatible while others are not, and there have been ongoing conflicts among the various interests. For example, the Red Squirrel Road blockades during the mid-1980s were inspired by these conflicts. The Temagami integrated planning initiative brought forward by Minister Ramsay is an attempt to rectify these problems, and this ongoing process seems to be inadvertently influencing the passage of Bill 11.

I would like to commend the provincial government for undertaking this process to update and modernize the provincial parks and protected areas legislation for the benefit of all present and future residents of Ontario. However, as someone who has enjoyed Ontario parks for over 50 years, I am concerned that some interest groups are attempting to use this legislative process as a venue for increased access and exploitation of Ontario's protected areas.

I would like to state that we support Bill 11 and the changes being recommended by the Wildlands League and the Sierra Legal Defence Fund, as presented to Minister Ramsay following the first and second readings and presented here to this committee earlier today. I hope that the standing committee will be able to agree with those modest changes following their review.

As Bill 11 began to move through the legislative process, it became apparent that this important piece of public legislation was being derailed by the actions of a strong lobby group from the Elk Lake area supported by the Ontario Federation of Anglers and Hunters, the Ontario Federation of All Terrain Vehicle Clubs and, to some extent, by the Ontario Federation of Snowmobile Clubs. In addition, the mining and forestry interests, who have now been alerted by this lobby group, perceive some small loss of their assumed rights to extract resources from crown lands and have recently begun to add their opposition to Bill 11.

I believe this action to influence the outcome started as a result of the Temagami integrated planning initiative that is currently under way by the MNR and has been progressing, first through a series of open houses in various northern communities, including Elk Lake, and more recently through a series of focus group meetings held in New Liskeard, Temagami and Toronto.

The community of Elk Lake has been using the Lady Evelyn-Smoothwater wilderness park, the largest of the Temagami area parks and a part of the study area, as their private domain to fish, ATV, motorboat, snowmobile and perhaps hunt in since the park was established in 1983. The MNR rules for a wilderness park are pretty clear: no hunting, no snowmobiling, no ATVs, and motorized boating may be allowed in certain zones.

It is now 23 years after this wilderness park was established. The people of Elk Lake and surrounding area have had 23 years to adjust their activities to conform to the rules for a wilderness park. This has not happened, and the community, supported by the motorized access lobby groups, is now calling these uses their traditional uses.

This lack of enforcement of the rules for this wilderness class park has continued on now through several changes of provincial government and several governing parties. How much longer will it take to enforce the motorized access rules for this wilderness park? How much longer will it take to protect this park and others like it in the province through the legislation proposed in Bill 11?

In the meantime, the old logging trails through the Lady Evelyn-Smoothwater park are being used by all-terrain vehicles to access sensitive areas within the park, sometimes destroying portages in the process, while

snowmobiles are accessing every lake within the park, allowing them to be fished out to the point of depletion. These are not sustainable activities for a wilderness area, and they are destroying the ecological integrity of this park.

MNR staff will likely allow motorized travel to continue into Lady Evelyn-Smoothwater through the access zone. At that point, the motorized crowd needs to dismount from their machines, turn them off and travel through the park the same way the rest of us do: by walking or by canoe, just like their fathers and their grandfathers did before these machines became generally available. That is the traditional way and the ecologically sustainable way.

They need to understand that they are not being excluded from using this park. More than 90% of Ontario's crown land is available for unrestricted motorized access and hunting. Only 4% of the provincial population actually engages in these activities, yet these motorized groups want unrestricted access to our parks and protected areas, such as the Temagami area.

The Ontario Federation of Anglers and Hunters, in its position paper on Temagami, available on their website, states that for Lady Evelyn-Smoothwater park, "This area should be shared by the people of Ontario for recreational enjoyment and economic benefit, this is not consistent with non-paying wilderness canoeists who 'prefer to have minimal contact with other users;' maximizing the potential of this area will require a sharing mentality not an exclusionary one."

The committee members must know that wilderness canoeists do pay for the privilege of travelling in the various operating wilderness and waterway class parks. The motorized lobby groups, with access to over 90% of the crown lands in the province, need to develop a sharing mentality by recognizing that other citizens in the province need places that are kept free of hunting, snowmobiling, motor-boating and ATV activities and where the forces of nature can operate freely. Protecting 10% of crown lands for the use of the rest of the population that does not engage in hunting, fishing and motorized activities is surely not too much to ask of our elected representatives.

