



1001 – 207 West Hastings
Vancouver, BC V6B 1H7
www.wcel.org

tel: 604.684.7378
fax: 604.684.1312
toll free: 1.800.330.WCEL (in BC)
email: admin@wcel.org

West Coast Environmental Law DEREGULATION BACKGROUNDER

BILL 84 WEAKENS PARK ACT

The BC government introduced Bill 84 – the *Parks and Protected Areas Statutes Amendment Act, 2003* -- on November 18, 2003. The Bill does three things:

- It weakens the *Park Act* provisions regarding recreational and tourism development in parks;
- It authorizes the removal of petroleum and natural gas from the subsurface of parks and protected areas; and
- It changes the boundaries to seven parks.

1. Tourism Development in Parks

The BC *Park Act* provides strong legal protection for natural resources in provincial parks in two key ways. It restricts the granting of private interests in parks, and the removal of natural resources, to those situations where it is “necessary for the preservation or maintenance” of the park. Secondly, it requires that parks be classified upon establishment according to the purpose of the park. There are six park classifications, including: preservation of the environment; preservation of scientific, historic or scenic features; enjoyment and convenience to the travelling public; provision of local or specific recreational opportunities; or a combination of these purposes. Once classified, any development of the park must be limited to that which is necessary to meet the purpose of the park.

Many parks fall into the ‘combined purposes’ category, in which case development is to be limited in accordance with a zoning plan that identifies which area of the park is dedicated to which purpose. For example, many parks might have ‘front country’ recreational areas with campgrounds, and ‘back country’ areas that are undeveloped for preservation of ecological values. Unfortunately, due largely to significant staff and budget cuts to the parks branch in recent years, many parks do not have zoning plans (also known as master plans) that determine which areas in a park are dedicated to which purposes in order to guide development. Also, for many years the government has neglected to classify parks on establishment.

What does Bill 84 do?

Bill 84 weakens the *Park Act* by no longer requiring that a park be classified upon establishment; rather, it will be the minister’s option whether to dedicate a park to a particular purpose. Failure to classify a park means less limitation on development within the park. This could mean that areas with high ecological values that warrant strict preservation could be open to recreational or tourism development.

Bill 84 also lowers the legal standard for granting private interests and removing natural resources in parks when it comes to recreational and tourism developments by making these approvals subject to the minister’s opinion on whether the development is ‘consistent with or complementary to’ recreational

values. That is weaker than the current test that those developments be 'necessary for the preservation or maintenance' of recreational values.

The end result of these changes is that tourism development may occur in inappropriate areas of a park. The government has not indicated which parks will be opened to this type of development, or whether there will be master planning and public process that precedes any such development within provincial parks.

2. Petroleum and Natural Gas Removal from Parks

Bill 84 adds a new provision to the *Park Act* that authorizes exploration and development of petroleum and natural gas within a park or recreation area. The Bill makes it clear that oil and gas companies may not enter or occupy park land to do so, suggesting that removal of these resources will occur from wells outside the park through techniques such as directional drilling. However, Bill 84 is silent on the important issues of environmental impacts of drilling operations adjacent to parks, and appropriate buffer zones to protect the ecological integrity of parks and protected areas. There can be numerous environmental impacts from oil and gas development: from wildlife habitat fragmentation due to seismic lines, to contaminants associated with tailings pits, to impacts on water quality from drilling. We are of the view that the *Park Act* should have legal protections for the ecological integrity of protected areas from outside impacts due to adjacent industrial activity.

3. Changes to Park Boundaries

Bill 84 amends the boundaries to seven parks, including Graham-Laurier Park in northern BC, in order to accommodate an industrial road for oil and gas development. Under the *Park Act*, such uses are prohibited.

For more information please contact:

West Coast Environmental Law
604-684-7378