

Parks as Mechanisms to Protect Cultural and Biological Diversity

Land Use Designations: Definitions, Descriptions, and Legislation

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Researched and written on behalf of

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by

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EXECUTIVE SUMMARY

"Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources."

Article 29, United Nations Declaration on the Rights of Indigenous Peoples

Perceptions of protecting cultural and biological diversity are as varied as the communities who hold them. Concepts of protecting indigenous lands, as they must, include the recognition that economic opportunities play an equally important role in sustaining these communities.

For over a hundred years, the governments of both British Columbia and Canada have enacted legislation to enable a variety of types of protected areas. They offer a range of protective measures, from very little to almost exclusively protective, depending on the purposes for which a given parcel of land has been designated.

Historically, economic activity in most protected areas has been restricted, although the rights of indigenous people to hunt and fish was recognised and retained. This study gives the definitions of protected area designations, discusses the range of objectives with the recent provincial Conservancy designation, and gives a few examples of the relatively recent—but not officially recognised—designation of “tribal park.”

British Columbia’s provincial parks and protected areas system, one of the largest and most comprehensive such systems in the world, has five primary classes of protected areas, ranging from the most restrictive to those much less so, and/or that are largely managed by regional interests: Ecological Reserves; Class A, Class B, and Class C provincial parks; and Conservancies, the newest provincially legislated class of protected area. The conservancy designation explicitly recognizes the importance of these areas to First Nations for social, ceremonial, and cultural uses. There is also legislated provision for lands to be designated under the [old] Environment and Land Use Act.

Prior to the legislation enabling the conservancy designation, some First Nations took it upon themselves to declare important areas within their traditional territories as tribal parks, particularly when resource extractive (largely logging and mining) activities were perceived to threaten the cultural fabric of their lives. The Tla-o-qui-aht First Nation, in and around Tofino, was the first when, in 1984, it declared that Meares Island was off-limits to the intensive clearcut logging that was occurring in Clayoquot Sound and obtained a court injunction to prevent logging. The Nlaka’pamux and St’at’imc First Nations followed suit soon after, and for much the same reason, when in 1987 they declared the Nlaka’pamux (Stein Valley) Tribal Heritage Park, which has since received provincial recognition as a Class A park. One of the apparent benefits of the phrase “tribal park,” is that it publicly declares that the area is important to First Nations. However, the BC government does not recognise tribal parks; it considers them to be Crown lands and will allow logging, mining, and other industrial uses of, and activities on, these lands.

Parks Canada’s system has essentially only one class of park. Whether or not people live in a park or any commercial or economic activities occur inside a park, has largely been dependent on historical purposes of any given park. For example, Banff, Canada’s first national park, was always intended to attract tourists and has allowed all the commercial activities associated with tourism; similarly for Jasper. Until recently, designating new national parks entailed moving residents out of the park and forbidding industrial and commercial activities within park boundaries. Parks Canada now recognises the settlement of aboriginal land claims before proclaiming a national park, resulting in the use of “National Park Reserve” language.

INTRODUCTION

Land Use Designations: Definitions, Descriptions, and Legislation

For over a hundred years, the governments of both British Columbia and Canada have enacted legislation to enable a variety of types of protected areas. They offer a range of protective measures, from very little to almost exclusively protective, depending on the purposes for which they have been designated. Historically, economic activity in most of these protected areas has been restricted, although the rights of indigenous people to hunt and fish in these areas has been retained. A definition and, in some cases, examples of each follows.

1. BRITISH COLUMBIA

Ecological Reserves: The purpose of ecological reserves “is to reserve Crown land for ecological purposes, including the following areas:

- Areas suitable for scientific research and educational purposes associated with studies in productivity and other aspects of the natural environment;
- Areas that are representative examples of natural ecosystems in British Columbia;
- Areas that serve as examples of ecosystems that have been modified by human beings and offer an opportunity to study the recovery of the natural ecosystem from modification;
- Areas where rare or endangered native plants and animals in their natural habitat may be preserved;
- Areas that contain unique and rare examples of botanical, zoological or geological phenomena.
- The legislation guiding the program is very restrictive and all extractive activities are prohibited. As such, ecological reserves are considered to be the areas most highly protected and least subject to human influence.
- Ecological reserves can be established by two means: (i) by order in council under the *Ecological Reserve Act* or (ii) by inclusion in schedules to the *Protected Areas of British Columbia Act*.

Class A Provincial Park: “A Class A park is Crown land designated under the Park Act or by the Protected Areas of British Columbia Act whose management and development is constrained by the Park Act. Sections 8 and 9 of the Park Act are the pertinent sections and direct that a park use permit must not be issued respecting an interest in land or natural resources ‘unless, in the opinion of the minister, to do so is necessary to preserve or maintain the recreational values of the park involved’.”

In 1995, amendments to the Park Act provided increased flexibility in accommodating uses in Class A parks by allowing for the continuation of grazing, hay-cutting, and other uses (except commercial logging, mining, or hydroelectric development) that existed at the time the park was established.

Class A parks can be designated by two means. Class A parks can be established by either order in council under the Park Act, or by inclusion in a schedule to the Protected Areas of British Columbia Act.”