The motorized lobby groups are telling us that many of their members are disabled and can only access the bush sitting on a machine. I'm 62, and I canoe my way into these and other wilderness parks in the province. So do a lot of other people who are much older than I am, preferring physical activity over the inactivity of sitting on a machine. I'm sure that a few of their members are disabled, as is true in the general population. I'm very sorry for them, but I don't believe the physical disability of a few members in their cohort to be a legitimate reason for allowing unrestricted motorized travel in wilderness class parks, as these groups advocate. You may be aware that much money has been spent to ensure that disabled people have fair and as equal access as possible to a broad range of Ontario park classes in various regions throughout the province.

Bill 11, when passed into legislation, will cover less than 10% of Ontario's land base, yet these groups are advocating for more motorized access. The ecological integrity of parks must be protected, and strong legislation is required to ensure that happens.

There are instances in the Temagami area parks and other parks throughout the province where the border of the park becomes the line for a clear-cut forest operation, the edge of a tailings mountain or a settling pond for leachate, for example.

1710

A few years ago we found, to our dismay, that the MNR was going to allow a large clear-cut, designated as block 30 and presented in the preliminary forest operation plan for the years 2004-09, in what we call the Spirit Forest area of Temagami. The details of that are written up on a website called ottertooth.com. The western border of block 30 was also the border for Obabika River provincial park. A few hundred metres inside the park border at this location is a well-known native spiritual site called the place of the big rock, or Spirit Rock, where natives go to pray and commune with their ancestors. The fear was that adjacent logging operations would topple the ancient pillar of rock, while a clear-cut in this area would open up the forest, allowing the winds to knock down much of the old-growth pine that remains around the north end of Obabika Lake. The presence of the old-growth pine, perhaps the largest stand remaining in the province, was one of the reasons for protecting the area in the first place. After much acrimony, the MNR was convinced that block 30 should not be cut. They replaced it with another block in a less sensitive area further to the south.

The Chair: Just to let you know, you have about two minutes.

Mr. MacPherson: There are many examples of mining activities within the province which have encroached on protected or soon-to-be-protected areas. These conflicts are well documented. I won't talk about the Chiniguchi River one, but I would close by saying that extraction activities—logging and mining—immediately adjacent to park boundaries need to be scrutinized by the operators prior to commencement to ensure that adjacent parklands are protected from adverse effects. I would like you to consider adding a good-neighbour clause to Bill 11 to enshrine it as a legal requirement in the legislation.

I would like to thank the committee for their patience and for the opportunity to bring some of our concerns to your attention.

The Chair: Thank you for your deputation. We have time for one brief question from Mr. Miller.

Mr. Miller: Thank you very much for your presentation. I'll just briefly say that I'm familiar with the area you're mainly talking about. Last summer I had the pleasure of canoeing through most of the area, climbing Maple Mountain and walking the old-growth pine trails.

Mr. Bisson: Did you do it on your ATV?

Mr. Miller: No. You'll be happy to know I did it by canoe. I certainly appreciate the beauty of the area, and I appreciate your concerns, which you have very clearly defined.

The Chair: Thank you very much for coming in today.

NISHNAWBE ASKI NATION

The Chair: I'd now like to call Mr. Stan Beardy of the Nishnawbe Aski Nation.

Mr. Bisson: The Grand Chief.

The Chair: The Grand Chief. Chief, welcome this afternoon. A pleasure to have you here.

Grand Chief Stan Beardy: Thank you.

Mr. Bisson: He's the Grand Chief.

The Chair: Sorry. Grand Chief, welcome this afternoon. If you've been here a little while, you know that you have 15 minutes to make your deputation before us this afternoon. If you leave any time, we'll divide it among the different parties to have them ask you questions. I think they'd all like to ask you at least one question. So please introduce yourself for the purposes of Hansard, and then proceed.

Grand Chief Beardy: Meegwetch. My name is Stan Beardy, Grand Chief, Nishnawbe Aski Nation. Nishnawbe Aski Nation covers 50 First Nations in northern Ontario. We cover two thirds of Ontario's land mass: 210,000 square miles. How we came to be where we are with the designation is that we signed a treaty with the crown 100 years ago, and that's the land we agree to share. With that, I'd like to thank the committee for providing me this opportunity to address the Nishnawbe Aski concerns on Bill 11.

