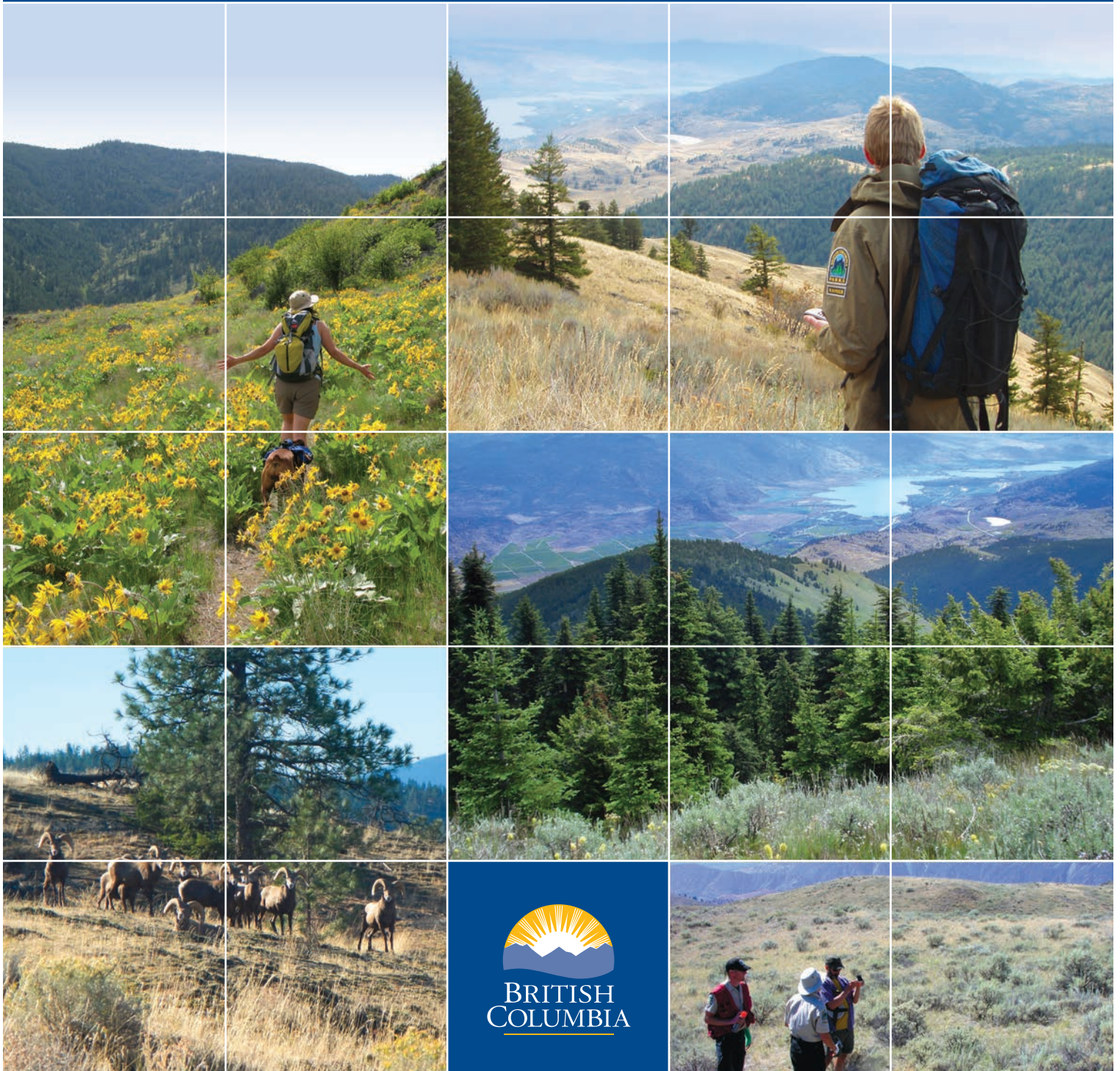


## INTENTIONS PAPER

# Protected Areas Framework for British Columbia's South Okanagan



# Introduction

British Columbia's South Okanagan region is a special place. It contains significant diversity and uniqueness of plants and animals, and is home to 30% of B.C.'s red-listed wildlife species and 46% of blue-listed species. Situated at the northernmost tip of the Great Basin Desert and representing a dry arid landscape that is not only unique to British Columbia, but to Canada, it is aptly named the "pocket desert". This area is important to First Nations and contains sacred cultural and traditional use sites such as Spotted Lake and the White Lake basin and many other significant cultural, recreational and ecological sites. It is also an area that is facing intense development pressure and increasing population. For these reasons, the provincial government has created a number of protected areas as recommended in the Okanagan-Shuswap Land and Resource Management Plan, and the Federal Government chose to focus on the area for a potential new national park reserve.

