

BC PROVINCIAL PARK BOUNDARY ADJUSTMENT POLICY, PROCESS AND GUIDELINES

Approved: July 26, 2004

1. BACKGROUND

Provincial parks are set aside to provide a wide range of opportunities that support tourism and recreation while maintaining the integrity of the natural environment that forms the foundation for this economic activity.

Periodically, there are proposed developments which involve activities which are prohibited by the Park Act. The Minister of Water, Land and Air Protection will consider such proposals where the public interest may warrant modifying park boundaries to remove the affected area from the park. This determination requires guidelines that are based on principles for maintaining the integrity of park values as well as a clear process for evaluation and decision.

This policy, process and guidelines apply to private or public sector development proposals that have implications for the legal boundaries of parks.

2. GUIDING PRINCIPLES

Since the early 1990's, parks have been created through comprehensive land use planning processes such as Land and Resource Management Plans and Regional Land Use Plans. Prior to the 1990's, park candidates were identified through the BC Parks systems planning process on an area by area basis. In all circumstances, areas were selected for park designation to:

- contribute to the long term growth of BC's tourism industry and the
- diversification of our economy;
- improve our quality of life by providing places where all British Columbians can enjoy a variety of recreational activities;
- aid the preservation and understanding of our cultural heritage;
- provide natural benchmarks for scientific research; and
- protect representative and unique ecosystems, and species at risk.

In recognition of the public interest in the designation and management of parks, and the integral role parks play in supporting local economies and community based recreation, government has afforded parks a high level of legislative protection. Because of this, boundary adjustments require legislation and are normally approved only where there are significant benefits to the Province.

Consideration of proposals for park boundary changes will be guided by the following principles:

- The Province is committed to the long term protection of provincial parks and the integrity of their associated ecological, recreational and cultural values.
- Proposals for park boundary amendments will be considered on a case by case basis where there are compelling provincial economic, environmental and social benefits that exceed preserving the integrity of the existing park boundary and values.
- The review and evaluation process will be timely and transparent.

- The proponent must establish the case to amend a park boundary and bear the associated costs.
- Where a change is to be made to a park established through a local public process, participants in the original process will be consulted on the proposed change, within reason.
- Consultation with First Nations will be required, as appropriate.
- Suitable public consultation will be required, consistent with the significance of the proposed change.

3. REQUESTS FOR BOUNDARY ADJUSTMENTS

A proponent considering a project within a park should contact BC Parks staff as early as possible in the proposal development stage to determine if the proposed use is compatible with the park legislation, regulation and objectives. Proponents can be private individuals, companies or other government agencies/ministries.

If the proposal will require an amendment to park boundaries, then the proponent will be advised of the need to make a formal request.

This policy and guidelines will then be provided to the proponent along with the advice that they should maintain contact with BC Park's staff during development of the proposal. This provides the opportunity to ensure timely implementation of the process.

A Formal Request will include all of the information required by these guidelines along with a covering letter addressed to the Director, Parks and Protected Areas Branch, Ministry of Water, Land and Air Protection, requesting a review of the proposal for a park boundary amendment.

4. GUIDELINES FOR FORMAL REQUESTS

The decision on whether to consider an application to amend a park boundary rests with the Minister of Water, Land and Air, Protection. Proponents should ensure that the information they submit with the Formal Request addresses the following considerations to the satisfaction of the Minister.

1. Alternatives to avoid the park have been considered.

Proponents will document alternatives that would avoid the need to consider a park boundary amendment. Reasonable alternatives must be considered in the interest of ensuring a comprehensive and fair assessment in relation to the significance of the park values that may be impacted.

2. Overall economic benefits to the Province have been documented.

The overall economic cost/benefit analysis associated with the proposed park boundary adjustment will inform the assessment process. The economic analysis should include a summary of the short-term and long-term employment and infrastructure impacts.

3. Social and environmental Impacts have been documented.

All potential impacts of the proposed development on the social and environmental values of the park must be identified. This should include consideration of how park use patterns and visitor safety may be affected by the proposal. Assessment of the social and environmental impacts will assist in identifying potential mitigation, restoration or compensation measures that would preserve the recreation and/or conservation values of the park.

4. Mitigation and restoration have been identified.

Proponents will identify ways to overcome the overall impact the proposed development may have on park values. This will inform the assessment process of opportunities to retain or add to park values and avoid progressive erosion of the integrity of the park or its contribution to the protected.