Before I get into specific recommendations for changes to the bill, I would like to mention that we are highly concerned that this government has refused to consult with First Nations on this bill. Nishnawbe Aski submitted a consultation proposal to MNR in January of this year, and we did not receive a reply to our request until April 18. We were told that as the bill was going to second reading this spring, our request for consultation was being turned down. In fact, April 18 was the same day that Bill 11 was going into second reading. Due to this lack of consultation, until such time as our communities have been engaged by the province in meaningful consultation, we have relayed to Ontario MNR that it is our position that Bill 11 is neither applicable nor appropriate to Nishnawbe-Aski territory. In consideration of the aforementioned issue, our recommended changes for the content of Bill 11 are made without prejudice to our current position or consultation and accommodation.

As we have only been able to access a copy of the first reading of the bill, our recommended changes will be based upon the wording of this initial document. To alleviate our concerns over Bill 11—the lack of consultation issue aside—we require the following changes. I'll just go through the changes. I've distributed written handouts. The recommended changes are highlighted in red.

Section 1 requires the insertion of "and the exercise of aboriginal treaty rights" at the end.

Subsections 2(1) and 2(2) require a fifth and fourth objective, respectively. This objective is, "To respect, preserve and protect the exercise of treaty rights and of traditional aboriginal resource harvesting activities."

Section 3 requires the addition of three additional paragraphs. These are:

"3. Any aboriginal community in whose traditional territory a park or conservation reserve is located or is to be located shall be adequately consulted and accommodated."

"4. Traditional ecological knowledge of local aboriginal people shall be incorporated into the planning and management of provincial parks and conservation reserves.

"5. The minister shall seek to include representatives of any aboriginal community in whose traditional territory a park or conservation reserve is located in the management planning for the park or conservation reserve."

Section 4 requires two additional subsections, the first entitled "Treaty and aboriginal rights." It shall say:

"(4) Nothing in this act shall abrogate, derogate or be interpreted to abrogate or derogate from any treaty or aboriginal right of any aboriginal community or any member of the aboriginal community."

The second addition, entitled, "Aboriginal dispute resolution," shall read:

"(5) Any dispute with respect to aboriginal or treaty rights provision of this agreement shall be referred to a dispute resolution process to be agreed upon by the minister and the affected First Nation community. All First Nation costs of dispute resolution shall be paid by the minister."

Section 6 requires a subsection 6(1), which would say:

"(1) Despite 6, existing provincial parks and conservation reserves in existence or planned or in the process of being developed in a traditional territory of an aboriginal community shall be subject to immediate adequate consultation and accommodation with the aboriginal community and no further activity of any kind regarding the establishment of such a provincial park or conservation reserve shall be taken prior to the required consultation and accommodation of the aboriginal community."

Section 7 requires the addition of the seventh class of park, this being "Aboriginal cultural heritage class parks." Under the objective of these parks there need to be three subsections saying:

"(8) If a park is to be classified as a cultural heritage park and the relevant culture is aboriginal, the consent of the relevant aboriginal group or groups is required.

"(9) If aboriginal consent is given pursuant to (8), the aboriginal community in whose traditional territory a park or conservation reserve is located shall take the lead in the development of the park or conservation reserve, including the collection of traditional ecological data, the

development of policies and regulations for the park and the management of the park or conservation reserve.

"(10) Aboriginal groups may nominate parks for classification as aboriginal cultural heritage class parks."

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Section 8 requires the addition of a separate subsection entitled "First Nations participation and approval." This subsection shall read:

"(6) Subsections 8(1-5) require meaningful negotiations with, and the approval of, affected First Nation communities. The minister is responsible for all costs of these negotiations."

Subsection 9(1) shall be reworded to say:

"(1) The minister shall ensure that the ministry prepare a separate management plan for each provincial park and conservation reserve to ensure the objectives for provincial parks and conservation reserves set out herein are met."

In addition, clause (3)(a) and subsections (4) and (5) shall be reworded to say "Approved by the minister and local First Nation communities."

Subsection (5) also requires this to be added to the end: "Traditional ecological knowledge ... will form a key database for the development of the plan. First Nations retain all intellectual property rights to their TEK and will be financially reimbursed by the minister for the use of their TEK. Reimbursement must be an amount agreed to by both minister and First Nations. Management plans will not commence until an agreement regarding TEK is reached. The minister is responsible for all negotiation and reimbursement costs."

Subsection (9) requires this statement to be added to the end: "The planning manual shall be in accord with this act including all provisions related to treaty and aboriginal rights and processes."

