

Road Access in Parks/Protected Areas Policy in Selected Jurisdictions

Prepared for:
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1.0 Background

Similar to many other jurisdictions across Canada, the Government of Yukon is implementing a protected areas strategy. A key component of the strategy for Yukon's natural resource industries concerns the policies which will define road access into and through protected areas. In order to inform the design of a Yukon road access policy, Vector Research was contracted by Energy, Mines and Resources to research the current parks/protected areas road access policies of the jurisdictions shown below. This note presents the results of the research exercise.

- British Columbia
- Alberta
- Manitoba
- Ontario
- New Brunswick
- Nova Scotia
- Newfoundland
- Alaska

2.0 Methodology

The main research instrument used was in the form of queries by email. For each of the eight jurisdictions at least two initial points of contact were identified, one from an industry association, one from within government. Some contacts were provided by Energy, Mines and Resources; other were identified through research of on-line directories. The list of initial contacts identified and queried is attached.

While responses were not received from all individuals queried, responses were received from all jurisdictions. All responses were in the form of electronic mail except for Manitoba's which was relayed by telephone.

Note that the individuals contacted were not asked to provide an "official" response on behalf of the agency they represent. In addition, it was in no way suggested that the responses would be for the use of any agency other than the Yukon Department of Energy, Mines and Resources. As a result, any alternate use should be confirmed with the respondents.

3.0 Research Question

All jurisdictions were presented with the same request, namely to:

*"...identify the current policies of [jurisdiction] in respect of:
a) new road access through parks/protected areas for resource development (e.g., mining, forestry, oil, gas and hydroelectric) located outside the boundaries of the park/protected area; and
b) road access through parks/protected areas on roads/trails which pre-date the creation of the park/protected area for resource development (e.g., mining, forestry, oil, gas and hydroelectric) located outside the boundaries of the park/protected area."*

4.0 Research Results

The responses received are summarized in the table on the following pages. Note that written responses provided by the various jurisdictions were generally quite detailed and informative. As a result, readers are encouraged to read the actual responses which are reproduced verbatim by jurisdiction in the tabbed section of this binder. The Alaska section of the binder includes a copy of the publication *d(2), Part 2 - A Report to the People of Alaska on the Land Promises Made in ANILCA* provided by the Alaska Miners Association.

The accompanying CD contains a digital copy of these notes, the summary of responses table and the email responses received which contained information relevant to the project. In addition, digital (pdf) versions of source documents referenced in respondents' email or sourced on various websites may also be found, by jurisdiction, on the same CD.

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5.0 Summary of Responses

Jurisdiction	
British Columbia	<ul style="list-style-type: none"> industrial-use roads normally prevented under provincial legislation in parks, ecological reserves, protected areas no new industrial road use through existing parks existing roads normally excluded from areas under consideration for park, ecological reserve or protected area road access through existing park, ecological reserve or protected area would require legislative amendment to change designation of land
Alberta	<ul style="list-style-type: none"> new road access for industrial development not permitted in parks/protected areas new road access may be permitted where resource tenure predates park/protected area designation road access on existing provincial/municipal roads through parks/protected areas is permitted road access on park roads/trails not typically available for resource development use; exception a possibility where net environmental impact shown to be less than new access road to pre-existing tenure
Manitoba	<ul style="list-style-type: none"> under Provincial Parks Act - land classified as one of four types of park: wilderness, natural, recreation or heritage “use categories” overlaid on land classification include wilderness, backcountry, resource management, recreational development, heritage or access logging, mining, oil, gas hydro-electric development not permitted in wilderness parks or any area categorized wilderness, backcountry or heritage access category allows for roads but road location must be specified in regulation overlay of “use categories” on “park classification” provides flexibility; can allow multiple use where multiple values identified modification of access road (e.g., change in route) regulated under access category requires public review process and Cabinet approval (not at Minister’s discretion)
Ontario	<ul style="list-style-type: none"> road access through parks/conservation reserves subject to “class environmental assessment process” becoming apparent that Class EA guidelines problematic for mineral sector where a) mining land tenure surrounded by new protected areas, and b) access through protected area to mineral resources located outside protected area is necessary; such situations (a & b) being examined on case by case basis net result is no road access for mining through park or protected area (including rehabilitation of existing roads) forestry sector was able to participate in Class EA design process and secured limited number of crossings of new protected areas; mineral and other sectors not invited to participate concept of “controlled exploration” in new protected areas which contain “provincially significant mineral potential” no longer on the table (as of March 2002)
New Brunswick	<ul style="list-style-type: none"> only existing public thoroughfares to be maintained in protected natural areas, or PNAs (legislation pending) all roads which predate establishment of PNAs will be left to deteriorate unless designated in regulations as public thoroughfare new roads for resource development purposes generally not permitted through PNAs; easement may be granted where hardship demonstrated but access allowed only on existing corridors of abandoned roads

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Summary of Responses (continued)

Jurisdiction	
Nova Scotia	<ul style="list-style-type: none"> • access through parks and park reserves generally not considered unless a result of unique circumstances • in case of unique circumstance, a request would be considered by multi-disciplinary committee (representing geological, wildlife, park and resource management perspectives) • should access be granted, letter of authority for temporary access is provided • in general, legislation prohibits construction of new roads or use of old roads through Wilderness Areas (WA) and Nature Reserves (NR) for resource development outside WA or NR boundaries • access to inholdings located within WAs may be granted under ministerial discretion where there is no alternative lawful access • pre-existing mineral rights within WAs are to be honored (including potential mine development)
Newfoundland	<ul style="list-style-type: none"> • Wilderness and Ecological Reserves Act allows existing interests/rights of way/ transmission lines etc. to be exempted from a protected area (would also include buffer for widening/upgrading) • new roads for access to resources are normally not allowed; however, if thought to be sufficiently important protected area could potentially be revised via public hearing and Cabinet approval process
Alaska	<ul style="list-style-type: none"> • generally speaking, existing (pre-park) access routes are not allowed after park designation • no new access into or through park areas • access to inholdings eroded through requirements for special use/operating permits • Alaska National Interest Lands Act (1980) promised use of existing access; has not been borne out • Red Dog Mine access road only example of new access across park/protected area (required Act of Congress)

Sources:

British Columbia	Gil Scott, BC Ministry of Water, Land and Air Protection
Alberta	Lorne Fisher, Alberta Community Development, Parks and Protected Areas
Manitoba	Roger Schroeder, Manitoba Department of Conservation, Protected Areas and System Planning (telcon)
Ontario	Ruth Debicki, Ministry of Northern Development & Mines; David Comba, PDAC
New Brunswick	Maryse Bourgeois, NB Department of Natural Resources and Energy
Nova Scotia	Harold Carroll, NS Department of Natural Resources; Oliver Maass, NS Department of Environment and Labour
Newfoundland	Richard Wardle, Newfoundland Department of Mines and Energy
Alaska	Stephen Borell, Alaska Miners Association