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Monday 19 June 2006

Lundi 19 juin 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 19 June 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 19 juin 2006

The House met at 1845.

ORDERS OF THE DAY

PROVINCIAL PARKS AND
CONSERVATION RESERVES ACT, 2006

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

Ms. Di Cocco, on behalf of Mr. Ramsay, moved third reading of the following bill:

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 Acting Speaker (Mr. Michael Prue): The Minister of Culture.

Hon. Caroline Di Cocco (Minister of Culture): I'll be sharing my time with the member from Sault Ste. Marie.

The Acting Speaker: When you say you're sharing your time, is he taking all of the time?

Hon. Ms. Di Cocco: Yes.

The Acting Speaker: Okay. The member for Sault Ste. Marie.

Interjection: She's very generous.

Mr. David Oraziotti (Sault Ste. Marie): The minister is very generous; she's going to be sharing most of her time with me.

It's my great pleasure to rise today and address the House on behalf of the Minister of Natural Resources in regard to third reading 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.

I want to start by discussing the value of parks and our protected areas in the province. Since the first provincial park was created in 1893, Ontario has developed an outstanding system of parks and protected areas that extends to every part of the province. Ontarians are highly proud their parks and protected areas. They know

that our province-wide system of protected areas provides us with important benefits: It protects significant elements of natural and cultural landscapes of Ontario; it provides us with opportunities for outdoor recreation, ranging from high-intensity day use to low-intensity wilderness experiences; it makes it possible for us to explore and appreciate the outdoor nature and cultural heritage Ontario has to offer; and it provides Ontario residents and out-of-province visitors with opportunities to discover and experience the distinctive regions of the province.

Also highlighted in this bill is an important aspect of protecting Ontario's natural heritage and biodiversity. Bill 11 is part of our government's commitment to build a greener Ontario for today and for the future. This bill is just one of the steps this government has taken to increase protection for Ontario's natural heritage and biodiversity, and to conserve Ontario's parks and protected areas, green space, environmental lands, agricultural lands, and recreation and resource lands, to ensure that our communities are strong and healthy for generations to come.

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An important step forward in natural heritage protection was the launch last year of Ontario's first biodiversity strategy. It recommends a wide range of actions to conserve our natural heritage by protecting the province's plants and wildlife and the habitats that support them, and to ensure that the province's natural resources are used sustainably for the benefit of all Ontarians. The new protected areas legislation is one action recommended by the biodiversity strategy, and our government has also acted on many more of the strategy's recommendations as well as taking additional steps to protect Ontario's natural heritage.

We have undertaken a public review to update and strengthen provincial species-at-risk legislation. We have protected more than 728,000 hectares, or 1.8 million acres, of green space in the greenbelt, providing safe habitat for 66 species at risk. We have strengthened the provincial policy statement by setting clear ground rules for how Ontario communities will grow and prosper. We have developed the greater Golden Horseshoe growth plan, which was released last week, and the proposed central Pickering development plan as well. We have also increased source water protection to ensure safe drinking water and a cleaner natural environment. Last December, Premier McGuinty signed an historic agreement with the province of Quebec and eight Great Lakes states that will

strengthen protection of the waters of the Great Lakes-St. Lawrence River basin.

The government has expanded partnerships with environmental organizations to increase protection of environmentally sensitive lands. As part of our natural spaces program, we have provided new incentives for private landowners to protect and restore significant natural heritage features on their land. We have also strengthened and clarified legislation permitting the use of conservation easements to protect environmentally sensitive land and agricultural land. We have also developed a strategy for wolf conservation in Ontario to ensure the long-term sustainability of the species. And we are expanding the province's clean, renewable energy capacity through sustainable development of wind and water power potential.

All these initiatives are vital steps toward a healthy environment and a great quality of life for Ontarians now and in the future. They are part of a broad and necessary plan to protect the province's biological diversity while ensuring that our citizens benefit from Ontario's biological assets.

I'll just highlight a few of the key aspects of why we need to protect these areas of the province. Ontario's parks and protected areas play an important role in protecting this province's natural heritage as well as the biodiversity of our province. For Ontarians to enjoy all the benefits of our system of protected areas and to have places to enjoy the outdoors and experience nature, these lands must remain protected now and in the future. This means our protected areas legislation must be up to date and effective. The last time we reviewed the province's protected areas legislation was more than 50 years ago, in 1954. At that time, there were eight provincial parks; today there are 319 provincial parks, 280 conservation reserves and 10 wilderness areas. Meanwhile, our society has come to appreciate how important protected areas are to health, vitality and the economic prosperity of Ontario. As a result, the public's expectations about protected areas and how they should be managed have changed.

We also know much more about conservation science, including what we should be protecting and how we should go about protecting it. With the growth of Ontario's population, the pressures on our protected areas have increased and development may begin to affect them. Today, Ontario's provincial parks host more than 10 million visits annually. The parks also contribute more than \$380 million to Ontario's economy.

These changes in our system of protected areas and in our society have made it necessary to take a fresh look at Ontario's legislation governing parks and protected areas. That is why, in our first speech from the throne, our government committed to introducing legislation that would ensure that Ontario's treasured parks and protected areas are protected in perpetuity.

