A Study of the Ontario Provincial Parks Act
Paul F.J. Eagles
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by
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Abstract

The Ontario Provincial Parks System contains 6,265,760 hectares of land which is 5.87% of the gross area of the Province. This land provides more than 6 million user-days of outdoor recreation per year and has the major responsibility to protect significant portions of each ecological site region that occurs in Ontario.

This immense area is presently managed by the Ministry of Natural Resources under the direction of the 1954 Provincial Parks Act and a number of policy statements and guidelines. This paper suggests that the governing legislation is in need of reform. Major elements of change are concerned with: the system goals and objectives, planning and management issues, public access to the decision-making process, information availability, locus standi and government responsibility.
Acknowledgements

This paper is the result of the ideas of a considerable number of people who took the time to provide help and constructive criticism. I've made the decision to not reference or mention any of the present employees of the Government of Ontario who provided comments. A large number of such people are vitally concerned with the subject matter at hand and were more than willing to give me their data and ideas. To them must be given considerable thanks.

Mr. Stephen James undertook the bulk of the work in compiling the data behind the case studies. His excellent research skills were brought to bear on the problem of digging out the necessary background information of all aspects of the park's operations and histories. Valuable editorial comments and information about Ontario's Historic Parks were provided by Michael Kanters of the Recreation Department of the University of Waterloo. Mrs. Cory Burgener of the Department of Computer Science at the University of Waterloo assisted with the document preparation work and typesetting.

Professor David Estrin, Dr. George Francis and Dr. Gordon Nelson of the Faculty of Environmental Studies of the University of Waterloo each provided many valuable comments. Dr. Stephen Smith and Dr. Robert Payne of the Department of Recreation kindly agreed to read the document in total. Paul Callin of the Department of Botany at the University of Toronto and Alf Hornsby-Rider of the Lambton Wildlife Inc. in Sarnia have followed the Ipperwash road issue very closely and were quite helpful. Mr. Dean Nadon of Waterloo also gave helpful comments. Any errors or omissions and all comments are the responsibility of the author. Dr. C.H.D. Clarke, former head of the Fish and Wildlife Branch of the Ministry of Natural Resources, provided valuable insight into certain issues. Dr. William Greg of the United States National Park Service provided information on the Management Plan process in that agency.

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Introduction

Ontario is an ecologically rich province. We have the warm Carolinean forest of the south, the impressive Great Lakes-St. Lawrence hardwood forests of mid-latitudes, the cool boreal spruce and pine forests of the north and the cold arctic tundra on the shores of a great inland sea. We have rugged, old, worn mountainous regions. We have flat plains. We border on the world's largest freshwater lakes. We have thousands of clear rivers and smaller lakes.

Ontario's size puts it in the same realm as that of a country. It is much larger than any European country, other than Russia. The recent settlement, agricultural and industrial developments have left many wild places.

Ontario has a large and impressive system of provincial parks scattered across the entire province. At present there are 137 provincial parks that contain 5.5 million hectares of land and water. For comparison sake, Scotland, that land where people have so influenced the world, is only 7.8 million hectares in size.

But gross numbers mask the presence of such valuable places as Killarney, Algonquin, and Quetico. Polar Bear is a massive wilderness of permafrost, tundra, salt water and large white bears. Rondeau is a lush Carolinean forest on the warm shores of Lake Erie. Bronte is an urban jewel within the intensive urban development of the golden horseshoe while Lake Superior is a spectacular land of cliffs, forests and wildlife on the shores of a Great Lake (Eagles, 1982a).

Each year close to 6 million people buy permits to enter the parks between the heavy use season of April 1 to October 12. Many more slip in at other times when the gates are open but not staffed.

The Ontario provincial park system is widely recognized as one of the best provincial/state systems in North America. In addition to the land base there is an experienced cadre of planners and managers, many of whom have spent their entire life working within this system.
A Brief History of the Ontario Parks System

Ontario entered the park ownership field with the establishment of Queen Victoria Niagara Falls Park in 1885, the same year that Canada's first national park, Rocky Mountain National Park at Banff, was established. Algonquin was set up in 1893 in order to better manage the Algonquin highlands' forests and waters. Rondeau was created in 1894, largely as a tourist attraction. These initial three parks were slowly augmented by others including Quetico in 1913, Long Point in 1921, Presqu'ile in 1922, Ipperwash in 1938 and Lake Superior in 1944. Therefore in 59 years, 8 parks had been formed. Each unit was managed separately by a number of different institutional arrangements.

In 1954 the Provincial Parks Act was passed by the Ontario legislature and the Parks Branch was created in the Department of Lands and Forests. All of the existing parks were brought under one administration, with the exception of Niagara Falls which remained under the responsibility of a special purpose body, the Niagara Parks Commission. For the first time in Ontario there was an administrative unit solely responsible for the development and management of provincial parks.

Through the late 1950s and 1960s the parks system grew very rapidly with the addition of almost 100 more parks. This growth corresponded to the increasing leisure time of the public and a heightened interest in outdoor activities. The park visitor numbers also grew dramatically in size.

Throughout the early 1970s the parks staff worked on consolidating their previous efforts on park establishment as well as on a long-term planning strategy. Up to that time provincial parks had been created in somewhat of an ad hoc fashion. Individual staff or members of the public often worked hard and long to get a certain area recognized as being significant enough to become a provincial park. This process certainly brought many remarkable and interesting areas into the fold but at the same time an overall plan was lacking.

In 1978 the Cabinet approved a Provincial Parks Policy. This is reproduced as Appendix 1. For the first time Ontario parks had a formally approved goal, a series of objectives and management principles to guide the system operation and development. In addition a comprehensive set of planning and management policies (MNR, 1978b) were published. This document, known as the Blue Book, was designed to act as "the principal organizational tool in the implementation of the Provincial Parks Policy." The cabinet approved policy and the agency published planning and management policies provided a clear and definitive framework for the establishment of a properly justified provincial parks system.

The system was to contain six classes of parks including: wilderness, nature reserves, historical, natural environment, waterway and recreation. Parks in each class would be quite distinct in that they would attempt to fulfill a need inherent in the name of the class. For example, recreation parks would be the most heavily developed with facilities for many forms of outdoor recreation often for large number of people. Conversely, wilderness parks would be large undeveloped areas with only minimal facilities and used by the backcountry recreation user.

The planning and management policies used an organizational framework based largely on Hills' (1976) landscape classification of Ontario. Hills divided Ontario into seven site regions that were largely wide bands of vegetation type that varied from south to north as one moved from the warm Carolinean forests adjacent to Lake Erie to the cold northern boreal forest adjacent to Hudson and James Bay. In the north many of the vegetation bands were divided into two due to the differences between forests in the east
and west. This division ultimately resulted in the creation of 13 site regions. Within each site region, site districts were defined according to local soil and climate differences. This system of site regions and site districts was further refined by systems planners within parks branch (Beechey and Davidson, 1980 and 1981).

The Blue Book had established tentative targets for each park class. For example, one target was the establishment of at least one 50,000 ha wilderness park in each of the 13 site regions, with exception of the two most southerly site regions were no wild areas of this size still existed in the agriculture landscape. The nature reserve policies set a target to protect at least one example of each of the 150 vegetative site types that theoretically could exist in each site region. A target of one natural environment park with a minimum area of 2,000 hectares in each of the 67 districts was established. Each site district was to be represented in a waterway park. No historical park class target numbers were established while recreation targets varied from region to region according to the outdoor recreation supply and demand. After the publication of these policies the parks planners set to work to find those places on the ground that could fulfill the tentative targets that had been established.

In the spring of 1982 Mr. Alan Pope, the Minister of Natural Resources, announced that he wished to have the Strategic Land Use Plan for the Province of Ontario completed by the end of the year. One aspect of this overall planning effort for all crown land was considerable discussion concerning the number and location of provincial parks that would be allowed. The Monzon Report (Monzon, et. al.,1981a and b) reported that throughout the province the planners had proposed the establishment of 245 more parks of all classes.

Throughout 1982 and early 1983 the debate continued in the public forum on the size and scale that the parks system was ultimately to achieve. Resource extractive users disagreed with the scale of the proposals while recreation and conservation proponents supported the proposals (Brunton, 1982; Eagles, 1982; Greaves, 1982; Griffiths, 1982; Hackman, 1982; Liddle, 1982; Longstaff, 1982; McKay, 1982; Morgan, 1982; and Reid, 1982a). On June 2, 1983 the Minister of Natural Resources (1983a) announced to the legislature that:

We recommend 155 future provincial parks. There will include six wilderness parks, 35 natural environment parks, 25 waterway parks, 74 nature reserves, 12 recreational parks and three historical parks. Cabinet has already passed regulations to create the six wilderness parks immediately. Therefore, these parks already exist.

The six new wilderness parks totalled 1,216,600 hectares in size. The 149 proposed parks totalled 880,338 ha. Several of these proposed parks had been listed previously as park reserves.