5. First Nations have been adequately consulted.

Proponents will discuss the proposed development and the potential impacts on park boundaries and values with the appropriate First Nations and document the outcome of these discussions in the proposal. This will provide an indication of the degree of First Nations acceptance of the impacts. Inclusion of this information in the proposal will also assist in identifying whether adequate First Nations consultation has occurred.

6. Local community has been consulted.

Proponents must assess the level of support or opposition among the key community, local government and public groups that may have an interest in the potential impacts of the proposed development on park boundaries. The proponent should identify whether this indication of public response was obtained through direct consultation or through indirect means such as review of media reports, interest group newsletters, etc. Proponents will identify the local government position (if any) on the proposed project.

Inclusion of this information in the proposal will also assist in identifying whether adequate public and/or local government consultation has occurred.

5. PROCESS FOR REVIEWING FORMAL REQUESTS

The review process will commence when the Formal Request includes the information necessary to address the guidelines in part 4 of this, document. The following process is then initiated, (See also APPENDIX I for a flowchart)

1. BC Parks Staff contact staff of the Ministry of Sustainable Resource Management and other relevant or interested Ministries, as appropriate, to inform them of the proposal.

2. The economic, social and environmental implications of the proposal, along with the extent of public and First Nations consultation identified in the proposal, are assessed.

3. The adequacy of First Nations consultation will be determined based on a review of the consultation documented in the proposal including where necessary an assessment by the Treaty Negotiations Office. If additional consultations are required, the results will be documented in a supplemental report prepared for the Ministry.

4. The adequacy of local government/community consultation will be determined based on a review of the consultation identified in the proposal. If additional consultations are required, the results will be documented in a supplemental report prepared for the Ministry.

5. An overall assessment of the proposal and the consultation report along with a recommendation is submitted by BC Parks staff to the Minister for decision.

6. If the Minister decides to reject the proposal then the proponent is notified without delay.

7. If the Minister decides to recommend a legislative amendment, then approval for legislation will be requested by the Ministry of Water, Land and Air Protection.

8. If Cabinet decides to introduce a legislative amendment to change a park boundary, then the Minister will notify the proponent. The final decision will rest with the Legislature.

9. A legislative amendment is introduced and proceeds through the formal vote process for Bills in the Legislature.

Process Notes:

- The timeline for the Ministry to proceed from steps 1 through 6 is six months assuming consultations have been adequate.
- Proponents must submit a formal request for park boundary review by August 1 to allow sufficient time for a request to be considered for the following Spring Legislative Session, or by March 1 for the Fall Legislative Session.
- Proposals received after these dates will be processed on a best effort basis.

The final decision on a boundary amendment rests with either the Cabinet or the Legislature depending on the level at which the park boundary is originally designated. A boundary established by Order in Council is amended at the Cabinet level and a boundary established by an Act of the Legislature can only be amended by the Legislature. Most boundaries are established by Act of the Legislature.

6. IMPORTANT PROCEDURAL NOTES

In order to ensure clear understanding and application of these principles and guidelines, proponents should initiate early contact and maintain communications with BC Parks staff. A proposal that meets all the information requirements will assist in keeping the proposal assessment process within the allocated six month time frame.

Decisions to consider a proposal for a park boundary adjustment are made by the Minister based on the economic, social and environmental considerations. There is an increased risk of a proposal being rejected under one or more of the following circumstances:

- There is significant First Nations opposition.
- There is significant public or local government opposition.
- Impacts to species at risk cannot be overcome.
- There is insufficient overall benefit to the Province.

A decision to consider an application to amend a park boundary to allow for a development does not constitute approval of the proposed project. The final decision to amend a boundary rests with the Legislature. As well, all proposed projects are subject to the normal provincial and federal regulatory review processes that apply to such projects. Park boundary amendments, if approved, will be brought into force when the proposed project has received all other approvals to proceed (e.g. Environmental Assessment Certificate),

7. AVAILABLE RESOURCES

In preparing information to address these guidelines, proponents should consider the following sources of information which may be of assistance:

- The BC Parks Impact Assessment Process is used by staff to assess potential impacts of proposed actions in provincial protected areas. It offers processes and background information which can be used by proponents. The process is described in detail on the BC Parks website at the following address: <http://wlapwww.gov.bc.ca/bcparks/conserve/impact/impact.htm>

· The Ministry of Small Business and Economic Development Fast Track Program "Guide for Applicants Eligibility and information Requirements" offers further assistance in documenting proposals. Although all aspects of this guide may not be applicable to proposals for park boundary adjustment, it can assist in defining the project, Identifying and documenting economic impacts and other information requirements requested in these guidelines.

Source: BCEN

<http://www.ecobc.org/Campaigns/2005/08/MovementNews452/index.cfm>