It's also important that we review the areas of legislation that are being changed. Before introducing new parks and protected areas legislation, we invited the public and stakeholders to provide us with input on how

the legislation should be changed in light of the many changes that have taken place since our first park was created. To launch the review, we outlined eight legislative proposals for public comment. The proposals addressed the areas that needed to be revised and brought up to date. They included the principles that should guide the management of protected areas; the goals and objectives to be included in the legislation; the classification and zoning of parks; the assessment of wilderness areas; making management direction for all parks mandatory and requiring regular reports on the state of the protected areas; the rules on major industrial uses in relation to our parks; the premise that we should continue to address non-industrial uses in policy; and, finally, the proposed rules regarding administration and enforcement.

To encourage public input on these proposals, we provided many opportunities to comment: through nine open houses across the province; mailings to stakeholders; First Nations and aboriginal organizations were consulted; and postings on the Environmental Registry and Ontario Parks websites were also offered. We received more than 1,500 completed online surveys, more than 1,100 letters and faxes, and more than 140 written submission from aboriginal organizations, provincial stakeholders and other interested groups and individuals.

I know the minister is grateful to everyone who has shared ideas and recommendations with us. We gave serious consideration to all the input we received. The fact that 75% of the comments we received as part of the survey supported our proposals confirmed that we were on the right track.

The minister also wanted to hear from the board of directors of Ontario Parks. At his request, they examined the legislative proposals, met with stakeholders, reviewed all the comments we received and provided him with advice. Their assistance has been invaluable. I'm also pleased to say that the thoroughness of the review process is reflected in the bill being considered today. Bill 11 responds to Ontario's need for up-to-date legislation. It would ensure that our parks and conservation reserves are permanently protected.

In developing new legislation for Ontario's parks and protected areas, we considered carefully what should be enshrined in legislation and what should be determined by policy and regulation. The existing legislation for protected areas provides minimal direction about how provincial parks and conservation reserves should be protected. As a result, detailed policies and regulations have been developed for provincial parks over the last century. These policies and regulations include park classes, objectives for each class of parks, and direction regarding what uses are permitted and in what circumstances.

There are also policies for conservation reserves. These are not as detailed as those provided for provincial parks, because conservation reserves were established just over a decade ago. No policies or regulations have been developed for wilderness parks.

The policies and regulations that have been developed provide a framework for planning and managing pro-

tected areas. In drafting Bill 11, we wanted to include in the legislation the policy direction that has broad application and is most important for ensuring the protection of provincial parks and conservation reserves. This will ensure that only the Legislature can change the fundamental principles guiding the management of parks areas.

For example, as I have said, protecting Ontario's provincial parks and conservation reserves is a vital part of this government's efforts to increase protection for Ontario's natural heritage and biodiversity. That is why one of the most important features of Bill 11 is that it would make maintaining ecological integrity the first priority when planning and managing parks and recreation reserves. In other words, we would ensure that all the many elements that make up healthy ecosystems are maintained for future generations.

Because maintaining ecological integrity is a fundamental principle of planning and managing provincial parks and conservation reserves, we made sure it would be part of Bill 11. However, we concluded that so-called permitted uses, which are activities that may or may not be appropriate in protected areas, depending on the circumstances, should not be addressed in Bill 11. Examples of permitted uses are camping, use of motorboats and all-terrain vehicles, commercial fur harvest and commercial bait fishing.

We decided that permitted uses would continue to be addressed not by legislation but by policies which provide an appropriate level of flexibility and can be applied with some discretion through the planning process.

As is the case with the current legislation, Bill 11 would not apply outside the boundaries of cabinet regulation in protected areas. We believe the result is an effective piece of legislation that focuses on the broad and important principles for managing Ontario's protected areas, such as ecological integrity, which allows flexibility where it's needed.

In developing Bill 11, we also believed it was important to have one piece of legislation for provincial parks and conservation areas. A single piece of legislation for both types of protected areas signals that they are equal partners with some important differences. I'd like to take a moment to touch on those differences.

Both these types of protected areas can serve Ontario's natural heritage while allowing compatible uses such as outdoor recreation. However, right now provincial parks are governed by the Provincial Parks Act. Conservation reserves, which did not exist when the Provincial Parks Act was originally passed, come under regulation of the Public Lands Act, and wilderness areas come under the Wilderness Areas Act of 1959. Like provincial parks, conservation reserves prohibit commercial logging, mining, hydroelectric power development and other industrial uses, but they generally have fewer restrictions on recreational and commercial uses such as fur harvesting and bait fishing. In addition, conservation reserves generally have no staff on site, have no facilities or services, and do not charge fees, while 110 of our

provincial parks are operated to provide facilities and services such as campgrounds, and charge the public fees for their use.

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As I mentioned earlier, provincial parks are managed according to the detailed policies found in the document Provincial Parks Planning and Management Policies, which sets on a wide variety of policies and regulations, but the provincial policy for conservation reserves sets only a limited number of policy directions for managing conservation reserves. Conservation reserves currently do not employ a classification system or zoning such as those used in provincial parks.

The existing legislation for provincial parks, conservation reserves and wilderness areas is out of date and does not provide the level of protection that Ontarians expect for these special natural areas. Consolidating in one act for the first time the legislative direction for all provincial protected areas would enhance transparency and ensure that the areas receive a consistently high level of protection.