At present in Ontario the provincial park system is the largest component in a parks network that includes national parks, conservation areas, wildlife management areas and wilderness areas. In fact the provincial parks and reserves contain more land than all the other systems combined (Figures 1 and 2). Of Ontario’s total of 6,647,102 hectares, the above system contains approximately 94% or 6,265,780 hectares (5,457,728 in parks and 790,052 in reserves). Therefore it can be clearly seen that provincial parks and reserves play a significant role in the total parkland system in Ontario.
Figure 1 – Parkland Statistics for Ontario

<table>
<thead>
<tr>
<th>Program</th>
<th>No. of Parks Parks</th>
<th>Total Area in Hectares</th>
<th>Total Visitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Parks(^1)</td>
<td>4</td>
<td>191,171</td>
<td>811,354</td>
</tr>
<tr>
<td>National Historic Parks(^1)</td>
<td>8</td>
<td>405</td>
<td>419,786</td>
</tr>
<tr>
<td>National Wildlife Areas(^2)</td>
<td>10</td>
<td>5,055</td>
<td>unknown</td>
</tr>
<tr>
<td>Provincial Parks(^3)</td>
<td>136</td>
<td>5,475,728</td>
<td>5,948,528</td>
</tr>
<tr>
<td>Provincial Park Reserves(^3)</td>
<td>197</td>
<td>790,052</td>
<td>unknown</td>
</tr>
<tr>
<td>Provincial Historic Parks(^4)</td>
<td>6</td>
<td>340</td>
<td>773,434</td>
</tr>
<tr>
<td>Provincial Wilderness Areas</td>
<td>39(^9)</td>
<td>61,709</td>
<td>unknown</td>
</tr>
<tr>
<td>Niagara Parks Commission(^3)</td>
<td>1(linear)</td>
<td>1,148(^9)</td>
<td>3,202,692</td>
</tr>
<tr>
<td>St. Lawrence Parks Commission</td>
<td>20</td>
<td>1,192</td>
<td>2,353,229</td>
</tr>
<tr>
<td>Conservation Areas(^6)</td>
<td>303</td>
<td>36,915</td>
<td>-4,250,000</td>
</tr>
<tr>
<td>Conservation Area Reserves(^1)</td>
<td>-</td>
<td>53,414</td>
<td>unknown</td>
</tr>
<tr>
<td>Provincial Wildlife Management Areas(^8)</td>
<td>41</td>
<td>29,973</td>
<td>unpublished</td>
</tr>
<tr>
<td>Totals</td>
<td>568</td>
<td>5,857,050</td>
<td>17,759,023</td>
</tr>
<tr>
<td>Total with Provincial Park Reserves</td>
<td>675</td>
<td>6,647,102</td>
<td>unpublished</td>
</tr>
</tbody>
</table>

1 – from Smith, 1983.
2 – Mohr and Maltby, 1982.
3 – from MNR, 1983d
5 – this includes 58,675 ha. in 6 areas that are contained in Provincial Parks.
6 – from MNR, undated, Conservation Areas in Ontario.
7 – Bishop, pers. comm., 1976 data.
8 – from MNR, 1982. The area is that found in provincially owned wildlife areas only others are located in conservation areas, provincial parks or in private land.
9 – letter from D.R. Wilson, General Manager, Niagara Parks Commission.
Figure 2 – General Ontario and Canadian Statistics

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Area of Ontario</td>
<td>106,817,500 hectares</td>
</tr>
<tr>
<td>Ontario as a percent of Total Canadian Area</td>
<td>10.71%</td>
</tr>
<tr>
<td>Ontario Population</td>
<td>8,264,465 people</td>
</tr>
<tr>
<td>Ontario Population as a percent of Total Canadian Population</td>
<td>35.94%</td>
</tr>
<tr>
<td>Hectares/Person in Ontario</td>
<td>12.92 hectares</td>
</tr>
<tr>
<td>Hectares/Person in Canada</td>
<td>43.37 hectares</td>
</tr>
<tr>
<td>Total Park Area in Ontario</td>
<td>6,647,102 hectares</td>
</tr>
<tr>
<td>Ontario Park Area as a percent of Total Ontario Provincial Area</td>
<td>6.22%</td>
</tr>
<tr>
<td>Average Park Area per person in Ontario</td>
<td>.80 hectares</td>
</tr>
<tr>
<td>Average Park Area per person in Quebec</td>
<td>1.45 hectares</td>
</tr>
<tr>
<td>Average Park Area per person in British Columbia</td>
<td>2.02 hectares</td>
</tr>
<tr>
<td>Average Park Area per person in Alberta</td>
<td>3.25 hectares</td>
</tr>
<tr>
<td>Average Canadian Park Area per person</td>
<td>1.45 hectares</td>
</tr>
</tbody>
</table>

3 – park area includes all the categories given in Figure 1 for Ontario but total Canadian Park Area just includes National Parks, National Wildlife Areas and Provincial Parks elsewhere in Canada.
The Ontario Provincial Parks Act

This 1954 Act was brought forward to the legislature for two major purposes. First it was deemed to be necessary to bring together the existing parks into one, coordinated administrative system. Second, the Province wanted the explicit legislative power and mandate to run a parks system. The Act fulfilled these purposes quite well. The system was created and operated.

The purpose of provincial parks is obliquely stated in section 2 of the Act.

All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations.

This can be compared to the similar legislative statement for Canadian National Parks. The basic purposes of National Parks are given in section 4 (Indian Affairs and Northern Development, 1969) of the National Parks Act:

The Parks are hereby dedicated to the people of Canada for their benefit, education, and enjoyment, subject to the provisions of this Act and the regulations, and such Parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations.

It can be immediately seen that the national parks legislative goal is more protection oriented. The Ontario Act does not state that parks or their constituent natural resources should be protected. They need only be

"maintained for the benefit of future generations". No other sections of the Act give further direction on the role or purpose of the natural environment within the parks.

Legislation can provide a useful guide to the future establishment and use of parkland through a clear goal statement. Components of such a statement could include: a recognition of parkland being a public heritage to be maintained for long term preservation; a goal that the parks system should include a representative set of provincially significant environments and a caveat that reinforces the ability of the public to use the land only in a fashion that is not destructive in the long term. The existing purpose statement in Section 2 is inadequate in all 3 respects.

Provincial parks are established by Regulation under the authority of section 3(2).

The Lieutenant Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park and may delimit any provincial park.

Such park formation or dismantling is under the absolute discretion of the Lieutenant Governor in Council (read the "cabinet") with no legal provision for public access to any of the deliberations. But in practice the establishment of new parks has usually been given wide public review during the 1970s and to date in the 1980s. This was clearly evident in the public participation component of the Strategic Land Use Plan formulation during 1982 and 1983.

It might be reasonable to consider opening the regulation creation process to some form of public participation. In regards to new park creation this is in essence the de facto situation now.

A procedure has developed whereby an area considered as a likely candidate for a park is often given the status of a
park reserve. These are map reserves in that they are given no legal status but are merely shown on land use maps under the authority of the Public Lands Act. Such park reserve status should be created under the authority of the Provincial Parks Act (Gray, 1982).

Planning functions are mentioned in sections 5 and 7(2) of the Act.

The Lieutenant Governor in Council may classify any provincial park as a natural environmental park, a nature reserve park, a primitive park, a recreational park, a wild river park or such other class of park as he may designate.

Without limiting the generality of subsection 1, in the management of a provincial park the Minister may from time to time define areas on maps or plans, designate such areas as zones, and classify any zone as a historic zone, multiple use zone, natural zone, primitive zone, recreational zone or otherwise as he considers proper.

These two sections give the Minister of Natural Resources authority to classify parks and to create plans as he so desires. Interestingly, the park classes in general use in the system are not those mentioned in the Act. The existing classes are: Recreation, Natural Environment, Waterway, Wilderness, Nature Reserve and Historical. But the legislation states that the classes are: Recreational, Natural Environmental, Wild River, Primitive with history not mentioned. But the Minister is clearly in his power to call the classes by any name that he wishes because of the section that gives him power to classify parks in “such other class of park as he may designate.”

Planning is optional and no guidelines are present in the Act. As Swaigen (1982) has stated:

The Minister has no duty to draft a master plan for any park and if one is drafted, he has no duty to implement it. Nor must he consult the public when the plan is drafted or amended.

No minimum level of information is required and third parties have no legal access to information or decision-making. The discretionary aspects of parks planning became clearly obvious when the Minister announced the cancellation of all Master Planning in 1981. All staff and resources working on the park plans were transferred to the Strategic Land Use Planning Process (Pope, 1982a). Many of these staff were immediately put to work implementing the parks system plan that was a major component of the Ministry’s overall landuse plans (Monzon, 1981a and b).

The existing planning and public participation guidelines are adequate (Richards and Sargent, 1976; MNR, 1978b). But the public has no assurance that these policies will be implemented or followed.

Park management is discretionary, as outlined in section 7(1).