Through the development of the South Okanagan-Lower Similkameen Feasibility Assessment, which commenced in 2003 and was facilitated by Parks Canada, the interests of the various stakeholders and the public surfaced. Subsequent to this, in 2014, the Province undertook efforts to explore local interests through a series of meetings with stakeholders, community interests, and the Okanagan Nation. The purpose of the 2014 discussions was to move away from the debate about the specific merits of a national park reserve and instead examine the underlying interests as a means to identify the most appropriate tools for meeting those interests. Throughout these meetings, a number of recurring themes emerged:

- Protection of cultural values, cultural sites, and traditional activities by First Nations
- The use of the lands for interpretation, education and greater awareness of aboriginal culture
- The expansion of tourism, particularly the growth in aboriginal tourism, and to expand tourism opportunities throughout the year
- The protection of species at risk, important conservation values, and maintenance of corridors for species migration as a result of climate change
- A variety of existing and new recreation opportunities in appropriate locations
- The protection of ranching and existing grazing tenures, and
- The protection of other tenured uses such as helicopter training use

As a result of discussions with stakeholders, community interests, and the Okanagan Nation, the provincial government has come to better understand various interests and has developed a proposed land protection framework for the South Okanagan that it hopes will address these interests both today and into the future. In arriving at this land protection framework proposal, the Province has been guided by the following principles:

- |  |   |
|--|---|
| <b>1. Additional protection will be beneficial</b> | <i>Additional protection measures will benefit the area. Currently, while protection from BC Parks, Environment Canada (Canadian Wildlife Service), First Nations, local governments, private landholders, conservation organizations, and others exists, this area does not have the coordinated protection needed to address the uniqueness and richness of the ecosystems, and the large number of species at risk that are present.</i> |
| <b>2. Management is shared with First Nations</b>  | <i>First Nations are committed to conservation in this area and further collaboration must be explored. To be effective, it should involve the planning and ongoing management incorporating traditional ecological knowledge and traditional cultural use. Cultural tourism must be considered in protecting these areas as it represents an exciting opportunity that could become a significant draw for visitors.</i>                   |
| <b>3. Existing uses are recognized</b>             | <i>Protection measures will result in a collective broad array of recreation opportunities, even if some uses must be allocated to certain areas through access management. For tenure holders, tenures will continue under the same terms and conditions and be subject to existing management policies. Changes would only occur if the tenure holder consents.</i>   |
| <b>4. Respect for private land holders</b>         | <i>Privately owned lands will be respected. Any future private land acquisitions that may occur will only be on a willing seller/willing buyer basis and only as land availability and budgets allow.</i>   |
| <b>5. Tourism is actively promoted</b>             | <i>The area has outstanding beauty that residents and visitors will experience. New protected area establishment will come with support to encourage prospective visitors to consider the recreation opportunities that the South Okanagan has to offer. Promoting cultural tourism in protected areas could be a particular emphasis.</i>  |

The intent of this paper is to seek feedback from stakeholders and individuals on the proposed land protection framework.

