

## **Brief – Protected Areas: Manitoba Legislation & Policy**

**November 2006**

A **protected area** is an area that is legally described in a government regulation which also specifically prohibits the following activities:

- logging
- mining (including aggregate extraction)
- oil, petroleum, natural gas development
- hydro-electric development
- any activity that significantly or adversely changes the landscape

Activities such as hunting, trapping or fishing are **not restricted** in protected areas, and First Nations' rights and agreements (such as the Manitoba Treaty Land Entitlement Framework Agreement) are respected within protected areas. Water within a protected area is also protected from industrial development.

The *Protected Areas Initiative* (within the Department of Conservation) is the government program that guides protected areas establishment in Manitoba. Its mission is to identify potential lands for protection based on science, ecological and cultural significance and then follow a consultation process with various sectors (general public, mining industry, forestry industry) as well as follow a separate MOU (the First Nation Protected Areas MOU) that guides steps and protocols for consultation with First Nations. The ultimate goal is to legally protect a system of protected areas throughout the province that represents the diversity of landscapes of each natural region.

There are several legal instruments (pieces of legislation) that can be used to protect land:

- *The Provincial Parks Act* – Provincial Parks and Park Reserves
- *The Ecological Reserves Act* – Ecological Reserves (ERs)
- *The Wildlife Act* – Wildlife Management Areas
- *The Forest Act* – Protected Forests

All protected lands within protected areas in Manitoba also have crown mineral rights withdrawn through a regulation under *The Mines Act*.

*The Provincial Parks Act* is most commonly used to protect land. This process has the advantage of going through steps that allow an area to be temporarily protected (as a park reserve) while consultations or lands planning proceed before permanent legal protection occurs. For land to be protected on an interim basis (temporary) as a park reserve, First Nations affected by the designation (i.e. in whose traditional lands the park reserve is located) must provide their consent through a Band Council Resolution or equivalent letter. A First Nation can also nominate lands for protection.

Park Reserves are protected for an initial six month period, which can be extended for additional five-year periods to allow time for consultations to take place. A regulation is needed for each renewal. A protected area under the *Parks Act* or other Acts can also be permanently protected in one step.

There are **four main types of parks and park reserves**:

- (a) **wilderness** (automatically a PROTECTED AREA) – main purpose is to preserve representative areas of a natural region; lands within may only contain ‘wilderness’, ‘heritage’ or ‘access’ LUCs (see below)
- (b) **natural** (may contain protected zones – see LUCs) – main purpose is both to preserve areas of a natural region and to accommodate a diversity of recreational opportunities and resource uses
- (c) **recreation** – main purpose is to provide recreational opportunities
- (d) **heritage** (may contain protected zones – see LUCs) – main purpose is to preserve an area of land containing a resource or resources of cultural or heritage value
- (e) any other category that may be specified in the regulation

The **land within each type of park or park reserve is categorized into one or more land use categories (LUC)**:

- (a) **wilderness LUC** (automatically PROTECTED) – main purpose is to protect representative or unique natural landscapes in an undisturbed state and provide recreational opportunities that depend on a pristine environment
- (b) **backcountry LUC** (automatically PROTECTED) – main purpose is to protect examples of natural landscapes and provide basic facilities and trails for nature-oriented recreation in a largely undisturbed environment
- (c) **resource management LUC** – main purpose is to permit commercial resource development or extraction in a manner that does not compromise the main purpose of the park classification as described in subsection (2);
- (d) **recreational development LUC** – main purpose is to accommodate recreational development
- (e) **heritage LUC** (automatically PROTECTED) – main purpose is to protect a unique or representative site containing a resource or resources of cultural or heritage value
- (f) **access LUC** – main purpose is to provide a point or route of access in a provincial park or a location for a lodge and associated facilities
- (g) any other category that may be specified in the regulation

The Minister of Conservation is required by *The Provincial Parks Act* to develop a management plan for each provincial park that deals with resource protection, use, development and any other matter the minister considers appropriate. Public review of these plans is required.