Conservancies: “A conservancy is Crown land, designated under the *Park Act* or by the *Protected Areas of British Columbia Act*, whose management and development is constrained by the *Park Act*.

Highlights of the new designation: The conservancy designation explicitly recognizes the importance of these areas to First Nations for social, ceremonial, and cultural uses;

Commercial logging, mining, and hydroelectric power generation, other than local run-of-the-river projects, are prohibited in a conservancy; and

Conservancies provide for a wider range of low impact, compatible economic opportunities than a Class A park. These economic opportunities must still not restrict, prevent, or hinder the conservancy from meeting its intent or purpose with respect to maintaining biological diversity, natural environments, First Nations social, ceremonial and cultural uses, and recreational values.

Conservancies can be designated by two means. Conservancies can be established by either order-in-council under the *Park Act* or by inclusion in a schedule to the *Protected Areas of British Columbia Act*. Presently, all conservancies are established by inclusion in schedules to the *Protected Areas of British Columbia Act*.”

Designations under the Environment and Land Use Act:

- The *Environment and Land Use Act* is a broad piece of legislation that empowers a Land Use Committee of Cabinet to ensure that all aspects of the preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development. Orders can be made respecting the environment or land use.
- Protected area designations under the *Environment and Land Use Act* are by order in council.
- Management direction for protected areas is provided by any special conditions included in the establishing order in council and specified provisions of the *Park Act* and *Park, Conservancy and Recreation Area Regulation* as identified in the order in council.

Tribal Park: Neither the phrase nor a description of the designation “tribal park” could be found on any BC or federal government website. One definition was found on the Wilderness Committee’s website:

A tribal park is established by a First Nation protecting their traditional territory from industrial development. The basic tenet of a tribal park is that traditional activities like medicine collecting, hunting and ceremonial activities on the land continue and are encouraged, but the land is protected from mining, logging and other industrial developments. The other essential component of a tribal park is the on-the-ground management of the territory by local community members.

“Tribal park” is not a legally recognised designation, either provincially or federally. Recently, the BC government issued a mine exploration permit to a company that wants to establish a gold mine in the proposed Haa’uukmin Tribal Park, one of the tribal parks proposed by the Tla-o-qui-aht First Nation in Clayoquot Sound.

2. NATIONAL PARKS AND NATIONAL PARK RESERVES

Parks Canada’s website states:

National parks protect natural environments representative of Canada's natural heritage. These special places are gateways to nature, to adventure, to discovery, to solitude. They celebrate the beauty and infinite variety of our country. Protected and preserved for all Canadians and for the world, each is a sanctuary in which nature is allowed to evolve in its own way, as it has done since the dawn of time. Each provides a haven, not only for plants and animals, but also for the human spirit...Our goal is to establish a system of national parks that represents each of Canada's distinct natural regions. This system is just over 60% completed.

Some national parks, such as Banff, have allowed extensive commercial operations within their boundaries; others are highly restrictive. Most have not allowed people to reside in the parks. In later years, recognising the needs of indigenous communities, as well as the value in maintaining a natural area's traditional evolution, this has changed. Today, Parks Canada works in partnerships with indigenous groups who have lived in park areas for generations.

3. DISCUSSION

There are a number of reasons to designate park or protective status over a parcel of land. In most jurisdictions, particularly in Canada, these include lands for recreation (both front- and back-country), to protect existing species and habitats, wilderness appreciation, or for educational reasons (as with BC's ecological reserves system).

In recent years, two additional reasons have emerged. One of these is for the conservation of biodiversity, most particularly as a possible hedge against climate change effects. The second one recognises the cultural—which includes both social and economic—needs of indigenous communities. One of the major criticisms of large Class A provincial parks has been the restriction of commercial activities within their boundaries. In areas where the vast majority of communities are of indigenous populations, modifying, if not removing, restrictions on economic uses within some parks can allow for partnership agreements that achieve both a high degree of protection of ecosystems and opportunities for economic diversification by the people who live in and adjacent to parks.

Both Parks Canada and BC Parks have developed policies and practices that reflect a growing appreciation of partnerships and other types of agreements with First Nations and other indigenous and community organisations. In some cases, this need has arisen as a direct result of the lack of treaties or other land settlement agreements. For example, Parks Canada's designation of national park reserve (e.g., Pacific Rim National Park Reserve) recognises that land claims have still not been settled. In other situations, it has been due to direct action, including more or less public consultations—and confrontations—resulting in negotiations between government agencies, First Nations, and citizen stakeholder groups (e.g., establishment of Gwaii Haanas National Park Reserve).

BC Parks' primary response has been the legislated Conservancy designation (see Appendix). This designation recognises the need to accommodate the “social, ceremonial, and cultural” requirements of First Nations. BC Parks' 2011-12 Annual Report describes the relationship the department says it “strives to maintain” with First Nations in the province (pp. 31-32):

Engaging First Nations : BC Parks values strong relationships with First Nations in managing protected areas. Parks and protected areas protect places and values that are important to First Nations' culture and economy.