Each provincial park is under the control and management of the Minister and shall be under the charge of a district forester or a superintendent designated by the Minister.

Specifically, the manager in charge, with the approval of the Minister, has the power to construct and operate facilities, enter into concession agreements, post notices (S7 (a-f)), close roads (S15 (1)) and do other such management functions. The manager need not be bound by any “maps or plans” developed for the area.
under his charge. He is also not bound to release or provide any information on his activities to the public.

The Act is based on the premise that all parkland shall be owned and managed by the provincial government. Is this always necessary? Certain goals within the nature reserve and historical classes of parks particularly could very well be fulfilled by other agencies such as Conservation Authorities or local historical societies. In addition private ownership with an appropriate conservation agreement or easement is a distinct possibility. Consideration should be given to the development of an option that allows for the establishment of long-term agreements with private landowners and other agencies for parkland conservation purposes. Such agreements are now possible for forest management under the Woodlands Improvements Act and for wildlife management under the Fish and Game Act (Eagles, 1982b). Conservation easements of this type have been considered by Ontario park’s managers (Davidson and Beechey, 1982).

The Provincial Parks Act gives the provincial government adequate powers to establish and operate parks. However, it does not give any clear direction on how these powers will be used (Swaigen, 1982).

The 1954 Ontario Provincial Parks Act has not been substantially altered since its creation. This paper presents certain arguments that suggest that a revamping is necessary in the future.

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**The Historical Parks Act, 1972**

Under Section 4 of the Historical Parks Act, 1972, the cabinet

May set apart as a historical park any public lands in which there is an object, site or land of historical significance for the use by the people of Ontario in connection with the enjoyment of such historical object, site or land.

Legal authority for activities such as site management, planning, road construction and general administration are taken directly from the Provincial Parks Act.

In the early 1970s the historical parks planning and management staff were moved from the provincial parks administration in the Ministry of Natural Resources to the new Ministry of Culture and Recreation. In the early 1980s the unit was moved again, this time to the new Ministry of Tourism and Recreation (MTR). At present six historic parks are administered across Ontario under this ministry. However they do not report directly to MTR. Each Historic Site reports to a parks commission which in turn reports to MTR. The organizational structure is as follows: Huronia Historical Parks Commission administers Saint Marie-among-the Hurons, Penetanguishene Military Establishments, and Old Fort William, Niagara Parks Commission administers Fort Erie, and St. Lawrence Parks Commission administers Old Fort Henry, and Upper Canada Village. Each of these three park commissions report directly to MTR.

Concurrently, there is a small number of historical class parks administered by the Ministry of Natural Resources under the authority of the Provincial Parks Act. This Ministry is continuing to encourage the creation of new historical class provincial parks as revealed in the 1983
announcement of three new candidates (Gold Rock, Quacken Bush and Harris Island) (MNR, 1983b). Gray (1982) is of the opinion that:

the current parks Act is deficient in that it makes no reference to nor permits historic parks

This legal opinion clearly states that if the historical park class is to continue, that amendment to the Provincial Parks Act is necessary.

There appears to be no sound reason for the operation of two, parallel historical park systems in Ontario. Two options are available for consolidation. Either one unit or the other can be moved into the other administrative structure.

It would be the preference of this author to repeal the Historical Parks Act, to include all relevant sections of this Act in a revised Provincial Parks Act, to make all historical parks into historical class provincial parks and to include all administrative staff for both types of parks in one Ministry. This consolidation could have efficiencies of scale and would appear to correct an unnecessary duplication of effort.

The Lieutenant Governor in Council may set apart any public lands as a wilderness area for the preservation of the area as nearly as may be in its natural state in which research and educational activities may be carried on, for the protection of the flora and fauna, for the improvement of the area, having regard to its historical, aesthetic, scientific or recreational value, or for such other purposes as may be prescribed.

The opposition by the logging and mining interests resulted in the inclusion of a size limitation in section 3, for the wilderness areas designated under the Act.

Nothing in this Act or in the regulations made under this Act limits or affects the development or utilization of the natural resources in any wilderness area that is more than 640 acres in size.

The size unit of 640 acres equals 1 square mile or 250 hectares.

Regulation 828 under the Wilderness Areas Act lists 38 designated areas totalling approximately 3441 hectares plus 1 area of 58,276 hectares in size. A number of these areas are found within existing Provincial Parks. None of the areas have master plans or management statements with the exception of those found in Provincial Parks with such plans. The Wilderness Areas Act is a redundant piece of legislation. Section 3 which limits designation to 640 acres (250 ha) prohibits the protection of areas normally considered to be of wilderness size. The provincial Park’s goal is for a wilderness park to be a minimum of 50,000 hectares (MNR, 1978b). With amendments to the Parks Act that require more stringent resource protection for wilderness areas, the Wilderness Areas Act could be repealed.
Case Studies

The actual policy of any institution is revealed in its day-by-day decisions. Now that the systems plan is well in place and under implementation the next step is the planning of individual parks both new and existing. A possible guide to the future is the record of past and in this light the study of the planning and management of individual parks can be revealing. The following sections present case studies of the decision record of five provincial parks in Ontario (Figure 3). Each report is given in two sections; a description of the park and recent planning and management decisions followed by a discussion of the corresponding implications.

When Mr. Pope became the Minister of Natural Resources in 1980 he applied a moratorium on the approval of all master plans. He was unfamiliar with the system that produced the plans and was therefore unprepared to approve any of the products from this system. Subsequently all master planning was cancelled in 1981 so that effort could be applied to the Strategic Land Use Plan process. These events must be kept in mind when one reads the five case studies given below.

Rondeau Provincial Park Case Study

Rondeau Provincial Park, the second provincial park formed in Ontario, was established in 1894. It is a 4,816 hectare park located on the shores of Lake Erie and is classified as a Natural Environment Provincial Park. Within the boundaries of Rondeau there exists the most significant Carolinian forest remnant found in Canada. It contains hundreds of hectares of marshland as well as a large shallow bay. The park provides an interpretive programme for its users as well as a museum. Observation points are available for interested viewers to monitor bird migrations. It contains 8 kilometers of beach, a campground, store, boat launch, bicycle rentals and hiking trails.

The process of developing a coherent set of policies to guide park operation started in 1974 with the establishment of the Rondeau Provincial Park Advisory Committee. This group was created in order to provide the Ministry of Natural Resources with advice concerning future policy directions (Newkirk, 1974). Starting in July, 1974, public hearings were held to enable concerned groups and individuals to express their opinions to the Advisory Committee.

Rondeau has been formed by successive numbers of sand bars deposited in Lake Erie. The forests on the drier ridges contrast with the wetter sloughs between the ridges in this air photograph. The Rondeau forests are possibly the most significant sample of Carolinian forests left in Canada.
Figure 3: Case Study Locations
After the completion of the hearings, a draft policy recommendations report was published by the Committee in May, 1975 (Newkirk, 1975). Public comment was again solicited and a final report published in November 1975.

After considering the report, the Minister, the Honourable Leo Bernier sent a statement of reply to the Rondeau Advisory Committee, dated March 26, 1976, regarding its recommendations. He accepted 94 of the committee’s 104 suggestions.

The Ministry of Natural Resources (MNR) commissioned a consultant to prepare a preliminary master plan. The plan was presented to the Rondeau Provincial Park Advisory Committee on March 29, 1977 (Coates, 1977). After a summer of public hearings the preliminary plan was sent to the Ministry of Natural Resources for final approval. The plan formulation had gone relatively smoothly with the most controversial elements being the desire of the cottagers to retain their leases indefinitely and the determination of the forest management arm of MNR to log the extensive Carolinean forests. The plan ultimately recommended that all cottages be removed over time and that the forests not be logged.

As of 1983 no master plan had been signed by the Minister and the nearest estimate of the approval of a final master plan was twelve to eighteen months.

The preliminary master plan had been in the review stage for over six years, overall, nine years have elapsed since planning started. The indications are that influences both inside and outside the Parks Branch of the Ministry of Natural Resources are slowing down the final approval.

Implications of the Rondeau Issues

The lack of a time limit for the approval and implementation of Master Plans has allowed undue delay in the ministerial approval of the Rondeau Master Plan. Even after ministerial acceptance of over 90% of the recommendations made by the Committee, the bureaucracy has delayed a final decision for six years. The existence of a cumbersome and unclear decision-making schedule and system that allows the delay of a plan at any bureaucratic level for an unspecified time, lets itself open to abuse and misuse by those individuals and departments that have vested interests concerning a provincial park. It appears that bureaucratic lethargy as well as internal bureaucratic conflict has delayed plan approval. The level of conflict is unclear but it appears that certain influential members of the forestry arm of MNR disagree with the policy to allow natural ecological processes to take place in the Rondeau forests. Their influence has been used to block the movement of the plan to head office for approval.

The 1980 ministerial policy of Mr. Pope in regards to master plans meant that the Rondeau plan ended up in limbo indefinitely.