Subsection (10) requires rewording that begins with "For the purpose of this section, and subject to treaty and aboriginal rights and subject to 6(1) herein."

Subsection 10(2) shall end with "and an assessment of First Nation issues and how these are being addressed by park and conservation reserve objectives."

Subsection 11(1) shall be reworded so that it starts with, "The minister and local First Nation communities are equally responsible...."

Subsection 11(2) shall be reworded to say "the minister, and with local First Nation communities may...."

Section 12 requires an additional subsection entitled "Exemption—traditional aboriginal activities." This subsection shall say:

"(3) Notwithstanding subsection (2), nothing in this act shall be interpreted to prohibit the exercise of treaty rights or traditional aboriginal resource harvesting activities or activities ancillary thereto, impose a permit fee in relation to the exercise of such activities or ancillary activities, or restrict or regulate the exercise
of such activities."

Section 13 requires the addition of subsections (4) and (5). Subsection (4) will say:

"(4) Aboriginal communities whose traditional territory is affected by the arrangements noted in (3) will be given the first right of refusal at reasonable appraised value to acquire such commercial interests or other interests when they become available and the minister shall make financial resources available to those aboriginal communities to enable them to acquire such commercial interests or other interests."

Subsection (5), which will be entitled "Aboriginal interests," shall say:

"(5) In entering any commercial agreement in relation to the use and occupation of land in provincial parks and conservation reserves, the first priority shall be to offer such opportunities to any aboriginal community in whose traditional territory a park or conservation reserve is located, and to any agency or person nominated by such an aboriginal community."

Section 14 requires the addition of subsection (3). This subsection, which will be entitled "Exception—traditional aboriginal hunting," will say:

"(3) Notwithstanding subsection (1), nothing in this act shall be interpreted to prohibit the exercise of traditional aboriginal hunting, impose a permit fee in relation to such hunting, or, unless for the purpose of conservation or public safety...."

Section 15 requires 15(1) to end with "except by First Nations exercising their aboriginal and treaty rights and/or in pursuit of economic opportunities for local First Nation communities."

Section 16(2) shall end with "or by First Nation members."

Sections 19(1) and 19(2) shall begin with "Subject to the policies of the ministry and First Nations and the approval of the minister and local First Nation communities."

In addition, section 19 will have an additional subsection added. This subsection, entitled "First Nations exemption" will say, "(6) First Nations will have unfettered access to all existing roads, trails and corridors in provincial parks and conservation areas. Closure of roads, trails and corridors require the approval of local First Nation communities."

Section 20(1)2 shall say, "Lowest cost is not the sole or overriding justification other than when it is applicable to local First Nation communities seeking to generate electricity and/or the cost of this electricity."

Section 21(1) will say "no person, other than a member of a First Nation community, shall.... "

Section 23(1) will say, "The Minister, with the consent of local First Nation communities.... "

Section 26(2) requires a subsection which will say, "(2)(a) The minister shall pay annually 50% of all amounts held in separate account to aboriginal communities in whose traditional territory a park or conservation reserve is located or is to be located."

Section 26(3) will then have the phrase "that the remaining 50% of the amounts held in the separate account" replace the words "that money".

Section 27(1) will say "with the approval of the Lieutenant Governor in Council and local First Nation communities. "

Section 27(2) will say, "control of the municipality and local First Nation Communities."

The Chair: Grand Chief, just to let you know, you've got about two minutes left.

Grand Chief Beardy: Okay. I still have four pages to go. I respect the time frame. It's unfortunate. I am a treaty partner of Ontario.

The Chair: Did you want to have any of the time available for—

Mr. Miller: Unanimous consent for time to finish his presentation.

Mr. Bisson: You just got extra time

The Chair: Okay. Go ahead.

Grand Chief Beardy: Thank you very much.

Section 21 will say "no person, other than a member of a First Nation shall.... "

Section 23(1) will say, "The Minister, with the consent of local First Nation communities.... "

Section 26(2) requires a subsection which will say—I read that already, sorry.

Section 28 will say, "The minister shall provide educational grants to students who work in provincial parks or conservation reserves. Priority for work and grants shall be given to students from local First Nation communities."

Section 30(4) shall say, "The minister, subject to meaningful consultation with the affected municipality and local First Nation communities, close to travel any road allowance in a provincial park or conservation reserve one month after giving notice of the proposed closure in accordance with subsection (5). The minister is responsible for all consultation costs."