While the conservation reserves and provincial parks would be governed by one act, the key differences between these types of protected areas would be maintained. For example, hunting would be allowed in conservation reserves. As part of the government's plan to strengthen protection of our protected areas, we also propose to implement a recommendation made by the Ontario Parks board of directors. We would assess Ontario's 10 wilderness class areas, which total 800 hectares. After consultation, we would determine if the areas should become provincial parks or conservation reserves or be returned to crown land status. When that process is completed, the Wilderness Areas Act will be repealed. In the end, Ontario would have a single piece of legislation that establishes the broad principles governing all of Ontario's protected areas, while leaving room for policies appropriate to local conditions. This up-to-date legislation would ensure that our parks and conservation reserves are permanently protected.

I'd now like to briefly discuss the more detailed aspects of the proposed Provincial Parks and Conservation Reserves Act and then address some of the amendments to Bill 11 that were endorsed by the standing committee on the Legislative Assembly.

I mentioned earlier that one of the most important features of Bill 11 is that it would maintain ecological integrity, which is the first priority. Protecting these special places by maintaining ecological integrity supports the goals and objectives of Ontario's biodiversity. It also complements our natural spaces program, the Greenbelt Act and the government's focus on a healthier environment for the people of Ontario.

We not only want to maintain ecological integrity in Ontario's protected areas, we also want people to be able to learn how well we're doing in achieving that goal. That's why we've included another important advance in Bill 11; namely, proposing greater accountability and transparency in the legislation. The new act would re-

quire the minister to report to the public every five years about the health of our protected areas system. The reports would inform people about the maintenance of ecological integrity in our protected areas and the achievement of ecological representation, as well as the socioeconomic benefits derived from them.

As is the case now under Bill 11, provincial parks and conservation reserve boundaries would be established by cabinet regulation; however, the proposed legislation would make it more difficult to eliminate protected areas or reduce them in size. Ontarians want to be sure that protected areas continue to be protected for future generations. We're therefore proposing that the Legislature would have to approve any specific deletion from a provincial park or conservation reserve, or the elimination of an entire area. To provide administrative flexibility, there would be some exceptions that would not need the approval of the Legislature. Our original proposal was that cabinet could delete up to 2% or 100 acres, whichever is less, from a provincial park or conservation reserve. Cabinet could also proceed without the Legislature's approval if all or part of the protected area were to be deregulated to fulfill a treaty settlement, to become part of a national park or for the exchange of land that would enhance protection.

As I said earlier, when we were drafting Bill 11 we wanted to include in the legislation the policy directions that have broad application and are most important for ensuring protection of provincial parks and conservation reserves. By including these broad principles in Bill 11, we will ensure that only the Legislature can change the fundamental principles guiding management of protected areas.

Under the proposed act, provincial parks and conservation reserves would be dedicated to the people of Ontario for their inspiration, education, health, recreational enjoyment and benefit. At the same time, the intention of the legislation would be to maintain the ecological integrity of parks and conservation reserves and leave it unimpaired for future generations.

The objectives for the parks would be as follows: to permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario's natural and cultural heritage; to manage these areas to ensure the ecological integrity is maintained; to provide opportunities for ecological sustainability, outdoor recreation opportunities; and to encourage associated economic benefits.

To help ensure that we achieve the objectives for protected areas that are set out in Bill 11, the new legislation would include important new requirements about planning for protected areas. Another critical feature of the new act that will also help ensure that we achieve the objectives for protected areas in Bill 11 spells out that our provincial parks and conservation reserves would be dedicated for public use; in other words, they would be available for the benefit of the public, not reserved for private use.

Bill 11 would prohibit industrial uses such as mining, logging, aggregate extraction and electric power gener-

ation in our parks and protected areas, and this is fundamental to permanent protection of our parks.

We believe that these provisions will ensure protection for parks and conservation reserves well into the future, while carefully planning for some appropriate exceptions to the general ban on industrial uses.

I have discussed the main elements of Bill 11, the proposed Provincial Parks and Conservation Reserves Act, and now I'd like to address proposed amendments to Bill 11. I discussed a range of amendments when the standing committee on the Legislative Assembly heard deputations on the bill and undertook clause-by-clause review. Of the amendments that were presented, I have to say that many of them were adopted by the government. I think that both opposition parties recognize that and may wish to make comments to that effect. I think the hearings were very beneficial and added a great deal of input to the process.

In conclusion, Bill 11, the proposed Provincial Parks and Conservation Reserves Act, would help guide the course for our protected areas through the 21st century. The act, if passed, would help strengthen the permanent protection of Ontario's provincial parks and conservation reserves. It would make ecological integrity the first priority.

I am pleased to say that there is strong public support for Bill 11. Bill 11 would ensure that Ontarians in every part of the province can continue to have pride in our outstanding system of parks and protected areas.

Finally, Bill 11 would deliver on our promise of legislation that would ensure our precious parks and conservation reserves are protected for today and tomorrow.

The Acting Speaker: Questions and comments? Seeing none, further debate?

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to join in the debate this evening on Bill 11. We are just starting the third reading debate on Bill 11. To explain the process to this point, it has been through second reading, and then it was at committee, where a number of groups made their feelings about the bill known. Then there have been amendments that have been put forward, and a number of government amendments were made to the bill as well.

I would like to begin by saying that since the committee process, probably the one group I've heard from more than any other particular group has been cyclists, who have been concerned about how Bill 11 might impact cycling in parks. So I would like to take this opportunity both to read the concerns of cyclists into the record and also note the effect this bill would have for opportunities for cycling in the parks.

I did receive an e-mail—I received several e-mails, but this one is a relatively good example so I will get it into the record.