It is obvious that large bureaucracies must be given time schedules and deadlines if important decisions are to be enacted. The Minister, Mr. Pope, clearly recognized this fact in 1982 when he gave his staff 12 months to complete the ongoing Strategic Land Use Plan process. This planning had been moving slowly for the previous 10 years and the ministerial deadline was deemed necessary. Vested interests within any large administrative unit may find it to their advantage to keep the "options" open indefinitely so that their positions can be solidified behind the scenes and out of public scrutiny.

The end result is that after 89 years of operation, Rondeau Provincial Park still does not have an overall, coherent set of administrative policies.
Presqu’ile Provincial Park Case Study

Presqu’ile Provincial Park, Ontario’s fifth provincial park, was established in 1922. This 937 hectare Natural Environment Park, located on the shores of Lake Ontario just west of Napanee, offers facilities for camping, boating, beaching, nature viewing as well as seasonal hunting.

No master plan had been developed for this land spit in Lake Ontario during its initial 58 years of operation. In 1979 some planning action started to take place. An internal memo, dated January 18, 1979, formalized the formation of a master planning team for Presqu’ile Provincial Park. A memo dated January 26, 1979, suggested an additional committee member be added to the team. The district Wildlife Management Officer joined the planning team due to the developing controversy over the conflict between hunters and members of the public who were opposed to the killing of wildlife in the park.

By July 24, 1979 a public information package, THE INSIGHT, outlining the procedures and background information for a master plan was completed. This document was mailed to individuals and organizations who had expressed an interest in Presqu’ile Provincial Park. Contained within the INSIGHT there was a letter signed by a Mr. Bailey, Napanee District Manager, informing the recipients of scheduled public meetings to be held on August 18, 19, 25, and 26, 1979, at the park. In a memo dated July 24, 1979, it was stated that notices be placed in the newspapers and concerned persons notified two to three weeks prior to the meeting. The memo indicated that the District Office put notices in the papers of its choice. The papers chosen by the district office were Brighton Independent; Belleville Intelligentsia and the Trentonian. All these papers are local editions and have limited readership coverage. Toronto newspapers were notified in the form of a news release from the Head Office of MNR in Toronto dated August 3, 1979.

The public meetings were poorly attended and the most contentious issue, hunting, was never raised. No naturalist clubs or hunt clubs were present at the meeting.

The low attendance at the meeting was surprising considering the ongoing interest of many organizations and individuals in this significant park. However ministry officials took no action to inquire about “absent” individuals and organizations as to the reason for their failure to have input into the master plan proceedings at Presqu’ile. Later it became apparent with the receipt of letters from organizations (Field Naturalist Club-October 4, 1979; Federation of Ontario Naturalist - November 28, 1979) requesting the INSIGHT document that many had not been informed of the meetings, even though they were on the Ministry’s mailing list.

A letter sent November 14, 1979 informed those on the mailing list that the deadline for submitting comments on Presqu’ile Provincial Park would be December 15, 1979. For some this was their first indication of the master planning procedure now underway at Presqu’ile. Various organizations and individuals (FON and Barry Kent McKay, columnist) wrote the district office in Napanee and asked for an extension of this deadline until January 15, 1980.

The beginning of the new year brought increased public awareness of the Presqu’ile issues. With the airing of the January 3rd, 1980, OMBUDSMAN television programme on CBC concerning Presqu’ile and the appearance of articles in the Toronto Star by Barry Kent McKay, public input at the district level, minimal until then, increased tremendously. The majority of the new concern came from outside the district, however responses from the Napanee area itself were also substantial. The overwhelming majority of the responses were opposed to hunting at Presqu’ile Provincial Park.
In a letter to Barry Kent McKay dated January 17, 1980 Mr. Bailey indicated that the planning team "anticipated preparing a preliminary master plan by early spring", however this action was postponed and the target date was changed to December 1980. In a memo dated September 11, 1980, Mr. Bailey states, "after a summer of inactivity it is time to restart the planning process...". The completion target it now slated for the late fall... In the spring of 1981 all provincial park master planning projects were postponed province wide so that all available planning staff could work on the strategic Land Use Plans. By the fall of 1983 no master park planning had been resumed.

Implications of the Presqu'ile Issues

The case of Presqu'ile Provincial Park points out the possible flaws in the public participation and notification system of the Ministry of Natural Resources. If the public is to actively participate in the planning procedure, it must have adequate and proper notice concerning a park. Clearly the notification by the ministry lacks completeness and efficiency and is open to abuse, either through oversight or poor administrative practices.

Their is a need to develop and formalize an efficient notification system so that a broad cross-section of the citizens of Ontario can be made aware of ongoing issues then if they wish to address the issues they can. The massive public response concerning hunting at Presqu'ile, after the issue had been raised to public consciousness by the media, highlights the failure of the Ministry of Natural Resources to tap public opinion. A province wide system of notification is essential for adequate public participation. The development of a central system would ensure complete and total notice and would eliminate local and regional misuse of the essential ingredient of public participation.

The four years of intermittent action on the park plan reveal that the field administration requires clear and concise guidelines on the methods of carrying out a master plan process and requires clear deadlines. It is unfair to involve the public in a planning process that is going nowhere and appears to be somewhat endless.

Presqu'ile is a sand spit created by the currents of Lake Ontario. It contains marshes, sedge meadows, low sand dunes, ponds and gravel beaches. As with any sand based ecosystem the soils are quite sensitive to disturbance.
Ipperwash Provincial Park Case Study

Ipperwash Provincial Park, Ontario's sixth provincial park, is situated on the eastern shore of Lake Huron, 50 kilometres north of Sarnia. This fifty-six hectare Recreation Park, founded in 1938, contains tent and trailer sites, a day use picnic area and a beach.

The park has functioned from 1938 until the present with no overall policy, management statement or plan. In 1975 the first biophysical inventory for the park was completed. This report (Donaldson, 1975) was a survey of the significant areas of the park outlining the major biological communities in the park and highlighting some areas worthy of protection. One of the most notable of these areas was a 10-acre wet meadow located between sand dunes, that was noted for a complex of rare herbaceous plants, including the endangered Buchnarea americana (Blue Heart), as well as Juncus bulickey (Rush), Silsyrinchium spp. (Blue-eyed Grass), Xyris sp. (Yellow-eyed Grass) and Cypripedium calceolus. (Yellow Lady's Slipper). Other significant plants reported were: Spiranthaceae cernua (Nodding Ladies'-Tresses), Gentiana procera (Fringed Gentian), Lobelia kalmii (Kalm's Lobelia), Parnassia glauca (Grass of Parnasses), Cladium marisloides (Twig Rush), Scleria verticillata (Nutt Rush), Andropogon scoparius (Little Bluestem), Andropogon Gerardi (Turkey foot), Panicum virgatum (Panic Grass), Calopogon pulcherris (Grass Pink), Lobelia spicata (Pale-spike Lobelia), Lithocharis sp. (Spike Rush) and Tofieldia glutinosus (False Asphodel) (Donaldson, 1975). Inventories conducted by Paul Catling, a University of Toronto Botanist, identified additional significant plants: Liatris spicata (Dense Blazing Star), Solidago ohiensis (Ohio Goldenrod) and Pogonia ophioglossoides (Rose Pogonia) (Catling and Hornsby-Rider, undated). The area was clearly of ecological sensitivity and importance.

A copy of the Donaldson Report was given to the superintendent of Ipperwash.

During August, 1978, a road was constructed through the above mentioned wet meadow. No in-house study of the environmental impact of construction or operation of the road was undertaken. Importantly, no Environmental Assessment of the construction was submitted to the Ministry of the Environment under the provision of The Environmental Assessment Act.

When the Ontario Environmental Assessment Act of 1973 was proclaimed by the Government it was declared that all provincial activities would be subject to the provisions of the Act unless specifically exempted. During the early years of 1975 and 1976 exemptions were liberally given by the Minister of the Environment in order that projects already underway would not be unduly delayed. In this regard exemptions were granted for a number of activities in Provincial parks including:

"The activity of implementing Master Park Plans with respect to the Parks named in Schedule A (MNR 5)

Schedule A included Ipperwash Provincial Park. This exemption was subject to the following terms and conditions:

Where the implementation of the undertaking with respect to the Master Plan for a Park has not been commenced prior to July 31, 1977, the implementation of the Master Plan shall be deemed to be a separate undertaking and shall not be exempt under this Order. (MNR 5) (Ontario Gazette, 1976a).

At the same time the Minister of the Environment granted exemptions for a number of general classes of activities that take place from time to time in provincial parks. An exemption was granted for:
The activity of constructing or implementing:
1. a new road that is not part of or associated with another undertaking.

This exemption was subject to a condition which stated that:

Where the construction or implementation of the undertaking with respect to a matter listed at the beginning has not been commenced prior to July 31, 1977, such construction or implementation shall be deemed to be a separate undertaking and shall not be exempt under this order. (MNR - 6) (Ontario Gazette, 1976b).