Section 31(1) after the word "may" will say "subject to meaningful consultation with, and approval of local First Nation communities.... "

In addition, section 31(2) will begin with "No non-aboriginal person".

Section 33 will have a third subsection entitled "Aboriginal Interests" added to it. This subsection will read: "(3) In entering any agreement for the development or operation of facilities or the provision of services in respect of a provincial park or conservation reserve, the first priority shall be to offer such opportunities to any aboriginal community in whose traditional territory a park or conservation reserve is located, and to any agency or person nominated by such an aboriginal community."

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Section 34(1) requires the statement, "First Nation property is exempt from this section. Any First Nation property that has been damaged, perished, sold or given away by the crown will be replaced by the crown with items of equal or greater value. First Nations will be reimbursed for loss of use of items until items are replaced," to be added to the end.

Section 38(2) requires the statement, "First Nations cabins and similar structures are deemed to be dwellings," to be added to the end.

Section 41 requires a 16th subsection entitled "First Nation exemption." This subsection shall read: "(16) First Nations buildings, places and things are exempt from the conditions of this act. All seized things, once determined they belong to First Nations, will be immediately returned to the rightful owner. The province will reimburse First Nations for any and all economic loss due to misplacement, deterioration and/or temporary loss of use of seized items."

Section 52 requires the addition of a fourth subsection entitled "Limitations, traditional aboriginal activities." This subsection shall read, "(4) No regulation passed under the authority of this act shall prohibit the exercise of traditional aboriginal resource harvesting activities or activities ancillary thereto, impose a permit fee in relation to the exercise of such activities or ancillary activities, or restrict or regulate the exercise of such activities or ancillary activities."

Subsection 60(9)12 shall read, "The following activities shall not be carried out on lands that are part of the park except by First Nations exercising their aboriginal and treaty rights and/or in pursuit of economic opportunities for local First Nation communities."

Section 31 shall end with "prohibited except by First Nations exercising their aboriginal and treaty rights and/or in pursuit of economic opportunities for local First Nations communities."

That's my presentation. Again, thank you for giving me the time to go through my presentation.

The Chair: Grand Chief, thank you for coming to see us. That's a formidable amount of reading.

Mr. Bisson: Just to make a quick comment, and he doesn't have to respond, just so people understand, the content of all this basically is what was always the understanding of First Nations when it comes to sharing. I take it that's what you're saying here.

Grand Chief Beardy: Yes, that's what we're saying. We want to work with the government to come up with a policy that meets all our needs.

The Chair: This now forms part of the committee's record. We thank you very much for your time and for coming down to be with us today.

JOHN BIRNBAUM

The Chair: Our next presentation is Natasha Cuddy. Is Natasha Cuddy here?

Mr. John Birnbaum: Mr. Chair, I'm not Natasha Cuddy, but she's asked me to present on her behalf.

The Chair: Natasha Cuddy is listed as an individual presenter. This would require unanimous consent of the committee. Is it the unanimous will of the committee that the gentleman be permitted to present in place of Natasha Cuddy?

Interjections.

The Chair: Okay. Please sit down and join us. You have 10 minutes to make your deputation on behalf of Ms. Cuddy. Please begin by introducing yourself for the purposes of Hansard. If you leave any time, I'll divide it among the parties for questioning, so go right ahead.

Mr. Birnbaum: You're very kind. Thank you. My name is John Birnbaum. I'm a resident and cottager in the township of Georgian Bay, as is Dr. Cuddy. She's unavailable to come today and I am going to share some thoughts from her, as well as some of my own. She apologizes for being unable to be here. I am not a doctor of zoology, so I'm speaking as a layman.

This involves threats to the local Massasauga rattlesnake in our communities that Dr. Cuddy involved herself in.

Mr. Bisson: I hate snakes.

Mr. Birnbaum: Apparently, the bill does not, so perhaps this might be germane.

Mr. Bisson: Just thought I'd let you know.

Mr. Birnbaum: Thank you. I didn't bring any exhibits.

We're hoping that this bill might be amended in order to extend protection to endangered and threatened species in parks, conservation areas and areas immediately adjacent. Your bill states the objective: "To permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario's natural and cultural heritage and to manage these areas to ensure that ecological integrity is maintained." It's the latter statement that I will speak to.