## Proposed Land Protection Framework

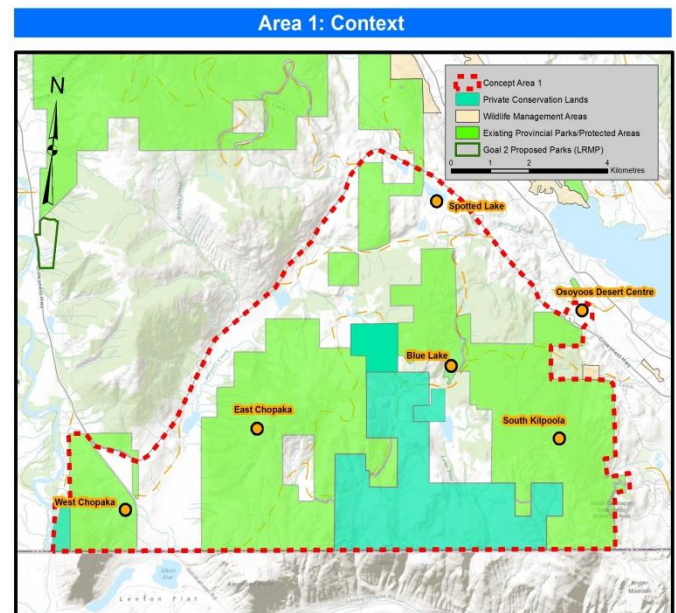
For the purposes of the land protection framework, the areas being considered for future protected area designations have been broken out into three main components (see full context map on page 6):

**Question 1: Are the appropriate areas captured in the overall land protection framework?**



## Area 1:

Portions of the area west of Osoyoos towards the Similkameen River, and south of Highway 3 to the U.S. border including the Osoyoos Desert Centre, Spotted Lake and the South Okanagan Grasslands Protected Area sites of East and West Chopaka and South Kilpoola (excluding privately held lands). This is the most southern of the three areas. It encompasses the southern portion of the South Okanagan Grasslands Protected Area, forming a triangle with Spotted Lake approaching its northern tip, and all contained within the boundary of Highway 3 and south to the U.S. border.



**Proposal:** It is the view of the Province that this area, in conjunction with Area 3, would be worthy of consideration by Parks Canada for inclusion in a South Okanagan National Park Reserve. Should this area not be designated as national park reserve, the Province would recommend that Crown lands in this area be established as a conservancy under the *Park Act*.

**Rationale:** Area 1 contains some of the highest biodiversity in the region, and as such is of high conservation value. It is also home to unique features such as the Pocket Desert (showcased at the Osoyoos Desert Centre). Tenures in this area are not as numerous as they are in Area 2, but there is a large component of private land and land held by the Nature Conservancy of Canada. National park reserve status would confer an appropriate level of protection on available Crown lands and future land acquisitions (if achievable) for area biodiversity while also bringing the desired tourism marketing benefits to the region. As a precondition to this recommendation, the Province would ensure that all existing tenures continue unimpeded. Should designation as national park reserve not occur, establishment as a provincial conservancy is recommended in recognition of the interests of the Okanagan Nation.

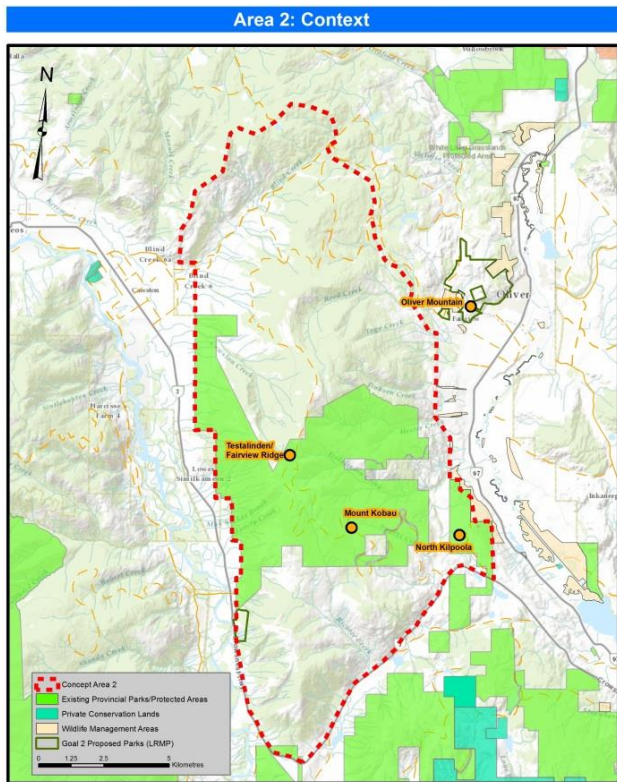
**Question 2:** Are there any adjacent lands of particular conservation, recreation or cultural heritage value that should be included in Area 1?

**Question 3:** Are there any special considerations that should be taken into account in establishing additional protection for Area 1?