Since the new road was constructed in August of 1978 the activity appears to be in clear violation of the Act and its regulations. No public action was taken by the Minister of the Environment against the Ministry of Natural Resources or any of its employees. The Ministry of Natural Resources maintained that they were exempt from the Environmental Assessment Act because exemptions MNR-8 applied to "upgrading facilities for provincial parks" (Ontario Gazette, 1976c) (Auld, 1979) until July 1, 1979. It was soon realized by the staff of the Ministry of Natural Resources, because of the public uproar over the construction of the road that a mistake had been made (Kennedy, 1978; Mackay, 1979; Manorc, 1979; Varga, 1979; Catling and Hornsby-Rider, undated). During the following year a series of written and verbal justifications were

The Ipperwash road was built across one end of a wet meadow. The road was built on top of a major stand of Ladies' Tresses Orchids (around 100) and Blue Hearts (around 100). Silt laden runoff is now moving from the road into the remaining meadow.
made in order to explain the building of the road without an Environmental Assessment. The issue went as far as being defended in the Ontario Legislature by the Minister, The Hon. Mr. James Auld, who stated:

The road is not located in a wet meadow, but runs along the side of a sand dune adjacent to the wet meadow.

... several feet of the lower part of the dune containing juniper and red pine lie between the edge of the road and the meadow proper.

The habitat, however, has not been destroyed... (Auld, 1979).

All three statements are in error. The road went through the wet meadow, destroyed a number of rare plants including a significant stand of the endangered Blue Hearts and permanently altered the habitat (Catling and Hornsby-Rider, undated; Catling, pers. comm.; Hornsby-Rider, pers. comm.).

The hasty construction of the road was brought about by the approach of the new budget year and the availability of money for construction. Since Ipperwash has no approved master plan, no guidelines were in place to influence any such impromptu decision. There is a tradition in the Ontario Provincial Parks' system which reinforces the power of the superintendent to make all major decisions without outside influence, and this construction project highlights this fact.

Implications of the Ipperwash Issues

The lack of a master plan after 45 years of operation highlights the ad hoc nature of the park's planning and management. The disregard and ignorance of existing natural resources information concerning the park's ecological features illustrate the inadequacies of the managerial system. The virtual disregard of the Environmental Assessment Act in both spirit and substance makes it obvious that this piece of legislation is ineffective in regards to Provincial Parks planning and management.

The Ontario Provincial Park Planning and Management Guidelines (MNR, 1978b) place a low priority to natural area protection in the recreation class of parks. The results from this case study suggest that this policy should be changed to give more protection to these areas in recreation parks and that possibly Ipperwash was inappropriately classed in the first place. The presence of an approved master plan would provide a set of policies that would limit ad hoc decisions in regards to significant land use policies being made under transitory demand conditions. It is obvious that such a plan must be legally binding and publically enforceable if it is to be effective. The existing governmental institutions were not capable of protecting the important ecological features in Ipperwash Provincial Park.

The construction of the road at Ipperwash reveals that low level of protection of significant ecological sites that now exist under the Ontario Provincial Parks Act.
Turkey Point Provincial Park Case Study

Turkey Point Provincial Park is located on the north shore of Lake Erie in the township of Delhi in the Regional Municipality of Haldimand-Norfolk. The Park, established in 1959, consists of 315 hectares and is part of the geographic area known as Turkey Point, which extends into Long Point Bay on Lake Erie. Almost the entire shoreline of the point is part of a land spit-marsh complex.

Turkey Point Provincial Park is divided into three distinct land areas. The largest section, containing the office, campgrounds and picnic areas, is found north of the steep shoreline cliffs. There is a 21 hectare wilderness area below the bluffs and is composed of a dense wetland forest. A linear portion of the lake shoreline, in front of the Town of Turkey Point, is also administered by the park.

The Natural Environment Park offers a sandy beach and large picnic area plus golf, nature trails and a children’s playground to its visitors. Also contained within the park are archaeological sites and other areas of rich historical significance. For the fisherman there is bass and coho fishing in the adjacent Long Point Bay.

In June, 1974, the Ministry of Natural Resources started the master planning process for Turkey Point Provincial Park. The process of gathering information from the public took place in an informal manner. Meetings were held with various interest groups, associations, political representatives and concerned individuals. Information from a visitor survey was also collected. Two booklets were circulated to the public: Public Information Booklet, A New Direction for Turkey Point and Issues and Solutions Summary, A New Direction for Turkey Point Provincial Park. These booklets were distributed to individuals on a mailing list compiled by the District Office. This list of names was compiled by selecting interested groups and individuals from the Toronto Head Office main mailing list who may have some interest in Turkey Point Provincial Park, and from a list of groups and individuals who requested information at the District Office or the park. The list constituted the main instrument used to gather comments concerning the proposed master planning process at Turkey Point Provincial Park. In conjunction with the mailing list news releases were sent to local newspapers within a one and a half hour distance of the park. Some of the papers were The Hamilton Spectator, The Kitchener-Waterloo Record, The Brantford Expositor, The London Free Press and the local papers in Simcoe, Delhi and Ancaster. However it is important to note, that as it is not the Ministry’s policy to purchase advertisement space in newspapers for master plan public participation purposes the inclusion of the information was entirely at the discretion of the editor and his judgement of the newsworthiness of the story.

Throughout the planning process the issue of the closure of some municipal roads within the park had been a concern. However after two meetings with the residents of the area, one in April, 1975, and a second in April, 1976, a solution was proposed. The resultant alignment for the new road was approved by the Township of Delhi Council in March, 1978. The road, named Lakeshore Road, was constructed through the center of the Park between the fall of 1978, and the spring of 1979. After this some other municipal roads were closed within the park. This construction took place without an environmental assessment, but more importantly, the road was constructed before the completion or the approval of the master plan.

The budget reductions of 1976 forced the planners at Turkey Point to reduce their consideration from four alternatives for development to just one: expansion and improvement of the present facilities. By 1979 a preliminary master plan was being prepared by the Ministry.
In November of 1979 a final version was circulated within the Ministry for approval. By 1980 the plan was distributed to the public in the early part of the year for public comment (MNR, undated). Once again the circulation was limited to those who were on the District Office mailing list. Of the approximately 200 copies distributed, less than thirty written comments were returned to the planners.

The preliminary master plan went before the Minister, but has never been released. The release of new management plan guidelines (MNR, 1983a) lead staff to suggest that they may have to start the plan process over again for Turkey Point.

Implications of the Turkey Point Issues

The major issue that Turkey Point Provincial Park presents is the construction of a major road before the approval of a master plan. If major construction that significantly changes the character of a park is undertaken while a master plan is being prepared, to what purpose does the master plan serve? Is it a clear statement of the future goals and development of a park, or just a piece of paper to legitimize a series of ad hoc decisions?

The construction of a major road through a Provincial Park would seem to require careful consideration of the ecological and cultural implications. It is unfortunate that no environmental assessment of the project was undertaken for internal planning purposes and none was submitted though the Provincial Environmental Assessment Process. This clearly seems to indicate the low emphasis given to the protection of the natural environment in some Ontario Provincial Parks.

The methods used by the District Office to seek public opinion highlights the need for a more efficient system that dispenses information province wide, instead of limiting it to groups who visit or enquire at the park or nearby residents. The provincial park system of

Ontario is dedicated to the people of Ontario and as such the development of a park should be brought to the attention of a considerable portion of the people of Ontario, and not limited to those who chance to come into contact with the planning process.

The length of time taken to complete the master plan at Turkey Point Provincial Park demonstrates the low priority the Ministry given to the master planning procedure. Inconsistencies caused by staff turnover, and long durations of stalled planning action can cause the production of an inferior product. Should it take a decade to write down the policies for such a small and already developed Park?

Bronte Creek Provincial Park Case Study

Bronte Creek Provincial Park, a 641 hectare Recreation Park, is located on the boundary between the City of Burlington and the Town of Oakville. This park provides active and passive recreational facilities, including: a children’s farm, a reconstruction of an 1899 farm, a resource interpretation centre, many picnic grounds and a large recreation complex containing a swimming pool, tennis courts, toboggan hill and skating rink. Since its opening in 1973 the park development and operation has been guided by the master plan adopted by the Minister of Natural Resources in August of 1972.

Bronte Creek Provincial Park has been somewhat of a showcase for the Ontario parks system. It was the first of the large inter-urban parks that were long planned in the early 1970’s close to the major urban centers in southern Ontario (Bronte Creek Provincial Park Advisory Committee, 1972; Project Planning Associates, 1972). St. Catharines was to have Short Hills, Oshawa an enlarged Darlington, London the new Komoka and Windsor Peche Island. Only Bronte was developed and the rest are languishing in various levels of
limbo. Bronte has had the benefit of having the careful formulation and approval of a master plan prior to all development.