"I recently heard of a new bill that has been amended in such a way that it will effectively ban bicycles from Ontario provincial parks until such time as the Minister of Natural Resources passes regulations permitting existing cycling activities to continue. The amendment

changes the word 'non-motorized' in the existing legislation that allows park visitors to 'travel primarily by non-motorized means' to the word 'non-mechanized.' Bicycles, though unmotorized and muscle-powered, are nonetheless mechanical. The bill is now slated for third reading.

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"I heard about this through the Bicycle Trade Association of Canada. As an avid mountain biker I feel this is unfair because in numerous studies it has been proven that cycling has no more environmental impact than hiking. Cycling is also a healthy activity, something Ontario should be all for.

"Although this bill doesn't really affect me because I don't often ride in provincial parks, it sets a precedent that could be damaging to cycling and the industry in general. I hope you will consider this when it comes time to vote...."

I'm pleased to say that the bill doesn't limit cycling opportunities. In fact, the government, I think, did a press release after this to clarify that their amendments, although not necessarily the most logical way to go about it—they passed one amendment that limits travel in wilderness class parks to travel by non-mechanized means except as may be permitted by regulation. Then they passed another amendment that sets out the regulations that can be the exceptions, so that effectively means the status quo is the situation for cyclists, so they can cycle in parks—pretty much all parks—and, by exception, in the wilderness class parks.

I might point out for the general public that it's a little confusing because there are six classes of parks and conversation reserves. There are only eight wilderness class parks in the province. They are Killarney, Lady Evelyn-Smoothwater—which I had the pleasure of paddling through last summer—Quetico, Wabakimi, Woodland Caribou, Kesagami, Opasquia and Polar Bear. I note that since that press release by the Bicycle Trade Association where they recognized that cycling will be allowed to occur in most parks and by exception in a couple of wilderness-class parks where there has previously been cycling—I see the government members nodding their heads, so I'm sure that means they're going to honour that. I think that makes sense. I think we all want to encourage use of the parks—it doesn't hurt them—and we want to encourage healthy lifestyles. I'm pleased to see that.

The only thing I'll say about that is it means that because you can't use a mechanized means of travel in wilderness class parks, you're treating the disabled community as an exception. They have to have a special exception to be able to use a wheelchair in a wilderness class park. It seems a little bit of a strange way of addressing that community. I'm sure they wouldn't necessarily like to be treated as the exception, but more as the rule.

I will point out that the PC Party brought a number of amendments forward. The government accepted a mere one of those amendments, and that was to do with

aboriginal treaty rights: "Nothing in this act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal and treaty rights." Certainly, we heard from many First Nations raising that concern.

We did bring a number of other amendments forward that the government voted down in all cases, including an amendment suggested by the Ontario Federation of Anglers and Hunters, to do with ecologically sustainable recreation—although I think the government has addressed that with a different amendment. But there were some other amendments that they did not agree to, both put forward by the fur managers, and also to do with economic opportunities for First Nations.

In the short time I have available, I would also like to talk a bit about some of the other things going on in the Ministry of Natural Resources, because I believe we have reason to be concerned about what's happening with the ministry. Let's see; where shall I start? The general funding levels for the Ministry of Natural Resources, which certainly relate to this bill—whether the MNR will be able to afford to do the planning that's going to be required in this bill. As has been pointed out by the Ontario Federation of Anglers and Hunters, by their estimates—and they made a submission to the pre-budget consultations back in the winter—the fish and wildlife area program of the Ministry of Natural Resources is being underfunded by some \$25 million.

What is the Ministry of Natural Resources doing? Well, they're doing things to try to save money, whether it be cutting back on funding of park wardens and those who look after our provincial parks by some 18%, which was the news release done by OPSEU. The minister, when I asked him a question about that, says it's 9%. Regardless, we're still cutting back on the manpower needed to run the parks.

They're switching to zone fishing licence areas. In other words, instead of having lake-specific fishing rules, they are going to be huge zones, so fewer areas. The logic is supposed to be that they're simplifying things, but I would say it's a big step backwards. I've certainly seen lots of articles, and I may, if I have time, read some of them into the record.

I'll use an example of a situation in the area where I live, where I'm familiar with how on-the-ground, specific control of fishing regulations works. For example, in the Lake Muskoka, Muskoka River and Bracebridge area, 20 years ago there wasn't much pickerel walleye fishing. The Ministry of Natural Resources, with the assistance of local clubs, determined that controlled water levels and the depth of the walleye spawning beds were the reason why the walleye were not having success in building numbers. So they lowered the spawning beds and they also changed the rules to do with the management of the hydro dams in the area so the water levels would stay higher through the spawning season. As a result, now 20 years later—and also with some other very specific regulations where they put a sanctuary in the Muskoka River until about June 8, because the fish would spawn

up at the falls and they'd have to make their way five miles to the lake, so they had an actual sanctuary into roughly about the first week of June, so that you had to at least let the fish make it to the lake before you tried to fish for them. The result has been, 20 years later, that there's an excellent walleye pickerel fishery in Lake Muskoka. That's an example of how very specific rules do work.