We're suggesting that the act, as amended, does not offer adequate or specific protection for park species like the Massasauga rattlesnake that travel out of the parks and conservation areas temporarily to hibernate or mate and then return. We believe that language should be added to the park management plan provisions to mandate the generation, for each plan revision, of a list of park species that are known to leave the park temporarily and return each year, the identification of municipal, federal or private lands that are used by the species while off-site, and the sharing of that information, on a proactive basis, with the appropriate authorities for use in their planning processes—like severance or committee of adjustment applications—and with the affected public, wherever possible. We suggest that these changes would mandate park personnel to act as advocates for the species while they are temporarily offsite and direct the appropriate park officials to assure themselves that all measures are being taken by municipal and other officials and the public to safeguard the species until they can return to the park or conservation reserves.

Just to truncate my comments on Dr. Cuddy's behalf, the difficulty is that individuals or others, who wish to involve themselves in, for example, municipal planning processes and to identify, as she did, the presence of Massasauga rattlesnakes on the affected property under discussion, are handicapped, because the officials say, "We have no information," or they say, "We have information at the district level which was to be shared at the time of severance," but we know factually that that is not the case. So all of these officials are passing the buck, so to speak, with regard to intervention on behalf of the species, and we believe that there may be an opportunity, subject to your direction that there's another act that would be more relevant; that it's appropriate, if the park officials are presently advocates for the snakes while they're within their territory, that they follow the snakes or other species—and we know they do, out of research needs—and be available for those processes. In this case, we had federal park wardens and MNR officials who were not anxious to come and either ascertain the presence of the snakes or to testify with regard to how the development under question would affect the snakes. Consequently, Dr. Cuddy and others in her situation are handicapped because there is no one to verify her professional yet private observations.

Those are the comments we want to leave with you. I'm happy to answer any questions in the time remaining to you before you're off to a vote.

Mr. Bisson: I just want you to know that I don't like snakes.

The Chair: Thank you. You actually have the opportunity to ask the leadoff question. Was that it?

Mr. Bisson: I could tell you the story of how I punched a python in the nose once.

The Chair: Only if it's relevant to Bill 11.

Mr. Bisson: I was somewhere in Asia. That's all I'll say.

The Chair: As Asia's a little beyond the scope of Bill 11, we'll pass the floor to Mr. Orazietti. Any questions?

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Mr. Orazietti: Thank you for being here today to make the presentation.

The Chair: Mr. Birnbaum, that concludes your time. Thank you very much for having come in on behalf of Ms. Cuddy and for having made your deputation this afternoon.

COMMITTEE REPORT

The Chair: As we've got some time just before the vote, there are two very brief items of business for the committee before we adjourn. One is a draft committee report, pursuant to standing order 109(b). Standing order 109(b) delineates which standing committees deal with which ministries. In this case, it involves the addition of the newly created Ministry of Small Business and Entrepreneurship to the standing committee on general government.

Mr. Bisson: I'm just a little bit perplexed here. What happens to all of the other committee—for example, finance normally goes to the standing committee on finance and economic affairs. Why is it here?

The Clerk of the Committee (Ms. Tonia Grannum): General government is one of the policy field committees, so that's where all the legislation goes. Finance is not listed as a policy field committee.

Mr. Bisson: So this doesn't affect the other committees. This deals with the newly created—

The Clerk of the Committee: The newly created one, which used to be under economic development and trade, so that's why it's staying with general government.

Mr. Bisson: Okay, got you.

The Chair: Further questions and comments? Shall the change be adopted?

Mr. Bisson: No.

The Chair: Gilles, are we going to have a vote on this?

Interjection.

The Chair: All right, a voice vote. Carried? Carried.

Shall I present the report to the House? Okay. Thank you.

SUBCOMMITTEE REPORT

The Chair: We have one other item of business, and that is the report of the subcommittee on committee business. Ms. Mossop, can I have that report, please?

Ms. Jennifer F. Mossop (Stoney Creek): Your subcommittee met on Tuesday, May 30, 2006, and agreed to the following:

(1) That a delegation of the Chair and up to three committee members and two staff attend the 2006 annual meeting of the National Conference of State Legislatures, subject to approval by the House.

(2) That the subcommittee be authorized to approve a committee budget for the delegation attending the conference for submission to the Speaker and the Board of Internal Economy for their approval.

(3) That the procedural clerk (research) prepare a report on webcasting for consideration by the committee.

The Chair: Questions and comments? Shall the report be adopted? Carried.

Shall I present the report to the House?

The Clerk of the Committee: No, not this one.

The Chair: No, I don't have to present this report. Forget it.

Further business? Seeing none, we're adjourned.

The committee adjourned at 1742.

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