It has become evident that the master plan is not being completely followed. For example, a new parking lot has been constructed in a location different from the approved plan. Also, the winter-sports complex including a toboggan hill planned for the northern section of the park has been constructed in a southern location. These changes have taken place without any formal master plan amendment. It is important to recognize that these plan changes may themselves be justifiable, but the decision-making process is suspect. Formally approved plans should be amended in a major way by the same initial approval process. Very few governments allow civil servants to alter government policy without ministerial approval, as appears to have been the case here.

These developments and others have occurred because of the seemingly haphazard approach by various lower level managers who adopted or disregarded recommended procedures and plans as they saw fit. These managers appear to have good and valid reasons for these plan alterations, at least from their point of view, but nevertheless these actions indicate the public can not expect that ministerial approved policies will invariably be followed. A comprehensive review of the Master Plan--part of a planned continuous five year review procedure--was submitted to the MNR Regional Office in 1977. Six years later it still remains to be approved and is unavailable for public viewing. Considering that the revised plan has never been approved it is reasonable to assume that the original plan is still in force.

Bronte Creek Provincial Park contains flat farmland surrounding a deep forested ravine. The majority of the park development has taken place on the tablelands leaving the natural valleylands for passive recreation such as hiking.
Implications of the Bronte Creek Issues

The high cost of a completed master plan and the involvement of many interested public groups and individuals would seem to indicate a great deal of commitment to the master planning concept by the Ministry of Natural Resources. However, the example of Bronte Creek Provincial Park puts this assumption in doubt. The failure of the Ministry of Natural Resources to compel the Superintendents of the provincial parks to follow the master plan makes a mockery of the whole planning procedure. It appears that the bureaucracy considers the whole master planning process to be a paper project and has no constituent obligation to follow the approved product. While it can be legitimately argued that once a park is operational certain elements of the master plan may prove to be untenable, this is not a sufficient justification for Superintendents or other officials to arbitrarily order changes to a master plan. While these changes may be needed there also is the need for public notification and consultation. To such an end a formalized review procedure, with specified time limits, should be set up to review and approve plan changes before they are allowed to take place on the ground.

The integrity of the planning process requires public access and input at both the plan formation and amendment stages. To limit access to the public beyond the initial stages of the planning procedure defeats the whole public participation concept.

Establishment of Provincial Parks

The majority of provincial parks were established due to the interest or initiative of individuals within and outside the government who decided that a particular area would make a good park. The motivations behind the park formation have varied including: the protection of an archaeological site (Petroglyphs), the management of a sensitive ecosystem (Trillium Woods), the management of heavy use recreational resource (Wasaga Beach), and the desire of Provincial Cabinet Members to get reelected (Bronte).

Under the existing Provincial Parks Act, Provincial Parks are created and dismantled by Regulation. There is no legal requirement for public participation during any stage of this process.

The construction of two nuclear power plants and a heavy water plant close to Inverhuron Provincial Park created a novel set of circumstances. It slowly became obvious in the early 1970’s that there was considerable danger to the campers due to the possibility of a hydrogen sulfide gas leak from the adjacent heavy water plant. This substance is used in the extraction process of heavy water from lake water and was known in the first world war as the infamous mustard gas that was used against Canadian Troops. The first response was to build gas shelters near the campgrounds. The campers were to be trained to evacuate the area and move to the shelters upon the sounding of a siren. As the disadvantages of this approach became obvious the closing of the park and its removal from the system was seriously explored by the staff. Ultimately, a new park was created in the MacGregor Point area and Inverhuron was closed to overnight use.

As the potential loss of Inverhuron so starkly pointed out at the time, provincial parks can disappear quickly, with no requirement for public notice or consultation. The process of creation and dismantling of provincial parks is
too important to be hidden from all public view.

Canadian National Parks are created by an Act of the Parliament of Canada. This is a long and arduous process but assures areas of longer term protection and of course the public, through their Members of Parliament, can have access to the process. The major disadvantage of this process is that it is slow. But, it is an alternative worthy of consideration in Ontario.

If it was decided to remain with the existing Regulation route it would be essential that a more formal, open public, consultation process be created.

Under the United States Endangered Species Act any individual can petition the Fish and Wildlife Service to list a species as Endangered. The Service is then required by law to respond to the request and give written reasons why the species should or should not be listed as an endangered species. In Ontario it should be possible for an individual to petition the Province for the creation of a Provincial Park in Ontario. And there should be a requirement that the request will be given reasonable consideration and that written reasons for a decision must be given.

Park Planning

The planning function of the park’s administration is critical for the accomplishment of long-term objectives. Parks planning in the parks administration of the Ministry of Natural Resources now has a reasonably high profile and is well developed. But the plans now in existence, including the master plans, are policy statements only with no legal authority or responsibility. The plans can be and are varied at the whim of any level of the bureaucracy, as shown in the case studies.

It is usually considered that planning, in an Ontario provincial park context, consists of the following stages:

- Policy Planning;
- Systems Planning;
- Master Planning;
- Site Planning;
- Development;
- Management.

An interconnected and interrelated systems of parks requires thoughtful administration at each of these levels. As such, each stage must be elucidated clearly for the benefit of both the public and the manager who is responsible for implementation. At the same time documentation provides a institutional memory that is valuable for continuous reconsideration and later iteration.

The Province now has a Provincial Parks Policy (MNR, 1978,) and a corresponding set of planning management guidelines that define the general goal statements (MNR, 1978b). These farsighted planning documents are now being implemented.

The Provincial Parks Policy was approved by the cabinet in May of 1978 and states that the goal of the provincial park system is:

To provide a variety of outdoor recreation opportunities, and to protect provincially significant
natural, cultural, and recreational environments, in a system of Provincial Parks.

The objectives of the provincial park system are:

To protect provincially significant elements of the natural and cultural landscape of Ontario.

To provide outdoor recreation opportunities ranging from high-intensity day use to low-intensity wilderness experiences.

To provide opportunities for exploration and appreciation of the outdoor natural and cultural heritage of Ontario.

To provide Ontario residents and out-of-province visitors with opportunities to discover and experience the distinctive regions of the Province.

The management of the parks is guided by a series of principles under the headings of permanence, distinctiveness, representation, variety, accessibility, coordination, system, classification and zoning (Appendix 1).

Also each park will be put into one of a series of six classes that include, wilderness, nature reserve, historical, natural environment, waterway and recreation (Appendix 1). Section 5 of the Act, given earlier, gives five park classes and the new policy gives six so it is reasonable to expect that amendments to clarify this discrepancy will be forthcoming.

The detailed planning and management policies (MNR, 1978b) go a long way towards providing a holistic framework within which the parks system will operate. Each park class has a separate set of policies and preferable uses. It is to be hoped that both the Provincial Parks Policy and the planning and management guidelines will be fully implemented. Unfortunately, the case studies revealed that major discrepancies seem to occur between the policy statements and what actually occurs on the ground. It appears that either the bureaucracy is resisting or is incapable of responding to the approved government policy. It also is obvious that a functioning policy implementation mechanism is not in place.

The destructive road developments and way that they were handled are in obvious disagreement with the provincial policy. How does this come about? It appears that the existing administrative system does not ensure policy compliance.

This type of problem can be handled by either of two possible routes. First, internal structural changes including staff retraining or removal, reporting route alteration or administration restructuring could be attempted. Second, external changes such as a revision of the governing legislation with appropriate goals, objectives, enforcement procedures and penalties, could be made. This would then force compliance into the bureaucracy, if the Act was structured correctly.

Master plans are documents which outline the detailed policies, programs and development of a park. They deal with overall planning, development and operation policies as well as provide specific land-use policies.

A standard set of guidelines for the preparation of master plans have been developed (Richards and Sargent, 1976) but it is unclear if these are accepted as official government policy. This publication states there is a commitment to prepare master plans for all existing and new parks and that this has been in place since 1967. The document goes on to state that:

A Master Plan is a document which establishes detailed policy guidelines for each
provincial park or recreation area for long term preservation, development and management. Master Planning is a process that involves the collection and evaluation of data in order that development and management are based on appropriate considerations leading to sound resource use for the benefit of the citizens of Ontario (Richards and Sargent, 1976).

The major purposes of a master plan are given in Appendix 2.

Other parks agencies have had to grapple with similar problems. The United States National Park Service (1978) developed a detailed set of guidelines for the process and content of planning for individual parks. This involves a two-stage process. First, a Statement for Management is produced that guides operations until a General Management Plan (master plan) is completed. The guidelines are clear, direct and outline the responsibility of all major decision-makers. Once the General Management Plan is completed and approved the Superintendent must submit an annual report detailing the degree of plan implementation. The next year's park budget is not released to the field manager until this annual report is received and is found to be acceptable (Greg, pers. comm).

In September 1983 a new set of guidelines for master plan preparation were released (MNR, 1983c). According to this document the park management plan provides:

1) A definition of the role, significance and classification of a park within the provincial park system.

2) A statement of policy for the protection, planning, development and management of the resources and attributes of a park, including zoning.