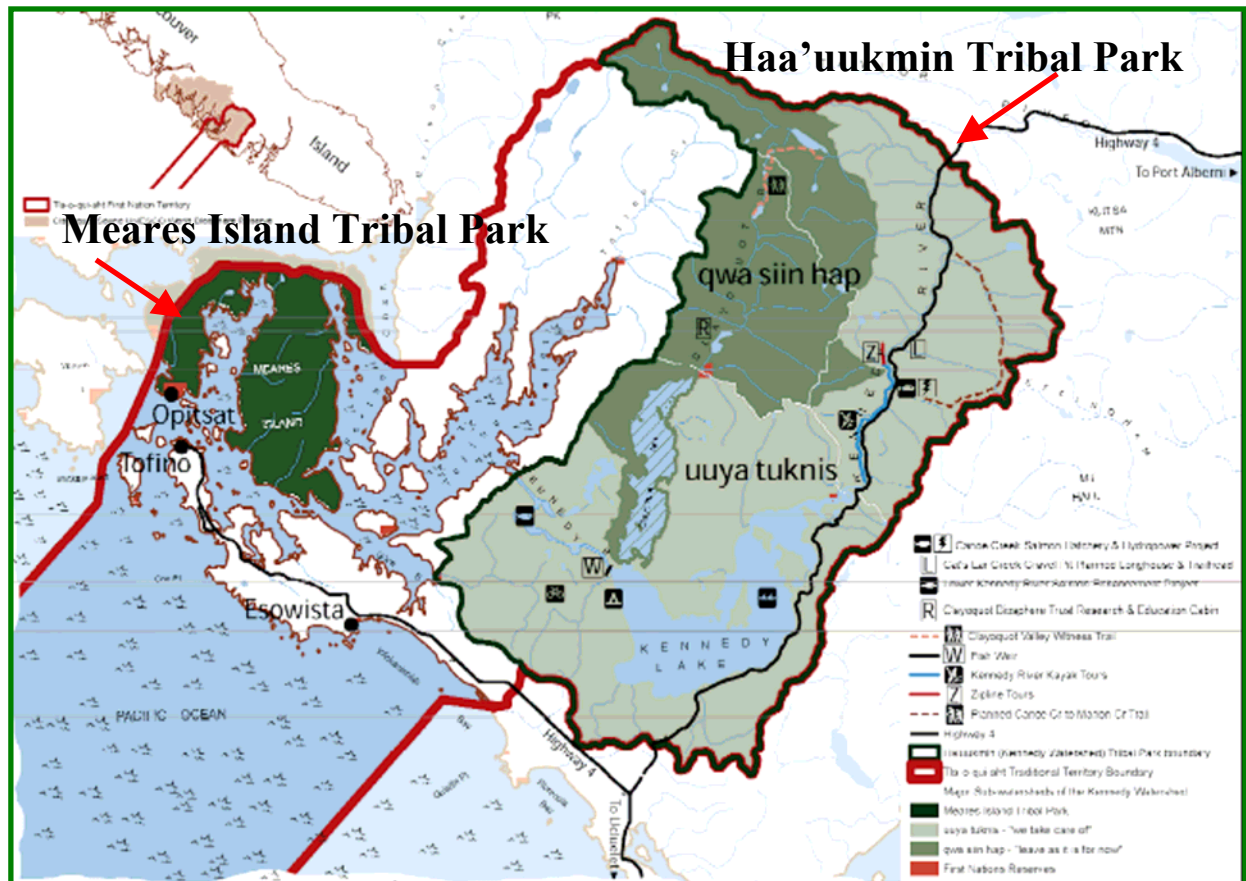
There are now [roughly three dozen] collaborative management agreements in place and [many] more under negotiation. ... These agreements define how BC Parks and First Nations will work together to plan and manage the protected areas by establishing mechanisms for First Nations and BC Parks staff to work collaboratively on protected area management plans and the review of proposals for commercial activities.

According to the legislation, conservancies offer greater opportunity for “low impact” economic activities, particularly for First Nations, along with greater opportunities to participate in land use and resource planning. At least on paper, it seems possible for an area to receive an amount of protection under a Conservancy designation, regarding its biodiversity, special natural features, and/or general recreational aspects, yet still allow First Nations to engage in traditional activities and compatible economic activities. The key word here is “compatible.” This may be a primary area for negotiation, both with government and other parties who have an interest in a given area. In fact, there have been a number of conservancies in the northern part of the province where pipelines have either been started to be built or soon will be. This may or may not be a subject for negotiation. Time will tell.

During the past 30 years, increasing numbers of First Nations in BC have designated or proposed tribal parks within their traditional territories. Some of these are:

a. Tla-o-qui-aht First Nation (TFN): There is one existing and one proposed tribal park in the TFN's traditional territory on the south-central west coast of Vancouver Island (Clayoquot Sound area). Meares Island Tribal Park was established in 1984. It was the first, and probably the most famous, tribal park in BC. It remains emblematic of the infamous "War in the Woods" that occurred in British Columbia in the 1980s and '90s. In essence, it is a "de facto" tribal park in that the TFN obtained a court injunction to prevent industrial activities; this injunction is still in force.

Haa'uukmin Tribal Park, which encompasses the entire Kennedy River watershed, has been proposed in recent years. At a 2009 conference in Tofino to discuss plans for Haa'uukmin, Ian Gill, then president of Ecotrust Canada, said, "...there [is] recognition and appreciation of the unique undertaking that the tribal parks initiative represents. ...[Y]ou've got great ecological diversity here, you've got great cultural diversity here, the real challenge... is to build economic diversity... We need a great deal more diversity in the economy of Clayoquot Sound... That's what we're striving to achieve."



