

# Saving the National Parks from Politicians

## *Prospectus for a new National Parks Commission*

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### *Summary*

In my 45 years of enjoying the national parks of the Rockies, and doing what I can to protect them, I have learned three things.

**1. The greatest danger to the parks lies within them.** There are many external threats that Parks Canada can't do much about—global warming, regional air and water pollution, the human population explosion—but there is also a serious *internal* threat, and it's something that Parks Canada has the power to put right. I'm speaking of the in-park commercial operators.

Of whom I have been one. But not like some. I have always counted the park first and my very small business second.

Alas, some of the larger operators—Brewster, the Fairmont hotel chain, Maligne Tours and the ski areas among them—have for many years been putting profits ahead of the health of the national parks in which they are privileged to do business.

These corporations have demanded and received concessions from Parks Canada that are outrageous. Examples: a new convention centre at Lake Louise, despite a blue-ribbon Parks Canada panel that recommended against it; a tawdry “skywalk” along the Icefields Parkway; ever more runs and on-the-hill facilities in the national-park ski areas.

Most recently, Maligne Tours has been given permission to build overnight accommodation at Maligne Lake, despite many years of denying that request because of hard lessons learned elsewhere. This is a precedent-setting victory for commerce over park protection.

**2. Clearly, corporate money can buy enough influence in Ottawa to get whatever it wants.** This is a serious weakness of our democracy, and it is especially hard on national parks, because the entire national-park system reports to one person, who is a minister in the government of the day. A politician.

**3. Therefore, we Canadians have to wrest control of our national parks away from politicians.** Instead, the parks system should be run by an independent commission. Details below.

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Ever hear this story?

In 2002 the superintendent of Jasper National Park did a brave thing. He acted forthrightly to protect the caribou in his national park.

Why was this a brave thing to do? Read on.

Studies had documented the ongoing decline of caribou in the park. Mountain caribou were listed by the Canadian government as “threatened” in Alberta and British Columbia, a classification just one step below “endangered.”

Jasper’s caribou are extremely important. Among them is the only herd in the entire Rocky Mountains that remains on protected lands year-round, rather than migrating out of the park in the winter and into provincially controlled areas where logging and mining are destroying caribou habitat and poachers are waiting. In other words, this is the only herd in the Rockies that has any hope of survival. Yet a Parks Canada study has given it only 40 years to extinction. (As of 2013, the end is much closer than that.)

Studies have shown that the Maligne Lake area is critical winter habitat for these animals. Coincidentally, it is also critical habitat for cross-country skiers. For them, a road to the lake has been kept plowed all winter. A network of ski trails cuts through the heart of the caribou’s winter range. Wolves have been regularly following the road, then the ski trails, to get at the caribou. Dogs have been running around off-leash and chasing the caribou.

Park superintendent Ron Hooper took this all into account and decided that it had to stop. He announced that, come November of 2002, the road would be closed until May. Just as an experiment, for a few years, to see whether it benefitted the herd.

You can imagine how long it took Jasper’s ski-boosters to get on the phone to Ottawa. A few days later the road-closure was cancelled by Parks Canada’s “CEO,” Alan Latourelle. Later we heard that the minister himself had nixed any “unnecessary” road closures in the national parks. The superintendent got his hands slapped.

Skiers 1, caribou 0. In a World Heritage Site.

The lesson here is that protected areas need protection themselves. They need protection from politicians. Get a couple of whiskeys into most any protected-area manager and stories of political interference in their jobs will come boiling out. My conclusion: we have to free our protected lands from direct political control.

Name your government agency, and the chain of command leads to someone who is either a politician or a political appointee. These people have a way of micro-managing anything that their political friends have a stake in.

What can be done to prevent this kind of thing? When it comes to Parks Canada we could revive an old and honorable tradition: *the independent federal commission*.

For many years Parks Canada was called the “National Parks Commission.” I still find old signs in out-of-the-way spots in the mountain parks, advising hikers about one thing or another, with the letters “NPC” at the bottom.

The idea of an independent federal commission is precisely to keep a particularly sensitive branch of the government safe from political interference. The Canadian parliament has spawned such commissions, most notably the National Capital Commission, which has looked after government land and buildings in Ottawa, and the

CBC, now called the Canadian Broadcasting Corporation but originally named the Canadian Broadcasting Commission. The NCC and the CBC have both lost their independence, but we still convene royal commissions from time to time to investigate national issues that we cannot entrust the government of the day to handle impartially.<sup>2</sup>

A federal commission is a committee. In an *independent* federal commission the committee is truly independent. It makes its decisions without recourse to whatever political party is in power. The committee votes, and the thing is done. It's as simple as that.

The old National Parks Commission was never fully independent. It always reported to a federal cabinet minister. But I'd love to see the commission revived and updated to achieve this sort of independence. It could be a model for protected-area management around the world.

Here is how I envisage the new National Parks Commission. We'd need about two dozen people on it. They would be:

- **A few outstanding biologists and ecologists**, whose collective depth of experience would cover the broad range of vegetation and wildlife protected in the parks.
- **A geologist and a geographer** who understand the landscapes that support the wildlife.
- **A historian, an archeologist and an anthropologist** to look after the cultural-history components of the system.
- **An expert in park-related aboriginal affairs**, who would be aboriginal.
- **An expert on the use of official languages.**
- **A specialist in park interpretation** and other educational efforts.
- **A lawyer** familiar with Parks Canada's enabling legislation and the regulations that support it, plus a **political scientist** with expertise on federal/provincial jurisdictional issues and cross-boundary problems.
- Someone familiar with the wide range of **recreational pursuits** enjoyed in the parks.
- A representative of the many "Friends of the Park" **non-profit cooperating associations.**
- **Experts in handling visitors, dealing with transportation routes through the parks, regulating park businesses, enforcing the law and ensuring public safety.**
- **A civil engineer, a structural engineer** and an **architect** to look after the parks' infrastructure.
- **An accountant** to handle the agency's money and work out its annual budget.