## Area 2:

Portions of the area west of Oliver towards the community of Cawston, and north of Highway 3 to the southerly extent of the White Lake Grasslands Protected Area (excluding privately held lands). This is the largest of the three areas. It encompasses the northern portion of the South Okanagan Grasslands Protected Area, capturing existing protected area sites such as North Kilpoola and Mount Kobau, as well as tracts of Crown provincial land that are situated north towards the Testalinden Ridge and the Fairview/Cawston Road.

**Proposal:** The Province is recommending that Crown lands in Area 2 be established as a conservancy under the provincial *Park Act*.



**Rationale:** This portion of the region is the most intensively used for both ranching and recreation purposes and a conservancy designation has the necessary flexibility to ensure existing uses can continue while environmental and First Nation cultural values are protected. Use of the conservancy tool will also support the inclusion of the Okanagan Nation in the active management of the protected area. Through the creation of an associated management plan and a collaborative management agreement with the Okanagan Nation, the development and promotion of cultural tourism opportunities by the Okanagan Nation will be encouraged to the benefit of the entire region.

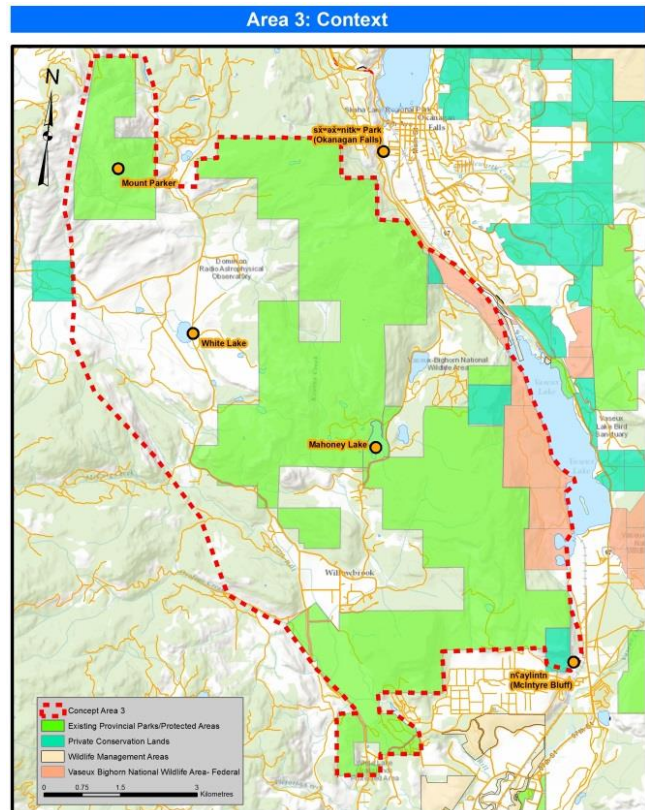
**Question 4:** Are there any adjacent lands of particular conservation, recreation or cultural heritage value that should be included in Area 2?

**Question 5:** Are there any special considerations that should be taken into account in establishing additional protection for Area 2?

### Area 3:

Portions of the White Lake basin area south of the community of Okanagan Falls and including areas in the vicinity of Vaseux Lake (excluding privately held lands). This is the most northern of the three areas, encompassing all of the White Lake Grasslands Protected Area and portions of Provincial Crown land in the vicinity. It lies west of Highway 97, southwest of the town of Okanagan Falls.

**Proposal:** For this portion of the region, the Province is recommending that the Federal government be approached about possible designation as part of a South Okanagan National Park Reserve. Should this area not be designated as national park reserve, B.C. would look to protect Crown lands in this area as a conservancy, and manage the area in close partnership with the Okanagan Nation.