Unfortunately, the MNR—and I expect it's to save money—is going to these huge zones that just don't necessarily make sense. So one of the things that I think people probably aren't familiar with is that, as part of the new zones for fishing for pickerel walleye in southern Ontario, as of next year, if the new rules go through, there's going to be a slot size that basically means you can't keep a walleye in all of southern Ontario from south of the French River, Cornwall to Windsor, between 15 and 25 inches, roughly. That will effectively end walleye fishing for a lot of people in southern Ontario. I think it's bad for lots of reasons. It's not a good way to manage the resource, first of all. It's not specific enough. There are huge geographic differences and some lakes that are under pressure and some that aren't, so it's not a smart way to manage the resource.

Also, it's not thinking about the economic effects to an area, for example, like Rice Lake, where there are probably 40 fishing camps around the lake. There used to be fantastic walleye fishing there. It's struggling right now. But, essentially, this will totally eliminate sport fishing for walleye in an area like Rice Lake, whereas I think the problems with the success of walleye in an area like Rice Lake are complicated. I understand there's black crappie in the lake, for example. Perhaps what the MNR needs to be doing is something like (a) looking at the water levels where spawning beds are; (b) allowing a winter season for black crappie to reduce their numbers, because I understand they eat the young walleye; and (c) being open to the idea of stocking programs. Unfortunately, we're seeing that the Ministry of Natural Resources is greatly cutting back on the fish stocking that they're doing.

In March, I had letters from the Conservationists of Frontenac Addington, very concerned with the direction of the Ministry of Natural Resources. They wrote me, saying:

“About 11 years ago, the MNR vigorously encouraged us to build a walleye hatchery. We did this even though we were a new club with little funds. With MNR support, we went to a 3.3-million-egg capacity even though our original plan was for two million eggs. To do this, it required many hours of volunteer work, a lot of borrowing and begging, and fundraising. We are proud of our hatchery—the success rate has never been below 70%—and even MNR from Peterborough have said it is the best private walleye hatchery in the southeastern part of Ontario.

“We were then encouraged to build ponds in order to raise swim-up fry to summer fingerlings.... We have stocked two lakes with swim-up fry that now have a

pickerel population and helped two other lakes with a walleye population. The netting of those first two lakes (with a COFA member present) has been very successful. Unfortunately, Bancroft”—that's Bancroft MNR—“is reluctant to admit this.

“Last year, we were told that our hatchery was not 'cost-effective' and we would only receive 200,000 eggs.... We find it hard to understand why the hatchery is not 'cost-effective' when the MNR does not fund the hatchery other than a small unsolicited grant.”

I would agree. Why would you turn away the work of 40 to 50 volunteers, where you could take advantage of that and perhaps use them in a lake like Rice Lake, which is a very heavily fished lake? Keep the fishing good in that lake by put-and-take methods, and take the pressure off of other lakes. I think that's the sort of thing that with the zoned regulations just doesn't happen.

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As well with the new approach, in my own area, in the Almaguin area, I've certainly heard that people are very concerned about opportunities for speckled trout fishing, even though the speckled trout fishing on the edge of Algonquin Park is very good; it's not under pressure. But with this big zone, they're going to close the brook trout fisheries in its zone 15 for winter fishing opportunities completely. As was noted in the Almaguin news, March 23 edition, when there was a public meeting held, residents are very concerned about the economic effects, because it's huge for the tourism industry. There's a quote here from Wayne Wahamaa, South River resident, stating, “Almaguin Highlands is a fishing destination, 70% to 75% of the local economy is from fishing.... Is the MNR working in conjunction with the Ministry of Tourism on this? We have all this technology, people from different ministries should converse about these regulations.”

“Sholten,” the MNR representative, “later confirmed that rainbow trout would no longer be stocked in the province and there would be a short-term reduction in the stocking of other species due to fiscal restraints.”

So there are the fiscal restraints. When it comes to this bill, Bill 11, I asked a question about whether there would be any new funds to actually implement the park plans that are part of the bill, and the answer was no, that they'd come from within the ministry's existing pot of money.

As well to do with parks, another issue that was brought to my attention recently from a constituent in my area was the parks reservation process for camping, the fact that every time you make a deposit on a night's stay, the MNR, Parks Ontario, doesn't deduct the deposit fee from your actual cost of staying in the park overnight. I say this is a wrong-headed policy. I was in the accommodation business for 30 years, and it's certainly standard practice that monies put down as a deposit come off the total bill.

I note that I'm starting to run out of time, so I will try to cover off some other issues that are of importance to this area, other unsettling developments in the Ministry

of Natural Resources that have happened lately, some of which have been reversed: for example, the cutting of \$500,000 from the community fisheries wildlife involvement program that involves some 35,000 volunteers across the province in programs like the Severn Sound "Take a Little Lead Out!" program; the Barrie Bassmasters habitat improvement program; science and conservation programs at the Royal Botanical Gardens; the Pigeon Lake loon survey; Lock 19 and Rice Lake, which I was talking about a minute ago, the Lock 19 and Rice Lake walleye recruitment study, that sort of community involvement, 35,000 volunteers. The minister had announced through his bureaucrats that he was going to cut \$500,000 from that program. I'm pleased to say that in response to questions from the opposition, he has stated that he will not be cutting that back.

But there are some serious problems in the Ministry of Natural Resources. We hear stories about conservation officers unable to do their jobs because of the funding cutbacks. I note an article by Murray Martin from March of this year, saying, "Senior Ministry of Natural Resources officials have concluded that the Ministry of Natural Resources fish and wildlife program is on the brink of bankruptcy." He goes on about the conservation officers: "It is that serious that the fleet of vehicles used by most field staff has been recalled back in and should the field technical team have to go to the field, they will have to use their own vehicles. Some conservation officers have claimed they are on limited mileage. They have no fish and wildlife project monies," and any project would be financed by private organizations—some real, serious concerns.