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<sup>2</sup> Perhaps no permanent, fully independent federal commissions currently exist. At least I could not find one. This shows how much successive governments have sought to replace independence with ministerial control. As things stand, the only fully independent federal agencies I could find were Elections Canada and the Office of the Auditor General. Imagine what might happen if these, too, were made to report to whatever party was in power.

- Someone to deal with **staffing concerns**, and someone else to represent the interests of Parks Canada's many **employees**.
- A **watchdog member**, who would have the right to speak to any park employee at any time and to view any park document at any time.

These commissioners would be selected by an **all-party committee of Parliament** on the basis of merit. Thus, the appointments would be civil-service appointments, not "political appointments." Political appointments are defined as such in the regulations that run the federal government. They are openly subject to ministerial patronage. Thus, political appointees are usually replaced with every regime change. No political appointees on the National Parks Commission, please.

Also not represented on the commission would be anyone with for-profit business interests in the national parks. The commercial sector in the parks needs to be regulated, not placed in charge of anything. Business has too much presence in the parks and has exercised too much influence. Of course, the business sector would be consulted by the commission on matters of policy that might affect them. And those consultations would be done in full public view, so any Canadian could see what park businesses were thinking about and telling the regulators.

Here is what the new NPC would do.

- **Create park policy**, in accordance with legislation—and make sure that employees follow it.
- **Draft new legislation** for introduction to Parliament and regulations to present to the federal cabinet for approval.
- **Prepare Parks Canada's annual budget**, which would appear as a line item in the overall federal budget, not as a sub-item in the Department of Environment budget in competition with other functions of the department.
- **Appoint park superintendents**.
- **Hold public hearings on park issues**—real hearings, with the press present and decision-making commissioners on the panel, not the meaningless "open houses" Parks Canada has been using to pass off its fait-accomplis plans.
- **Accept information and ideas from the public** at any time, such that any citizen could go straight to the commission's watchdog member with a concern.
- **Stay in touch with other agencies** of the federal government to prevent working at cross purposes, and maintain close contact with provincial and international agencies to keep the parks and the regions surrounding them as ecologically healthy as possible.

The commission would meet every few months to make decisions. Each commission member would have a staff and a budget adequate to the task of making those decisions intelligent ones. The commission chair would be elected annually by commission members. All members would have their work reviewed regularly, and poorly performing members could be replaced.

If this sounds expensive, keep in mind that the commission would take the place of the entire Parks Canada bureaucracy, from the level of park superintendent up. The cost would be no greater; probably less.

I'd like to emphasize that, like the Auditor General, the National Parks Commission would **report directly to Parliament as a whole, not to a particular minister**. Giving one MP authority over the entire national-park system of Canada—and that's the present situation—is a terrible idea. It makes the whole system vulnerable to political corruption and snap decisions, and it gives the agency a distorted time horizon. Parks are supposed to be protected in perpetuity, not just until the next election.

- **So the commission, not a government minister, would control Parks Canada.**
- **Decisions deemed especially important would require more than a simple majority vote to pass.** I'm thinking of the annual budget, selection of the chairperson, policy updates, park-management plans, draft legislation and regulations, that sort of thing. Parliament and the courts could always intervene if the situation demanded it.
- **To override the actions of the National Parks Commission, you'd need a parliamentary resolution.** Such resolutions are subject to parliamentary debate. They can receive a lot of public scrutiny and are thus unlikely to be introduced for purposes such as approving some corporation's hotel expansion.
- **Political independence also requires financial independence. Thus, Canada's national-park system would become entirely tax-supported.** As things stand, Parks Canada is a "special agency," meaning that it functions more as a corporation than a government department. It is expected to pay its own way as much as possible. This means collecting royalties from park businesses such as ski areas and cruise-boat operations, and charging visitors at the gates. Wrong, wrong. Entry fees, which keep going up, discriminate against low-income Canadians, who have as much right to enjoy their parks as do those with greater means. Depending on royalties opens a channel for corruption. ("Hey, if we let Brewster expand its glacier-ride concession, we can increase our take!") All of this thrusts Parks Canada further into the sweaty marketplace, where it most certainly does not belong. Like the fire department or the police, the national parks need to get their funding—all of it—from the Canadian tax base. We can easily afford it.
- **All the political and bureaucratic layers between the commission and the park superintendents would be stripped away.** There would be no deputy minister, no assistant deputy minister, no "CEO," no regional directors and so on. The park bureaucracy has become top-heavy, an unhealthy situation that wastes money, favors buck-passing and fails to keep vested interests in check. The superintendents ought to report directly to the commission. They would also be backed up by the commission if they encountered local resistance when enforcing the rules in their particular parks.

If you were a park superintendent, wouldn't you dearly love to have this kind of boss instead of whoever it is comes into your office and says, "Gosh, Ed, it looks like we've been over-ruled by the regional director. Again."

Wouldn't it be absolutely wonderful if you could quit worrying about what the next administration in Ottawa might do to your park?

And wouldn't it be *especially* wonderful if we could get all of Canada's protected areas, including those that are provincially controlled, under this kind of enlightened

management? I see no reason why the independent commission structure could not be adopted by the provinces to look after their own protected areas properly.

I know, I know. You are thinking, "This is impossible." Well, the Soviet Union imploded. The Berlin Wall came down. Barack Obama got elected president of the United States.

Yes, we can.