

APPENDIX "A"

BILL C-40

Bill C-40, or "An Act respecting the Rouge National Urban Park" (the "Act"), creates the Rouge National Urban Park (the "Park"). It describes the Park as a "new type of federal protected area" which provides for "the protection and presentation of its natural and cultural resources and the encouragement of sustainable farming practises within the Park." As the lands comprising the Park will be owned by the federal government, provincial and municipal by-laws will not apply. The draft bill creates broad regulatory powers for the management and administration of the Park by the Minister for the Parks Canada Agency (the "Minister"). The following is a brief overview of key components of Bill C-40:

- a) The Minister is responsible for the administration, management and control of the Park, including the administration of public lands in the Park.
- b) The Minister must, in the management of the Park, take into consideration the protection of its natural ecosystems and cultural landscapes and the maintenance of its native wildlife and of the health of those ecosystems.
- c) The Minister may establish an advisory committee on the management of the park which may include representatives from local governments, Aboriginal or regional organizations.
- d) Within 5 years of the Park's establishment, the Minister shall prepare a management plan to set out long term management plan and vision for the Park. The Management Plan will be reviewed every 10 years.
- e) The superintendant for the Park has the authority to issue or suspend permits for the clearing of public lands in the Park for the purpose of installing or maintaining public infrastructure.
- f) The Minister may enter into leases, grant easements and issue licenses for occupation over lands within the Park.
- g) Lands or interests in lands within the Park may be disposed of to other levels of government including the TRCA if such lands are required for public infrastructure, provided that the total area of lands disposed of does not exceed 200 hectares.
- h) The superintendant may issue orders for the cleanup of any pollutants discharged or deposited in the Park.
- i) Prohibited activities in the Park include the trafficking of a wild animal, plant (with the exception of agricultural activities) or any other naturally occurring object or cultural or historical resource, hunting (with the exception of recreational fishing in accordance with applicable regulations), disturbing, harming or destroying a wild animal or plant and harvesting timber.
- j) The Governor in Council may make regulations respecting various matters relating to the Park such as:
 - the protection of plants and other naturally occurring phenomenon
 - the protection of cultural, historical or archaeological resources
 - use of land by Aboriginal people for ceremonial purposes

- regulation of fishing
- prevention of pollution of land or water
- prevention and extinguishment of fire
- issuing, amending and terminating leases, licenses or easements
- restricting or prohibiting activities in the park
- establishing, operating, maintaining and administering the use of works and services of a public character such as water, sewage, electricity, telephone, gas, fire protection and garbage removal
- controlling traffic and regulating parking
- controlling the location, standards, design, materials, construction, maintenance, removal and demolition of buildings and establishing zones governing use of lands and buildings in the Park;
- the control of agriculture, businesses, trades, occupations, amusements, sports, and other activities
- the preservation of public health
- the inspection of buildings
- the prevention of nuisances
- the use, transportation and storage of pesticides and other toxic substances
- public safety
- control of domestic animals and animals at large
- access by aircraft
- removal of persons from the park by park wardens or enforcement officers
- the acquisition and sale of items in the park
- removal of private property and disposal of abandoned property
- The regulations made on the foregoing may incorporate by reference documents that the Minister or the superintendent produces jointly with another level of government for the purpose of harmonizing the regulations with other laws.
- The Minister may designate persons appointed under the Parks Canada Agency Act as park wardens or designate persons employed by other levels of government whose duties include law enforcement as enforcement officers to enforce the Act and the regulations and to preserve public peace. Such persons shall have the powers of and are entitled to the protection provided by law, to peace officers within the meaning of the Criminal Code.
- A variety of offences for contravening provisions of the Act and sizable monetary fines are created. It is noted that the Act states that all fines received in respect of the commission of an offence under the Act, other than fines collected under the Contraventions Act, are to be paid into the Environmental Damages Fund, an account used for purposes related to protecting, conserving or restoring the Park or for administering the Fund.