Also in my area, the local fire division has been made into a bigger area again so that the Parry Sound office is being shut down.

I note a letter from Bob Cardy from the Parry Sound Area Chamber of Commerce, writing to Minister Ramsay and saying, "We are bringing to your attention our concerns over the recent announcement of the relocation of the fire division of the local Ministry of Natural Resources." He goes on to say, "The second concern is that with this relocation, the forest fire protection for our area will be hindered by longer response times." I note that the township of McKellar also wrote, stating, "The council of the township of McKellar is concerned about the lack of communication and public consultation prior to this closure."

So many concerns are being raised. One person from my riding who speaks with some knowledge about the Ministry of Natural Resources, and particularly the fish and wildlife division, because he used to be the director of it, is Andrew Houser, who lives in the Whitestone area. He recently did an article on MNR's new fishing regulations, stating how they are just not going to work and making an excellent case. I'd highly recommend the reading of that. It's a July 2006 anglers and hunters publication that goes into the details. I know that Andrew Houser also made a deputation to the pre-budget consultations pointing out that the ministry is some \$25 million

short to properly fund the fish and wildlife program of the Ministry of Natural Resources.

I would like to point out that the Ontario Federation of Anglers and Hunters has a written letter—we've seen this act before—from the Premier stating that he would fully fund, if elected—this was in the spring of 2003—the fish and wildlife program of the Ministry of Natural Resources. Well, he was elected, and guess what? He's not funding, to the tune of some \$25 million in shortfall, the fish and wildlife area.

In wrapping up, because I only have a minute and a half or so left, I would like to also get on the record with Bill 11 the fact that I did raise concerns to do with the Dokis First Nation in my riding, and proposed an amendment, which the government voted against, to do with water power generation. I know Dokis, which is on the French River, would very much like to have some economic benefit from hydroelectric generation projects. The bill limits hydro generation programs to non-grid situations, whereas Dokis is on the grid. They do want to develop a hydroelectric project which they would feed into the grid and benefit from. I would point out that I have been on location and there are already dam structures on location.

So, in wrapping up, I would like to say that most of the concerns I raised in committee have been addressed, in a slightly different way than we had proposed, by the government's own amendments. The main message I'd like to say tonight is that this bill is okay; however, the Ministry of Natural Resources itself has some major concerns, some of which I have outlined this evening.

The Acting Speaker: Questions and comments. Are there any questions and comments?

Further debate?

Mr. Gilles Bisson (Timmins–James Bay): Well, I've got to say I had a really good weekend, Speaker. It would seem that there's hope for people like me yet, I've got to say. If some of you had a chance to read the Sun this weekend, you found out that anything is possible by reading that article.

I want to put a couple of things on the record in regard to Bill 11. First of all, for those who just walked into the Legislature wondering what we're debating tonight, it's Bill 11, third reading. This is the bill where the government purports to move parks policy into legislation. The current regime is that the Ministry of Natural Resources manages all the parks in the province by way of policies, and those policies are derived from work that the ministry has done over the years. Some of it is legislative in form; some of it is strictly policy; and there are parks plans that are put in place in order to assist the MNR in the kinds of decisions they've got to make about how to manage their parks.

The government, in introducing this bill, did what we in the opposition actually supported, which is the concept of moving parks policy into legislation. As we said at second reading, that, in its concept, is not a bad idea if you're really going to do what it is that needs to be done.

1930

Why should we move policy into legislation? Simply for this reason: Once it's legislation, it's very hard for a minister in the future to all of a sudden decide to weaken parks policy that might affect our provincial parks. We have many beautiful provincial parks in this province, as we've heard about in this debate. Many of us have visited them, and we know how important they are to the province of Ontario. I want to put on the record up front that as New Democrats we support the direction that the government wanted to take in this bill in regard to moving from actual policy manuals into legislation because we figure that once you do that, it will be very hard to undo some of the very necessary steps that we have to take to protect our parks.

We had a couple of bottom lines in this legislation that we wanted to put forward, and I'm going to do this in no particular order other than what I have right here. There were a few things we thought needed to be done. One of them is, you can't look at park policy strictly from the perspective of looking at what's going on in the park. A concept was brought forward by a number of different people who presented to our committee who said that basically what we need to do is think about developing something called a "good neighbour" clause. A good neighbour clause is, simply said, if you've got a park that's, let's say, 100 kilometres square—just to keep it simple—and on the east boundary of the park, or whatever boundary it might be, there is some sort of activity going on—either mining, forestry, smelting, or a plant might be built or is proposed to be built—you have to take into account that whatever goes on just outside the park may migrate into the park. For example, you may have a river flowing into the park. Certainly, you don't want to do something to that river that would pollute it and affect the park. You may have a plant being built where there may be some migration of chemicals or whatever it might be in the ground that might seep into the park. So they brought forward the concept of a good neighbour clause.

I understand from the government's perspective that that's a bit of a fine line to walk, because you've got the environment movement and others who are concerned about that issue on the one side, and then you've got mining and forest companies on the other side who worry that it means you can't do anything around the park. I think, at the very least, the government should have tried to find some sort of balance on that issue, but unfortunately the government decided not to move at all in this direction. Rather than saying, "Let's look at what can be done in order to take this into account in some way," and try to respond to the requests made from various people on this issue, instead the government said, "Let's just throw out the concept altogether." I think that's rather sad, because although I understand there's two sides to the story, I understand that you don't want to stop development altogether outside of the park—who would want to do that?—but, on the other hand, there may be a development that's so bad it would affect the park and

you have to ask yourself the question, is that something that you really want to allow to go forward?