3) Assurance that the planning, management and development of the resources and attributes of a park are compatible with protection of the environment and responsive to the public interest.

4) Guidance for the preparation of required natural resource, client services, site and development and operations plans required to implement park policies and achieve park objectives.

5) A rationale and priorities for the funding of capital development and park operations.

6) A record of public consultation and input to the planning process.

7) A basis for auditing the development and management of a park.

Those new management plans have many similarities to the older master plans. There is an implied policy to complete one for every park. They are policy documents meant to guide future decisions. But there are significant differences. First, the old style master plan will only be completed for "complex" parks, that is large, important parks such as Algonquin. Smaller, less-detailed plans will be completed for moderately complex (Killbear) and non-complex (Lake St. Peter) parks. It is to be hoped that this new approach will allow for the completion of plans for all provincial parks, but of course the policy must be implemented.

One significant problem is that approved master plans are not followed, as illustrated in the Bronte case study. The Bronte example is not unique as revealed by Reid (1982b):

There is no mechanism to force the implementation of approved Master Plans, and in cases such as Algonquin, too many key provisions have been deferred or simply
dropped by park administrators. This failure to implement not only harms the park, but also the process, for it causes many of us to question the usefulness of participating in a Master planning process that could be meaningless.

The answer is clear. Make master plans legal documents, similar to official plans under the Planning Act. Also give the public the right to enforce the plan through the courts. At the present time 28 master plans have been given ministerial approval. These include 26 parks and 2 reserves. Therefore 19.1% (26/136) of the provincial parks and 1.8% (2/107) of the provincial park reserves have approved plans in the 16 years since this initiative started in 1967. It is obvious that the bureaucracy is very slow in its attempt to implement government policy. (Appendix 3)

Park Management

For the purposes of this paper, management is defined as on-site development and operations. It is the final and all important element in the six stage planning outline given earlier. Any plan or policy is only as good as its implementation.

The case studies revealed that the existing management system is sometimes a weak link in the administrative chain. It appears the provincial policies are often not implemented either in their spirit or their details. Why is this so?

Throughout the study that lead up to this paper this issue kept appearing. Many people close to the issues were concerned about the existing system and desired to see change.

Section 7(1) of the Parks Act gives almost complete discretionary authority to the park superintendent. This power is well known to and jealously guarded by them. The Upperwash and Bronte examples pointed out that the onsite managers were willing to stretch their authority to the limit, to the point of violating provincial policy.

The evidence is strong that some upgrading of the resource management skills of the onsite managers may be necessary. Few superintendents have any professional-level training in any of the resource management or planning fields. This situation appears to mediate against the implementation of sophisticated environmental and planning policies.

The severe cutback in funding for park operations has resulted in a reduction of staff numbers. In some parks full-time superintendent positions have become part-time with the resultant loss in continuity and the ability to plan ahead properly.

The managerial and site development operations are critical to the proper implementation of any long-term goals, policies or plans. It is reasonable to expect in the future that managers would be required, by law if necessary, to follow the provincial guidelines and the approved master plans.

Freedom of Information

It is essential that all documents, with the possible exception of documents dealing with the purchase of private land for parks, be available for public scrutiny. Section 31(1) and 31(2) of the Environmental Assessment Act cause the Minister to keep records in respect of an undertaking that involves an environmental assessment and causes the Minister to make them available upon the request of any person. A section, similar in intent to these, should be placed in the Ontario Provincial Parks Act in regards to master planning specifically and overall operation generally.
Public Participation and Standing

The parks are public property and their planning, development and management should be done in such a way that the procedures and policies are open to public comment and that the overall "public trust" given to the government is upheld.

The existing Act does not provide for any public access to information, decision-making or plans. The Act does not provide for any public role, other than that of recreationists.

An attempt has been made, at the head office level, to incorporate public participation in decision-making during master planning. The master plan guidelines state that "the Government through various announcements has a commitment to an open planning process with public participation" (Richards and Sargent, 1976). Unfortunately the case study results show that this intent is not always carried out in field situations. The deficiencies in the Act have not been alleviated by policy proclamation.

The system which develops the plans and the one which administers them should be open to public comment and scrutiny.

The legal concept of locus standi or standing, limits the ability of community-spirited individuals to question government activities in the courts. The concept states that:

no person may use the courts to vindicate a public interest or (as opposed to a property or economic interest) unless the person suffers damage that is greater than the damage suffered by all the other members of the public. Only the Attorney General, as the guardian of the public interest, may see to redress wrongs that affect the whole public or large segments of it (Swaigen, 1976).

The intent of this principle is to limit unfounded or frivolous suits in front of the court. The affect of the principle is to limit all suits by individuals in regards to public park management in Ontario. This limitation is so severe that no suit by an individual against the provincial government under the Provincial Parks Act has ever been successful.

But, one might ask: Doesn't the bureaucracy follow the letter and spirit of the law anyway? Reid (1982b) has pointed out that mineral exploration was carried out in Quetico despite a policy prohibiting such an activity. But of course a policy is not law. Unfortunately, the law was clearly broken in the case of the hunting and trapping that was allowed in 38 provincial parks without the necessary regulations being promulgated under the Game and Fish Act (Reid, 1982b). In addition, these consumptive activities were kept secret from all, except the participants, because the managers knew that they were doing something inappropriate. The information became public only when one concerned staff member tried to halt the practice and informed the press. This staff member was later dismissed from the employment of the Ministry of Natural Resources. Gray (1982) stated that:

Coupled with the perceived shortcomings of the present Provincial Parks Act, some of which have been mentioned, is the lack of status of the individual to take legal proceedings before our courts to rectify or attempt to rectify any government actions which he or she believe to be contrary to the law.

Miyata (1982) agreed when he stated that:

The legal standing of individuals before the courts must be included in the act.
The government is looking after our parks. If anyone, including the government, carries on questionable practices which cause the deterioration of park values, citizens should be able to take court action.

The *locus standi* barrier must be removed by legislation if the public is to have any access to the courts in regards to provincial park planning and management. The standing problems in the Ontario courts should be eliminated by the placement of a section in the Provincial Parks Act, such as the following one from the United States Endangered Species Act.

any person may commence a civil suit on his own behalf,

(A) to enjoin any person, including the United States and any other governmental instrumentality or agency...who is alleged to be in violation of any provision of this Act or regulation....

Starting in 1982, there has been a concerted move by the Ministry of Natural Resources to involve other institutions and many individuals in natural heritage protection. This was summarized by Richards (1963):

what is necessary at this time, is to focus and coordinate the resources of expertise, manpower, funds and above all enthusiasm which could be mobilized to stimulate renewed effort toward natural and scientific areas protection

and

The need for cooperative effort amongst all elements of interested public and private groups has probably never been greater. At present, funds from government and private sources are becoming increasingly difficult to obtain.

It is clear from these statements that the MNR realizes that it does not have the expertise, manpower or funds to fulfill the heritage protection mandate that it has been given. The move to involve other institutions and individuals is laudable but given the record of public involvement revealed in the case studies it is doubtful if true cooperation is at all possible. Most of the people who participated in the public participation process for the master plans now have a feeling that the entire activity was somewhat of a sham because they received no feedback and no plans were ever finalized.

Public access to and participation with the decision-making process in parks is essential if this is done properly a better plan with broad public support can be the result. If this is done improperly an antagonistic and hostile public can be created.

**The Preservation of Ontario's Natural Ecological Diversity**

Under the Canadian federal system of government the provinces have the right and the responsibility to manage the natural resources. The natural ecological diversity of the province is a gift from the past and is an important resource worthy of careful management and protection.

Aldo Leopold (1949) stated very succinctly that:

The first act of intelligent tinkering is to save all the pieces

Restating in a different way, he is suggesting that representative samples of ecosystems should be protected to serve
as gene reservoirs and benchmarks. This need has been recognized by the Provincial Parks Policy (1978a) and stated in the representation management principle.

Provincial Parks are established to secure for posterity representative features of Ontario's natural and cultural heritage. Wherever possible the best representations of our heritage will be included in the park system.

This policy statement should be strengthened by its inclusion in the Act. As such, the preservation of natural ecological diversity in Ontario would become a top priority of the provincial park system. The provision of outdoor recreation opportunities would continue to be of major importance but this activity would not be allowed to negatively impact upon the total ecological diversity.

The preservation of the natural ecological diversity of an area the size of Ontario is best carried out by a cooperative effort of all levels of government as well as non-governmental organizations. Each of the institutions given earlier (Figures 1 and 2) have a role to play (Eagles, 1979). The size of the provincial park system and the expertise of its staff make it obvious that this unit should play a central coordination role.
Summary of Recommendations

Swaigen (1978) and 1982 has suggested that changes are necessary to the Ontario Provincial Parks Act. He suggested that the following six principles underlie any revisions to the Act.

(1) The principles to which the managers of parkland are committed must be clearly articulated and available to the public.

(2) To be effective in creating effective countervailing pressure to destructive pressures, these principles must be reduced to a form which will have a high degree of moral persuasion and permanence.