The dark red border delineates Tla-o-qui-aht traditional territory. Haa'uukmin Tribal Park encompasses the entire Kennedy River watershed.

In 2010, Eli Enns, Director of the Tla-o-qui-aht Nation Building Program, gave a presentation at a major international conference in California in which he described tribal parks as indigenous watershed management areas having a “watershed management approach that balances traditional governance with adaptive and ecosystem-based management approaches.”

Rob Ferguson and Terry Dorward-Seitcher, in a presentation titled “Tourism, Protected Areas and Community: Investigating the Role of Tribal Parks,” said that tribal parks can act “as a community conservation initiative that incorporates traditional knowledge and values within a contemporary conservation management framework.”

The Tla-o-qui-aht First Nation declared Tranquil Valley (clayoquotaction.org) a tribal park in Clayoquot Sound (within Haa'uukmin, mentioned above), and have been working on a conservation model to attract investors to build a salmon hatchery and other sustainable projects. In August 2013, the Tla-o-qui-aht learned that plans to begin gold mining exploration in the proposed tribal park took a significant step forward. A letter was sent to the BC Minister of Energy and Mines from a senior mines inspector recommending approval for a permit to conduct exploratory drilling at the long-abandoned Fandora mine site. The Tla-o-qui-aht oppose mining in their territory and are not satisfied with the level of consultation by the company, Vancouver-based Selkirk Metals (owned by Imperial Metals Corporation) and the BC government. The mine does not fit the Tla-o-qui-aht vision of ecosystem management and resource stewardship.

b. Nlaka'pamux (Stein) Tribal Heritage Park: The October 1987 Stein Declaration by Nlaka'pamux [Lytton] Chief Ruby Dunstan and St'at'imc [Mt. Currie] Chief Leonard Andrew proclaimed:

Under the cooperative authority of our two bands, we will maintain the Stein Valley as a wilderness in perpetuity for the enjoyment and enlightenment of all peoples and the enhancement of the slender life thread on this planet.

Establishing this 110,000 hectare tribal park was a hugely collaborative result of First Nations, non-aboriginal communities, and environmental groups working together. This is the only “tribal park” with recognised Class A BC Provincial Park status.

c. Doig River First Nation (DRFN) declared the K'ih tsaa'dze Tribal Park in September 2011. The park includes 90,000 hectares of land located within DRFN traditional territory in northern BC and northern Alberta. The name K'ih tsaa'dze means “Old Spruce” in the Daneza language. This declaration represents an important step in the DRFN's assertion of management rights over its traditional lands. When noted forest ecologist Herb Hammond, an expert on boreal forest ecosystems, drafted a management plan for the K'ih tsaa'dze, he said he's seen few such forests as biologically diverse as this one.

d. Haida First Nation: The Haida Protected Areas are land designations and administrative decisions of the Council of the Haida Nation. These HPAs represent the only land use planning other than logging plans being done by the province. These areas account for approximately 250,000 hectares of land. Throughout all of the Haida Protected Areas, as with the whole of Haida Gwaii, these areas have been integral to Haida culture. A few of these are described below:

DUU GUUSD (148,800 ha): Duu Guusd was the first area designated by the Haida Nation in 1989 as a 'Tribal Park, changed only by relentless seas and pounding rain since ancient times. It supports a valuable interaction of bird, fish, animal and plant life. Duu Guusd Tribal Park has been the home of the Haida Gwaii Rediscovery Society since 1978. Duu Guusd has faced

almost annual attempts at logging by industry. It is temporarily protected under Part 13 of the Forest Act and cannot be used for logging.

GWAI HAANAS: Gwaii Haanas was the second area designated as a Haida Heritage Site. After an extended campaign, the region now enjoys full protection under an agreement with Canada as a national park reserve.

TSUUGUUS GANDLI (Security Inlet, 7,939 ha): One of the most sheltered areas on the west coast of Moresby Island, Security Inlet has been used by our people for centuries.

TLALL (Tlell Watershed, 31,437 ha): The Tlell Protected Area includes the headwaters and main stream channel of what is known as the Tlell River. The Tlell would be considered for only limited ecoforestry that could protect inherent values.

YAAGAN SIWAAY (Yakoun River Corridor and Yakoun Lake Watershed, 18,300 ha): The Yakoun watershed lies at the heart of Graham Island. It is the largest river system on Haida Gwaii, and has met the spiritual and material needs of our people for millennia. Extensively logged, the remaining ancient forest corridor along the Yakoun must become the focus of intense restoration efforts. Our people return to the river every summer and fall to catch salmon for the year. Because of the heavy impacts the Yakoun corridor has suffered, the Haida Nation seeks to restore this area to ensure that it will provide for the spiritual and material well-being of our people.

QYADGAYUAAW-QAYSUN (Kitgoro/Niisii and Kaisun Village, 4,761 ha): This area has high cultural and historical values for our people, including habitation by our people. There are also spectacular old-growth forests in this area.

KUNXAALAS (Grey Bay – Cumshewa, 4,925 ha): This Haida Protected Area is a culturally and historically important food gathering and settlement area. It is one of the few remaining natural forests on North Moresby Island.