Granted, the government would say, "That's why we have environmental assessments on brand new construction," etc., but I think it would have been wise for the government to have looked at that issue of the good neighbour policy. Whatever would have come out of that, if we had had sufficient time in committee to deal with it, we could have dealt with that issue.

That brings me to my next point. I believe that even though some would say that it's pretty straightforward, that the legislation is not all that complicated—it's not a very big bill—nonetheless we should have had a little bit more time at committee. I think that's something where we all do a disservice to ourselves in regard to debate on bills. Debate is one thing, but committee is quite another thing. That's where the public gets a chance to have their say, and that's where all of us in the Legislature, either government or opposition, get an opportunity to look at the bill, look at what can be done, look to see if it can be amended to be made stronger or better. I find that the committee process doesn't work as well as it should. In this particular case, this bill had equivalent to a day and a little bit of public hearing and basically a little bit less than a day for clause-by-clause. It would have been wonderful if to have had the opportunity—

Are those the pictures? I would love to see them. No, that's the Hill Times. Okay, that's another story. There we go. That's a better one; very good.

Anyway, I would just say that we should have had more time at committee in order to give those who presented an opportunity to speak to us about this issue. Number two, we should have had sufficient time between the end of the committee hearings and the clause-by-clause to think about these issues and figure out how best to come at and resolve some of the issues that were brought before us. Number three, what I think is even more important, you have to have sufficient time in clause-by-clause to try to work this stuff out. It's unfortunate that we weren't able to do that in this case, and we have a bill that I think is far less than it could have been.

Let's deal with another one of the issues, one that I thought was kind of interesting. In the legislation, the government says, "If you want to diminish the size of a park, you can't do that unless the minister comes to the Legislature for permission." There would actually have to be a bill drawn in order to diminish the size of the park. I support that; I don't think that's a bad idea. However, there's this clause that basically says, "But if the minister wants to delete 2% of the overall land mass of the park, he or she can do that on their own by way of their authority through the legislation." I pointed out at the time that the problem with that is, what you could end up with is floating boundaries on the park, where you may have an area that is very sensitive, an area that we really should protect, but for some reason, somebody wants some development to go on and they've got the ear of the minister, and the minister says, "Well, we're going to eliminate that 2% of the park."

The saw-off for the government—and the environmentalists thought they were getting a great deal—was, “Rather than 2%, we’ll drop it down to 1%.” I pointed out to people, “Well, 1%?” Think about it: If I was the minister and I had to figure out how to get 2% or 3% out of the park, all I’d have to do is increase the park size somewhere else and then diminish its size and take out the part of park that I want. In other words, you have a park and, to keep it to round numbers, it’s 100 square kilometres, and the government now has a 1% rule that says that they can take one square kilometre out of that park. Let’s say that they wanted to take five square kilometres out of the park for whatever reason. All they would have to do is increase the size of the park by a percentage equalling 4% of the park and they’d be able to take out anything they wanted to by order in council. I think that’s a backdoor approach to being able to deal with that issue.

Again, I think we should have given a little bit more thought to that section. Either we have a park and we protect it or we don’t. I was of the view that if you want to diminish the size of a park, it should take an act of Parliament, an act of this Legislature. Why? Because these are really sensitive issues. Imagine Polar Bear Provincial Park, Algonquin Provincial Park, Killarney park, Kettle Lakes park up in my riding, René Brunelle park or whatever it might be: If you wanted to go in and take part of that park out, take 1% out, the minister could do it on his own or her own, if that was the case, and there’s no mechanism for the Legislature to have any say. I think that if there’s a good reason why that part of that park has to come out, bring it to the Legislature and let the government use their majority. At least then it’s in the open, nobody’s trying to hide anything and it’s all above board. Plus, the members of the Legislature get an opportunity to speak on that issue.

I want to end on this particular point. I wanted to leave all of these amendments till last because I really need to take the time to deal with the First Nations issues. We started this debate by saying that one of the key issues for us as New Democrats is that we needed to make sure there was a non-derogation clause put in the legislation. A non-derogation clause simply means that anything that happens in this legislation cannot negatively affect a First Nation’s treaty rights. That is a standard clause we put into most legislation because we have to honour the treaties we signed with our First Nations, both the province and the federal government, and we don’t want to be introducing legislation that would take away those treaty rights. I’m glad to say that the government accepted our amendment, along with the opposition’s amendment, in moving that forward. In fact, the government itself introduced an amendment, and we got into a bit of a tizzy in committee about whose amendment we were going to take. Finally, people decided, “Let’s not play games with this. Let’s just do it.” So I’ve got to give the government some credit. They actually supported the opposition amendment to deal with a non-derogation clause.

However, that being said, all the other items that were very important to First Nations weren’t being dealt with.