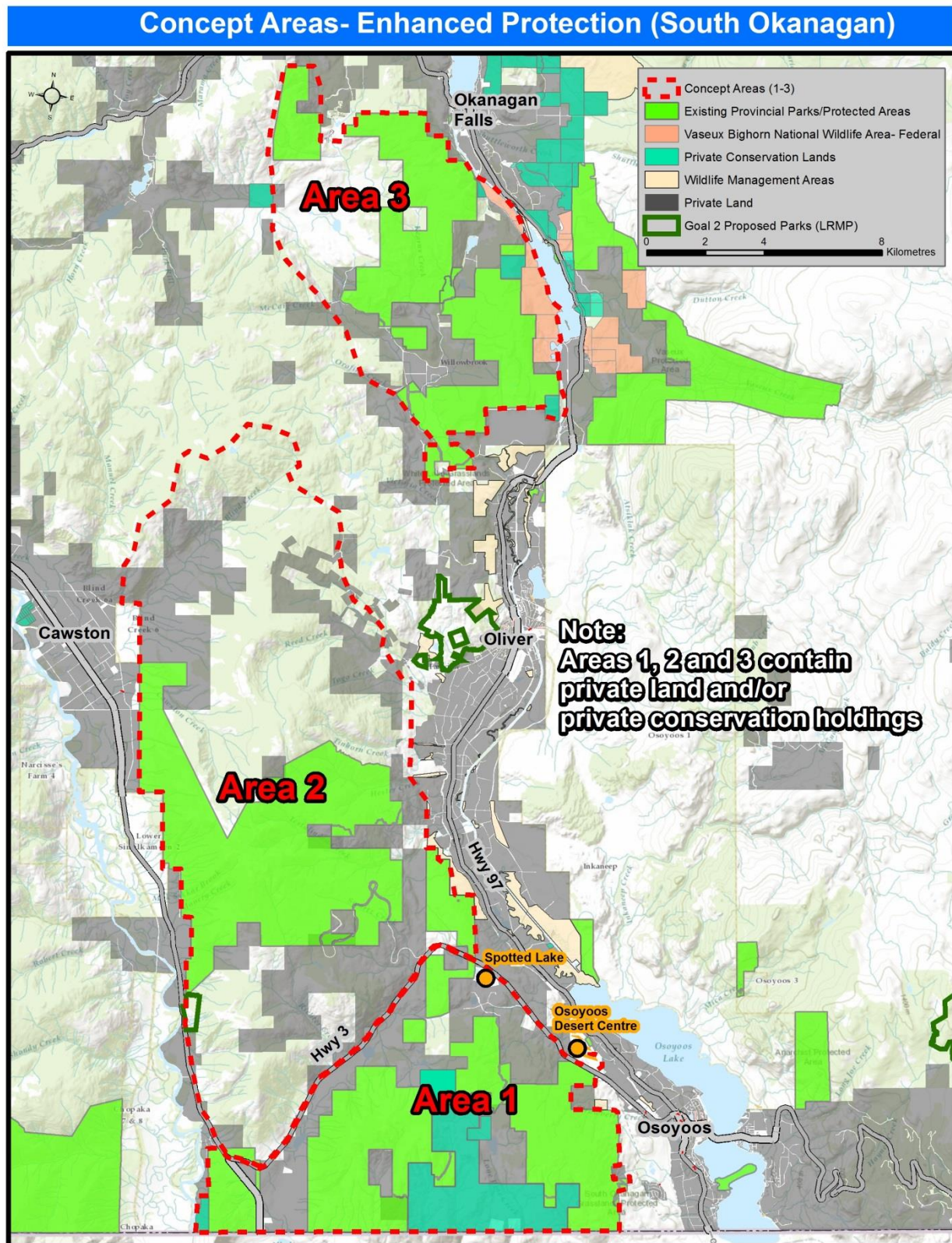
**Rationale:** There are presently a number of federal land holdings in the Vaseux Lake area which are managed by the Canadian Wildlife Service. While the protections afforded by a provincial conservancy designation and national park reserve status would both be sufficient to protect the unique features of Area 3, it is the presence of the federal holdings, along with the desire for additional tourism marketing potential, which implies supporting designation as national park reserve. As a precondition to this recommendation, the Province would look to ensure that all existing range tenures continue unimpeded. Should designation as national park reserve not occur, establishment as a provincial conservancy is recommended in recognition of the interests of the Okanagan Nation.

**Question 6: Are there any adjacent lands of particular conservation, recreation or cultural heritage value that should be included in Area 3?**

**Question 7: Are there any special considerations that should be taken into account in establishing additional protection for Area 3?**



## Context Map:



## Next Steps

This paper describes a proposed land protection framework for the South Okanagan. Upon completion of a 60 day consultation period, BC Parks will compile and review the feedback received. This feedback will then be publicly posted in the form of a consultation report along with final land designation recommendations.