KUMDIS SLOUGH: Kumdis Slough (1,101 ha) is an internationally significant wetland, waterfowl, and salmonid habitat area. It is an area of high Haida use for cedar and other plants and food gathering, and should be protected from industrial logging.

e. (Proposed) Dasiqox-Taseko Wilderness Conservancy: Proposed by the Xenigwet'in and Yunesit'in First Nations, two of the six First Nations that make up the Tsilhqot'in Nation, Dasiqox-Taseko Wilderness Conservancy would protect over 240,000 hectares of wilderness. This large area would also contain the Xenigwet'in Aboriginal Wilderness and Wild Horse Preserve, which is so important to the Tsilhqot'in culture and way of life in this rainshadowed region of the province.

Whether the ultimate decision is a designation as a provincial Conservancy or a Tribal Park, the area would protect critical lowland grasslands and wetlands that are important for biodiversity and connectivity between five class A BC Parks that feature largely subalpine and alpine environments. Since Class A parks allow no resource uses, a conservancy or tribal park designation would allow people to engage in low-impact economic activities. The proposal also strongly relates to the Tsilhqot'in Nation's concerns about the current and future effects of climate change. For more information on this proposal, go to www.fonv.ca or www.vws.org.

4. CONCLUSION

Setting aside lands and adjacent aquatic (marine and freshwater) areas for a range of reasons has been a practice for over a hundred years in Canada and British Columbia. The legislation and policy that enables this activity has changed over the decades, concomitant with a growing appreciation of the need to protect cultural and environmental diversity. Climate change, and deep concern about the

almost certain shifting—if not outright loss—of habitats and species in a given area, have also been motivating factors in setting aside large areas.

In many areas of the province and Canada, indigenous communities have suffered major loss of use of their traditional territories and ability to maintain cultural and economic activities because of restrictive protected area designations, coupled with intensive resource use and extractive activities in their traditional lands.

Two relatively new classifications, or designations, of protected areas have emerged: in BC, the provincially legislated designation of “Conservancy,” and in both the national and provincial scenarios, the not legally recognised designation of “Tribal Park.”

One of the main benefits of the phrase "tribal park," is that it may be more indicative, particularly in the minds of the public, that the area is important to First Nations. The word "conservancy" doesn't necessarily give the public any such impression.

The use of language, and the perceptions resulting from words and phrases used, are important considerations when making decisions on how to move forward with protecting lands for traditional uses and values. Ultimately, both flexibility and precise language will be needed in negotiations with government agencies, First Nations, and the range of “stakeholders” in order to determine the best designation, whether a legislated word or phrase, or not.



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APPENDIX 1

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BILL 28 -- 2006

PARK (CONSERVANCY ENABLING) AMENDMENT ACT, 2006

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 of the Park Act, R.S.B.C. 1996, c. 344, is amended

(a) by adding the following definitions:

"conservancy" means Crown land established by or under this Act or the *Protected Areas of British Columbia Act* as a conservancy;

"designated wildland area" means a roadless area in a park, conservancy or recreation area that is (a) retained in a natural condition for the preservation of its ecological environment and scenic features, and

(b) designated or continued as a designated wildland area under this Act. ,

(b) in the definition of "park use permit" by striking out "on or in a park;" and substituting "on or in a park or conservancy;" , and

(c) by repealing the definition of "nature conservancy area".

2 Sections 2 (3) and (4), 3 (1) and 29 (3) (j) are amended by striking out "parks and recreation areas" wherever it appears and substituting "parks, conservancies and recreation areas".

3 Section 4 (3) is amended by striking out "parks, recreation areas" and substituting "parks, conservancies, recreation areas".

4 Section 4.1 is amended by repealing paragraph (d).

5 The following section is added:

Relations with first nations

4.2 (1) The minister may enter into an agreement with a first nation respecting the first nation

(a) carrying out activities necessary for the exercise of aboriginal rights on, and

(b) having access for social, ceremonial and cultural purposes to,

land to which section 3 or 6 applies, and in respect of other topics relating to the management of matters and things referred to in section 3 or 6.

(2) An agreement entered into under subsection (1) is not a treaty or a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

(3) For the purposes of subsection (1), **"first nation"** includes

(a) a band, as defined in the *Indian Act* (Canada),

(b) another legal entity representing a first nation, or

(c) a person authorized by a band referred to in paragraph (a) or a legal entity referred to in paragraph

(b).

6 Section 5 is amended

(a) by repealing subsection (1) and substituting the following:

(1) The Lieutenant Governor in Council may

(a) establish an area of Crown land as a Class A, Class B or Class C park, or as a conservancy or recreation area, or

(b) designate land in a park, conservancy or recreation area as a designated wildland area, and declare the name by which the park, conservancy, recreation area or designated wildland area is to be known. , and

(b) by adding the following subsection:

(3.1) Conservancies are set aside

- (a) for the protection and maintenance of their biological diversity and natural environments,
- (b) for the preservation and maintenance of social, ceremonial and cultural uses of first nations,
- (c) for protection and maintenance of their recreational values, and
- (d) to ensure that development or use of their natural resources occurs in a sustainable manner consistent with the purposes of paragraphs (a), (b) and (c).