For example, virtually all the First Nations who presented—Stan Beardy and others who came before our committee—said, “Listen, if you’re going to create a park and it’s going to affect a First Nations community, you have to do it in consultation with the First Nations community, and there’s got to be a process for that to happen.” Far too often, we’ve created parks in this province without the knowledge of the First Nations, and all of a sudden they have to live with the results of that. In my own riding, we created Polar Bear Provincial Park, to the consternation of the First Nations, who had absolutely no say about what happened there. In fact, some of the watershed park that was created on the Winisk River was created without the knowledge of First Nations altogether, and it was their traditional lands. What NAN, Attawapiskat, Peawanuck and all the other First Nations communities that presented to us said was, “If you’re going to create a park, there has to be an obligation for the minister in the legislation to not only consult the First Nation, but to make sure that there’s a buy-in in the creation of the park.”

1940

The government did not accept that proposal, and I would think, considering what’s happening in Caledonia, that that should be the alarm bell that you don’t play around with this stuff; you don’t go into somebody’s backyard. Where I come from, north of 50, it is 99% Cree who live in that area. We’re creating, and we have created, parks in that part of the province in northern Ontario without the knowledge of First Nations, and they’re mad as heck, and I don’t blame them, because it is their land.

For example, if you created a wilderness park, they would not be able to utilize snow machines and other vehicles that they use for the gathering of their food in the various seasons when they hunt. As you know, we hunt for geese in the spring. Further hunting and fishing go on in the summer. The fall is normally moose time and geese again, and in the winter it’s caribou. These families live on the food they catch off the land. It’s not like they can walk to the A&P down the street, because there’s no A&P in any of these communities. They live off what they take off the land. If you were to create a wilderness park in the traditional territory of a First Nation, they could find themselves in the position of not being able to access that park for the gathering of their food. I think it was important for the government to recognize that we should have an obligation, whenever a park is created, that that park be created in consultation with the First Nations community.

The other part that was talked about, in regard to the presentation the Nishnawbe-Aski Nation made, was the whole issue of being able to have the use of traditional knowledge—the elders and others who have been living on that land—when developing a park in and around a First Nation. We all recognize that First Nations have been living here for thousands of years, and over those thousands of years they have developed quite a knowledge about their ecosystem. One of things they ask is

that if you're going to create a park in and around a First Nation and you're going to develop a parks policy manual for it, you need to be able to bring the First Nations in so they can contribute their traditional knowledge in the development of the plan.

When we were developing Polar Bear Provincial Park, it would have made sense to speak to the elders at Peawanuck and Attawapiskat who were affected by this park and say, "What is your traditional knowledge? Where are the burial sites? Where are the historical sites we need to know about? What do we need to know about the ecosystem, as far as the things you have learned over these thousands of years?" We didn't make that amendment, and I think that's rather sad, because it would have been a way to bring First Nations into the planning process and put that in legislation. I've got to say that I'm disappointed we actually did not move in that direction.

The other thing we didn't do that they asked for was the issue of hiring First Nations people in the running of these parks; for example, Polar Bear Provincial Park, which is in my riding, up on Hudson's Bay. Basically, the only communities affected by that park are Winisk to the north—the old Peawanuck—and Attawapiskat to the south. Why wouldn't we use First Nations people to work in those parks? Why don't we have some kind of policy that says, "For the park manager and the various people who work in the park we're going to pull on the community to hire those people and make sure they're able to get something positive out of the park," and, as I said, to be involved in the process of developing the plan by which that park is going to be run?

The other thing we need to talk about is the whole issue—and this was brought up by a number of First Nations—of the creation of a new class of park. In the legislation, I believe there are seven or eight various classes of parks. What the Nishnawbe-Aski asked for was to create a new classification, the aboriginal cultural heritage park, so that as we're developing areas we want to protect, we take a look at whether it makes sense, in some cases, to have aboriginal cultural heritage parks and

so designate them, so that they're run with the traditional knowledge of First Nations and in the spirit of what First Nations are all about.

Those are some of the comments I wanted to put on the record. I just want to say it's unfortunate that the government did not move on those very important amendments that I think needed to be made in order to give First Nations the role they need to have in developing parks. I have to say that as we go through the process of the round table by which we're trying to find a way to work with First Nations—so says the government—this would have been a really good way to identify yourselves as listening to First Nations and doing something positive.

That would conclude my comments.

The Acting Speaker: Questions and comments? Are there any questions and comments?

Further debate? Are there any other members who wish to participate in the debate?

Seeing none, the minister has the option, if you so choose, of closing debate. You're shaking your head in the negative.

The Minister of Culture has moved third reading 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.

Shall the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

Resolved that the bill do now pass and be entitled as in the motion.

Orders of the day.

Hon. Ms. Di Cocco: I move adjournment of the House.

The Acting Speaker: Shall the motion carry? Carried.

The House stands adjourned until tomorrow at 1:30 of the clock.

The House adjourned at 1946.

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Julia Munro, Richard Patten,
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Règlements et projets de loi d'intérêt privé**

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Kuldip Kular, Norm Miller, Richard Patten,
Michael Prue, Monique M. Smith,
Norman W. Sterling, Kathleen O.Wynne
Clerk / Greffière: Anne Stokes

CONTENTS

Monday 19 June 2006

THIRD READINGS

Provincial Parks and Conservation

Reserves Act, 2006, Bill 11,

Mr. Ramsay

Ms. Di Cocco 4757

Mr. Oraziotti 4757

Mr. Miller 4760

Mr. Bisson 4763

Agreed to 4766

TABLE DES MATIÈRES

Lundi 19 juin 2006

TROISIÈME LECTURE

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

projet de loi 11, *M. Ramsay*

Adoptée 4766