This land protection framework proposal will then be further refined and submitted to Government for review and approval. Subject to receiving approval, legislation to support the designation of some or all of the elements of the framework intended for designation through provincial legislation would be prepared and submitted for consideration in 2016.

## Glossary of Protected Area Types:

**Class A Park**: The majority of the provincial parks in the system are Class A parks. These parks are lands dedicated to the preservation of their natural environments for the inspiration, use and enjoyment of the public. Development in a Class A park is limited to that which is necessary for the maintenance of its recreational values. Activities such as grazing, hay cutting and other uses (except commercial logging, mining or hydroelectric development) that existed at the time the park was established may be allowed to continue.

Class A parks can be established by two means. They can be established by order in council under the *Park Act* or by inclusion in a schedule to the *Protected Areas of British Columbia Act*. Presently, most Class A parks are established by inclusion in schedules to the *Protected Areas of British Columbia Act*.

**Conservancy** : Conservancies are Crown lands set aside for:

- (a) the protection and maintenance of their biological diversity and natural environments;
- (b) the preservation and maintenance of social, ceremonial and cultural uses of First Nations;
- (c) the protection and maintenance of their recreational values; and
- (d) development or use of natural resources in a manner consistent with the purposes of (a), (b) and (c) above.

The conservancy designation explicitly recognizes the importance of these areas to First Nations for social, ceremonial and cultural uses. Conservancies provide for a wider range of low impact, compatible economic opportunities than Class A parks, however, commercial logging, mining and hydroelectric power generation, other than local run-of-the-river projects, are prohibited. These economic opportunities must still not restrict, prevent or hinder the conservancy from meeting its intended purpose with respect to maintaining biological diversity, natural environments, First Nations social, ceremonial and cultural uses, and recreational values.

Conservancies can be established by two means. Conservancies can be established by 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*.

**Protected Area:** Protected areas are established by order in council under the *Environment and Land Use Act*. The *Environment and Land Use Act* is a broad piece of legislation which 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.

Protected areas generally have one or more existing or proposed activities that are not usually allowed in a park (e.g., proposed industrial road, pipeline, transmission line or communication site). Allowable activities and management direction are determined by specific provisions and any special conditions when the area is established as well as relevant sections of the *Park Act* and *Park, Conservancy and Recreation Area Regulation* as identified in the order in council.

Protected area designations under the *Environment and Land Use Act* are by order in council.

**Ecological Reserve:** Ecological reserves are established for ecological purposes, including the following:

- Areas suitable for scientific research and educational purposes associated with studies in productivity and other aspects of the natural environment;
- Representative examples of natural ecosystems in British Columbia;
- 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 is very restrictive and all extractive activities are prohibited and recreational use is discouraged. As such, ecological reserves are considered to be 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*.

**National Park (National Park Reserve):** National parks are a country-wide system of representative natural areas of Canadian significance, protected under federal legislation. By law, they are protected for public understanding, appreciation and enjoyment, while being maintained in an unimpaired state for future generations. National parks are established to protect and present outstanding representative examples of natural landscapes and natural phenomena that occur in Canada's 39 natural regions, as identified in the National Parks System Plan. National parks protect the habitats, wildlife and ecosystem diversity representative of - and sometime unique to - the natural regions. National park reserves are areas set aside for the purpose of a National Park pending settlement of any outstanding aboriginal land claims. During the interim period the *National Park Act* applies.

## Providing Comment on this Policy Intention Paper

To provide comment on designation options being explored by the Province, please visit <http://www.env.gov.bc.ca/bcparks/planning/protected-areas-framework-s-okanagan.html> and fill out the seven question survey (the same questions that appear in this paper). The feedback received will be used in further considerations for the South Okanagan.

Thank you for taking the time to consider this proposal and forwarding your comments.

FOR MORE INFORMATION, VISIT US ONLINE:  
[WWW.ENV.GOV.BC.CA/BCPARKS/PLANNING/PROTECTED-AREAS-FRAMEWORK-S-OKANAGAN.HTML](http://WWW.ENV.GOV.BC.CA/BCPARKS/PLANNING/PROTECTED-AREAS-FRAMEWORK-S-OKANAGAN.HTML)