7 Sections 7 (1), 11 (1) and (2), 13 to 15, 16 (a) to (d), 17 (a), (b) and (d), 19 (1), 22, 24 to 26, 29 (3) and 33 (1), (3), (5) and (6) are amended by striking out "park or recreation area" wherever it appears and substituting "park, conservancy or recreation area".

8 Sections 7 (1) and 29 (4) are amended by striking out "parks or recreation areas" wherever it appears and substituting "parks, conservancies or recreation areas".

9 Sections 7.1 (2) and 7.2 are amended by striking out "park, nature conservancy area or recreation area" and substituting "park, conservancy, designated wildland area or recreation area".

10 Section 8 is amended by adding the following subsection:

(6) An interest in land in a conservancy must not be granted, sold, leased, pre-empted or otherwise alienated or made the subject of a licence except as authorized by a valid and subsisting park use permit.

11 Section 9 is amended

(a) in subsection (5) by striking out "nature conservancy area" and substituting "designated wildland area", and

(b) by adding the following subsections:

(6.1) A natural resource, other than fish and wildlife taken, hunted or killed in accordance with the *Wildlife Act* and fish, game or wildlife stalked or pursued for observation or for photographic or study purposes, in a conservancy must not be granted, sold, removed, destroyed, disturbed, damaged, exploited, developed, improved or utilized except as authorized by a valid and subsisting park use permit.

(9) A natural resource in a conservancy must not be granted, sold, removed, destroyed, disturbed, damaged or exploited unless, in the opinion of the minister, the development, improvement and use of the conservancy in accordance with section 5 (3.1) will not be hindered by it.

(10) A park use permit must not be issued to authorize the following activities in a conservancy:

- (a) commercial logging;
- (b) mining;
- (c) hydro electric power generation, other than local run-of-the-river projects;
- (d) any other activity unless, in the opinion of the minister, the activity will not restrict, prevent or inhibit the development, improvement or use of the conservancy in accordance with section 5 (3.1).

(11) In subsection (10):

"commercial logging" means harvesting timber for the primary purpose of selling or trading the timber;

"local run-of-the-river projects", in relation to a conservancy, means run-of-the-river projects supplying power for use only

- (a) in the conservancy, or
- (b) by communities, including first nation communities, that do not otherwise have access to hydro electric power.

12 Section 12 (4) is repealed.

13 Section 16 (e) is repealed and the following substituted:

(e) establish or carry on any work or improvement or any commercial or industrial activity or enterprise in a park, conservancy or recreation area.

14 Section 17 (c) is repealed and the following substituted:

(c) order any person in any park, conservancy or recreation area to cease or refrain from an action, an omission or conduct that the director or park officer, in his or her discretion, considers dangerous to life or property or detrimental to the public interest; .

15 The following section is added:

Permits authorizing road construction in a conservancy

20.1 Despite anything in this Act, the minister may issue a park use permit to a person for the construction, use or maintenance of a road in a conservancy if

(a) the conservancy is named and described in Schedule F of the *Protected Areas of British Columbia Act*, and

(b) the road is for the purpose of providing access to natural resources lying beyond the conservancy.

16 Section 27 (1) is amended by striking out "for park purposes." and substituting "for park or conservancy purposes."

17 The following sections are added:

Transitional -- validation of existing permits in conservancies

31.1 (1) Despite section 9 (10) (d), the minister may issue a park use permit authorizing a person who, on the establishment date for a conservancy, holds

(a) a permit, or other authorization, under an enactment, or

(b) a lien, charge or encumbrance

with respect to the conservancy, to continue to do anything that the person was authorized to do by the permit or other authorization or by the lien, charge or encumbrance, other than activities described in section 9 (10) (a) to (c).

(2) The minister may renew, cancel, amend or approve the transfer of a park use permit issued under subsection (1).

Designated wildland area transition

34 A nature conservancy area existing on the date this section comes into force is continued as a designated wildland area.

Consequential Amendments

Community Charter

18 Section 35 (2) (c) and (8) (c) of the Community Charter, S.B.C. 2003, c. 26, is amended by striking out "park, recreation area or" and substituting "park, conservancy, recreation area or".

Ecological Reserve Act

19 Section 6 of the Ecological Reserve Act, R.S.B.C. 1996, c. 103, is repealed and the following substituted:

Designated wildland area as ecological reserve

6 Despite the *Park Act*, a designated wildland area or any portion of it, designated as such under that Act, may be established as an ecological reserve under this Act or by the *Protected Areas of British Columbia Act*.

Protected Areas of British Columbia Act

20 The Protected Areas of British Columbia Act, S.B.C. 2000, c. 17, is amended by adding the following section:

Conservancies

2.1 The conservancies named and described in Schedules E and F are established as conservancies for the purposes of the *Park Act*.

21 Section 3 (2) is amended by striking out "or" at the end of paragraph (a) and by adding the following paragraph:

(a.1) a conservancy established by this Act, or .