(3) Decisions affecting the planning and management of parkland or its loss must be subjected as a matter of right to public participation and scrutiny.

(4) The onus of proving the necessity of their actions must be shifted from those who wish to preserve parkland to those who wish to destroy it.

(5) Those public bodies charged with holding and managing parkland must have a duty to preserve it.

(6) This duty must be enforceable by any member of the public.

The suggestions by Swaigen and the findings of this study provide a basis for the development of suggested changes to the Provincial Parks Act. It is time that the Act was overhauled. The administrative tinkering route has been tried for years and is only partially successful. Larger scale alterations are necessary.
Each of the following recommendations should be considered during the discussion of what is appropriate within a revised Ontario Provincial Parks Act.

(1) The Act should stipulate that the parkland is being held by the government within a public trust that ensures the preservation of public resources for the benefit of present and future generations. Such a trust must be enforceable by a citizen through the courts.

(2) The goal of the Provincial Park System should be:

To protect for all time a representative set of provincially significant natural, cultural and recreational environments and to provide a variety of outdoor recreation opportunities.

(3) The objectives of the Provincial Park System should be:

To protect provincially significant elements of the natural and cultural landscape of Ontario.

To provide outdoor recreation opportunities ranging from high-intensity day use to low-intensity wilderness experiences.

To provide opportunities for exploration and appreciation of the outdoor natural and cultural heritage of Ontario.

To provide Ontario’s residents and out-of-province visitors with opportunities to discover and experience the distinctive regions of the Province.

(4) Parks are now established by regulation. Consideration should be given to opening the regulation creation process under the Parks Act to some form of public participation.

(5) Park reserves should be created under the authority of the Provincial Parks Act.

(6) The provision of programs and facilities for outdoor recreation should not be allowed to destroy the significant natural, cultural and recreational environments that are found in Provincial Parks.

(7) All Provincial Parks should have approved master (management) plans within 10 years after the revision of the Act.

(8) All approved master (management) plans shall be legal documents with the force of law similar to Official Plans under the Ontario Planning Act.

(9) All approved master (management) plans shall bind the Crown.

(10) Individual citizens must be given standing in regards to this Act.

(11) All documents, with the possible exception of documents dealing with the purchase of private land for parks, shall be made available for public scrutiny upon the written request of any person.

(12) The master (management) plan shall be concerned with:

a) The overall goals and management objectives of the park and the methods of attaining these objectives.

b) The role and significance of the park within the total provincial park system.

c) The biophysical and cultural resources of the park.
d) The outdoor recreation opportunities that will be provided for.

e) The type and extent of needed programs and facilities within the park.

f) The impact of the park on regional recreational resources.

g) The physical and biological constraints that must be considered during plan formulation and implementation.

h) The classification of the park.

i) The land use zoning of the park.

j) The proposed staffing, phasing and budgetary considerations for plan implementation and subsequent operation.

k) Management and site planning guidelines.

l) The location of those species in the park that are rare or endangered in the Province of Ontario as well as the associated management guidelines.

m) Research needs for the future.

n) The approach to determination of the various ecosystem’s carrying capacity for use.

o) The approach to determination of the psychological carrying capacity of user groups in various recreational pursuits.

p) Other factors as determined by the Minister.

(13) The formulation stage of master (management) planning should be open to public participation and comment. There must be ample and enforceable notice procedures for allowing. Advertisement in wide-coverage newspapers is necessary for notice of major planning stages. Background documents must be available and accessible, especially to citizens who reside well away from the park in question. A similar procedure should be used for plan amendments.

(14) The master (management) Plan shall be approved by the signature of the Minister in the absence of objections. Sixty days prior to Ministerial approval, or longer at Ministerial discretion, the Minister shall give notice by publication in local and wide-coverage newspapers that he intends to approve a master plan. During that time period any person shall have the right to raise an objection and to call for a hearing of the Environmental Assessment Board on part or all of the Master Plan. The Board (EAB) shall then hold a hearing and make a decision on the objection.

(15) Negotiations should be held between the Ministry of the Environment and the Ministry of Natural Resources concerning the process of placing all master (management) plans under the provisions of the Environmental Assessment Act. If a referral is made to the Board under both the Environmental Assessment Act and the Provincial Parks Acts the Board should have the ability to combine the hearings.

(16) Approvals of amendments to the master plan should take the same approval route as approvals of master plans.
(17) It should be possible for both the Minister and any private citizen to apply for a plan amendment.

(18) Any extension, enlargement or addition of programs or facilities which would affect the natural environment of the park or would be in contravention of the approved master plan shall require a master plan amendment.

(19) Each Provincial Park shall be classified as one of the six classes - natural environment, nature reserve, wilderness, historical, recreation or waterway.

(20) Each class of park would be primarily dedicated to the goal inherent in its classification.

(21) The Act should include a formal master (management) plan approval process and procedure.

(22) In considering the approval of whole or part of a master (management) plan the Minister, or in the case of referral--the Board, shall consider:

a) The purpose of the Act;

b) The master plan submitted to him;

c) The suitability of the proposed policies in the park with the overall goal and objectives stated in this Act and the policies developed by the Minister;

d) All written public comments submitted to him with respect to the master plan.

(23) In order to fulfill the goals and objectives of this Act the Minister should have the power to enter into agreements with private landowners. These agreements would be primarily used to ensure that significant elements of the natural and cultural landscape of Ontario that are on private land and remain in private ownership shall be managed to ensure their continuance. These management agreements could be similar to those allowed for forestry management under the Woodlands Improvement Act and for wildlife management under the Game and Fish Act.

(24) The Minister shall publish on an annual basis a report which outlines:

a) Provincial park visitor usage;

b) Size, average and location and all provincial parks, park reserves, special recreation areas and wilderness areas;

c) The number of Provincial Parks that have approved master plans;

d) The degree of implementation of each approved master plan;

e) Any approved amendments to approved master plans that have been made during that year.

(25) Consideration should be given to bringing all wilderness areas as constituted under the Wilderness Areas Act into the provincial parks system as wilderness class parks or other classes as may be appropriate. The wilderness area establishment intent of the Wilderness Areas Act could be transferred into the Parks Act and the Wilderness Areas Act repealed.

(26) The Historical Parks Act and its management function should
likewise be transferred into the Provincial Parks Act and system. All existing parks now managed under this Act would become historical class provincial parks.

(27) Consideration should be given to the issue of whether the provincial parks system should remain within the Ministry of Natural Resources. Considerable debate has recently taken place concerning the inherent conflict between resource conflict and resource protection within this Ministry.

(28) The role of Parks Branch should be expanded to include: development of the standardized nature reserve and environmentally sensitive area selection criteria; development of planning and management guidelines for provincial parks generally and for nature reserves specifically; stimulation of research into the ecology of nature reserves; approval of grants-in-aid to municipalities, organizations and individuals who are involved in nature reserve activities; plus any other duty necessary to carry out the overall object of the preservation of the natural ecological diversity in Ontario.

Summary

The Ontario provincial park system covers a significant portion of the province with an area that is larger than many countries. It serves the dual role of environmental protection and outdoor recreation provision. It is planned and managed by the minister and staff of the Ministry of Natural Resources under the authority given to them by the 1954 Provincial Parks Act.

The existing Act has one major purpose. It gives the province the explicit power to establish and operate the system. The Act is severely lacking in the provision of guidelines or in the assignment of duty in the subject areas of planning, public participation, standing, public access to information or ecological management. The complete lack of any legal public role or access in regards to plans, management guidelines, information or decision-making is particularly troublesome. The case studies show that the existing bureaucracy has the delegated authority from the minister to do anything it wishes on the ground, often with little public, or ministerial influence on the decisions. This is an inappropriate situation in regards to the management of public lands for public benefit.

The Ontario Provincial Parks Act is in need of a complete revision. This opinion is relatively widely held. At a May 1981 parks conference at the University of Waterloo the assembled participants voted that (Anon, 1982),

Be it resolved that a strengthened and more explicit Parks Act is needed.

Hopefully this paper can play a role in the raising of the issues that need to be considered during the formulation of the new legislation. It appears that some revisions to the Act may be in the works. Beechey and Davidson (1982) stated that "amendments are being considered to strengthen the act to reflect more
precisely the existing provincial park policy approved by Cabinet."

Any law is only as good as the institution behooved with its administration. There is doubt that the goals of the provincial park system can ever be achieved when their administration is under the control of an agency that is primarily dedicated to exploitive enterprises such as mining and logging. Considerable thought should be given to the realignment of the provincial resource management functions into two ministries. One would be devoted to resource protection and balanced land management. The other would be concerned with the essential function of resource development in the mining and forestry fields.

The Ontario provincial parks system is of vital interest to the public as evidenced by the many million visits made each year. Societal needs and desires have changed considerably since the early 1950s and it is time that the appropriate alterations were made to bring this system up to date with these public demands.

### Literature Cited