22 The following Schedules are added:

Schedule E

[Alty Conservancy](#)
[Banks Nii Łuutiksm Conservancy](#)
[Bear Island Conservancy](#)
[Bella Coola Estuary Conservancy](#)
[Bishop Bay — Monkey Beach Conservancy](#)
[Broughton Archipelago Conservancy](#)
[Burdwood Group Conservancy](#)
[Burnt Bridge Creek Conservancy](#)
[Callaghan Conservancy](#)
[Calvert Island Conservancy](#)
[Cascade-Sutslem Conservancy](#)
[Catto Creek Conservancy](#)
[Clayton Falls Conservancy](#)
[Codville Lagoon Conservancy](#)
[Crab Lake Conservancy](#)
[Cranstown Point Conservancy](#)
[Daawuuxusda Conservancy](#)
[Damaxyaa Conservancy](#)
[Dean River Conservancy](#)
[Duu Guusd Conservancy](#)
[Dzawadi/Klinaklini Estuary Conservancy](#)
[Ecstall Headwaters Conservancy](#)
[Ecstall-Sparkling Conservancy](#)
[Ecstall-Spoksuum Conservancy](#)
[Ellerslie-Roscoe Conservancy](#)
[Emily Lake Conservancy](#)
[Esté-Tiwilh/Sigurd Creek Conservancy](#)
[Ethelda Bay — Tennant Island Conservancy](#)
[Europa Lake Conservancy](#)
[Fiordland Conservancy](#)
[Forward Harbour/Łəxə^wəyəm Conservancy](#)
[Gitxaała Nii Łuutiksm/Kitkatla Conservancy](#)
[Golden Gate/Xáat Yádi Aani Conservancy](#)
[Gunboat Harbour Conservancy](#)

[Hanna-Tintina Conservancy](#)
[Hakai LÚxvbális Conservancy](#)
[Hənłəmd^{zi} Məkola/Yorke Island Conservancy](#)
[Hotsprings-No Name Creek Conservancy](#)
[Huchsduwachsdu Nuyem Jees/Kitlope Heritage Conservancy](#)
[Hunwadi/Ahnuhati — Bald Conservancy](#)
[I7loqaw7/100 Lakes Plateau Conservancy](#)
[Indian Lake — Hitchcock Creek/Át Chi'ini Shà Conservancy](#)
[Jump Across Conservancy](#)
[Kamdis Conservancy](#)
[K'distsausk/Turtle Point Conservancy](#)
[Kennedy Island Conservancy](#)
[Khtada Lake Conservancy](#)
[Khutzeymateen Inlet Conservancy](#)
[Khyex Conservancy](#)
[Kilbella Estuary Conservancy](#)
[Kimsquit Estuary Conservancy](#)
[Kitasoo Spirit Bear Conservancy](#)
[Klewnuggit Conservancy](#)
[K'lgaan/Klekane Conservancy](#)
[K'mooda/Lowe-Gamble Conservancy](#)
[K'nabiyaaxl/Ashdown Conservancy](#)
[Koeye Conservancy](#)
[K'ootz/Khutze Conservancy](#)
[Ksgaxl/Stephens Island Conservancy](#)
[Ksi X'anmaas Conservancy](#)
[Ksi xts'at'kw/Stagoo Conservancy](#)
[Ktisgaidz/MacDonald Bay Conservancy](#)
[Kts'mkta'ani/Union Lake Conservancy](#)
[Kunxalas Conservancy](#)
[K'uuna Gwaay Conservancy](#)
[Kwatna Estuary Conservancy](#)
[K'zuzált/Twin Two Conservancy](#)
[Lady Douglas — Don Peninsula Conservancy](#)
[Larcom Lagoon Conservancy](#)

[Lax ka'gaas/Campania Conservancy](#)
[Lax Kul Nii Łuutiksm/Bonilla Conservancy](#)
[Lax Kwaxl/Dundas and Melville Islands Conservancy](#)
[Lax Kwil Dziidz/Fin Conservancy](#)
[Lockhart — Gordon Conservancy](#)
[Long Island Conservancy](#)
[Lucy Islands Conservancy](#)
[Machmell Conservancy](#)
[Mahpahkum-Ahkwuna/Deserters-Walker Conservancy](#)
[Maxtaksm'aa/Union Passage Conservancy](#)
[Mkwal'ts Conservancy](#)
[Moksgm'ol/Chapple — Cornwall Conservancy](#)
[Monarch Mountain/a Xéegi Deiyi Conservancy](#)
[Monckton Nii Łuutiksm Conservancy](#)
[Mount Minto/K'iyán Conservancy](#)
[Nakina – Inklin Rivers/Yáwu Yaa Conservancy](#)
[Namu Conservancy](#)
[Nang Xaldangaas Conservancy](#)
[Ne'ah' Conservancy](#)
[Nlháxten/Cerise Creek Conservancy](#)
[Nooseseck Conservancy](#)
[North Spit Conservancy](#)
[Outer Central Coast Islands Conservancy](#)
[Owikeno Conservancy](#)
[Pa-aat Conservancy](#)
[Penrose — Ripon Conservancy](#)
[Phillips Estuary/?Nacinux^w Conservancy](#)
[Polkinghorne Islands Conservancy](#)
[Pooley Conservancy](#)
[Port Arthur Conservancy](#)
[Q'Altanaas/Aaltanhash Conservancy](#)
[Qudəs/Gillard-Jimmy Judd Island Conservancy](#)
[Qwalimak/Upper Birkenhead Conservancy](#)
[Qwiquallaaq/Boat Bay Conservancy](#)
[Rescue Bay Conservancy](#)

[Restoration Bay Conservancy](#)
[Sanctuary Bay Conservancy](#)
[Sand Point Conservancy](#)
[Sgaay Taw Siiwaay K'adjuu Conservancy](#)
[Shearwater Hot Springs Conservancy](#)
[Sheemahant Conservancy](#)
[Simpson Lake East Conservancy](#)
[Skeena Bank Conservancy](#)
[Smithers Island Conservancy](#)
[Stair Creek Conservancy](#)
[Taku River/T'akú Téiú' Conservancy](#)
[Thorsen Creek Conservancy](#)
[Thulme Falls Conservancy](#)
[Tsa-latí/Smokehouse Conservancy](#)
[Tutshi Lake/T'ooch' Áayi Conservancy](#)
[Ug^wiwey/Cape Caution Conservancy](#)
[Upper Elaho Valley Conservancy](#)
[Upper Kimsquit River Conservancy](#)
[Upper Rogers Kólji7 Conservancy](#)
[Upper Soo Conservancy](#)
[Wahkash Point Conservancy](#)
[Wakeman Estuary Conservancy](#)
[Wales Harbour Conservancy](#)
[Wáwley/Seymour Estuary Conservancy](#)
[Wilkinson-Wright Bay Conservancy](#)
[Winter Inlet Conservancy](#)
[Woodworth Lake Conservancy](#)
[X^waK^wə?naxdə?ma/Stafford Estuary Conservancy](#)
[Yaagun Gandlaay Conservancy](#)
[Yaaguun Suu Conservancy](#)
[Zumtela Bay Conservancy](#)

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Schedule F

[Bishop Bay — Monkey Beach Corridor Conservancy](#)
[Carter Bay Conservancy](#)
[Cetan/Thurston Bay Conservancy](#)
[Clyak Estuary Conservancy](#)
[Dean River Corridor Conservancy](#)
[Dzawadi/Upper Klinaklini River Conservancy](#)
[Goat Cove Conservancy](#)
[Goose Bay Conservancy](#)
[Khutzeymateen Inlet West Conservancy](#)
[Kt'ii/Racey Conservancy](#)
[K'waal Conservancy](#)
[Manzanita Cove Conservancy](#)
[Nakina — Inklin Rivers \(Kuthai Area\)/Yáwu Yaa Conservancy](#)
[Namu Corridor Conservancy](#)
[Neġił/Nekite Estuary Conservancy](#)
[Pałəmin/Estero Basin Conservancy](#)
[Tlall Conservancy](#)
[Troup Passage Conservancy](#)
[Ug^wiwey/Cape Caution — Blunden Bay Conservancy](#)
[Upper Gladys River/Watsix Deiyi Conservancy](#)
[Willison Creek – Nelson Lake/Sit' Héeni Conservancy](#)

[21]

Wildlife Act

23 Section 4 of the Wildlife Act, R.S.B.C. 1996, c. 488, is amended

(a) by repealing subsection (1) and substituting the following:

(1) In this section, "**park**", "**conservancy**" and "**recreation area**" have the same meanings as in the *Park Act*, , **and**

(b) in subsection (2) by striking out "a park or" and substituting "a park, a conservancy or".

Commencement

24 This Act comes into force by regulation of the Lieutenant Governor in Council.

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APPENDIX 2

Protected Areas of British Columbia Act

[http://www.bclaws.ca/EPLibraries/bclaws_new/document/LOC/freeside/--%20P%20--/Protected%20Areas%20of%20British%20Columbia%20Act%20SBC%202000%20c.%2017/00_Act/00017_01.xml#section2.1 [accessed 5 september 2013]]

[excerpts]

Conservancies

2.1 The conservancies named and described in Schedules E and F are established or continued as conservancies for the purposes of the *Park Act*.

Boundaries described by official plans

3 (1) For the purposes of this section, "**official plan**" means a plan that is

- (a) certified by the Surveyor General, by signature on the plan, to be an official plan, and
- (b) kept on deposit in the Crown land registry referred to in section 7 of the *Land Act*.

(2) All or part of the boundary of

(a) an ecological reserve established under the *Ecological Reserve Act* or established or continued by this Act,

(a.1) a conservancy established or continued by this Act, or

(b) a park established or continued by this Act,

may be described by reference to

(c) one or more official plans,

(d) metes and bounds descriptions,

(e) lot or parcel descriptions, or

(f) any combination of the means referred to in paragraphs (c) to (e).

(3) To the extent of any variance between the marked representation of the boundary on an official plan and the metes and bounds or other written descriptions on the official plan, the metes and bounds or other written descriptions prevail.

(4) Copies of official plans must be available for public inspection in the Crown land registry during regular business hours, and a person may obtain a copy of an official plan on payment of a fee prescribed under section 6 (3) of the *Land Act*.

(5) A copy of an official plan, that is certified by the Surveyor General to be a true copy, is admissible as evidence in a court without proof of the signature or official character of the Surveyor General.

(6) If an official plan referred to in Schedule C or D contains a reference to "by or under the *Park Act*", that reference is deemed to be a reference to "under the *Park Act* or the *Protected Areas of British Columbia Act*".