



A History of Canada's National Parks

W. F. LOTHIAN

VOLUME II



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Staff of the Commissioner of Dominion Parks
Birks Building, Ottawa, March, 1913

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Preface

This volume describes the establishment of the Department of the Interior, its decline and fall. It also recounts circumstances relating to the evolution and growth of one of its offspring, the Dominion Parks Branch, later to become almost as large and as prominent in the field of federal land administration as its illustrious progenitor. During its 63 years of existence, 'Interior' performed an almost heroic role in helping to change the face of western Canada from that of unbroken wilderness to a populated area. In turn, the western prairies generated employment, homes and comparative wealth for millions of new Canadians from far-away lands.

During its hey-day, the Department of the Interior administered not only lands that became farms and ranches, but also those set aside for the preservation of forests, the control of water power and the irrigation of dry areas. It operated Dominion astrophysical observatories, arranged for innumerable surveys, including those of the international boundary and developed the first national tourist bureau. It also administered, from their inception, our national parks.

The author of this history joined the Department of the Interior in 1918 as a junior clerk in the Dominion Lands Branch. By then, the tide of settlement in western Canada had subsided, but an extensive check of public land records was under way to permit the granting of homesteads to veterans of World War I. This action followed the enactment of the Soldier Settlement Act in 1917. This land settlement was to be the last made under federal government auspices. By the early 1920's, the four western provinces were clamouring for the return to provincial jurisdiction of their natural resources, withheld since the creation of Manitoba in 1870. With the passing of the Transfer of Natural Resources Acts in 1930, much of the work of the Department of the Interior disappeared, and in 1936 it was merged with three other departments to form a new department, Mines and Resources. Happily, the legislation transferring lands and other natural resources to the four western provinces withheld title to lands forming national parks. The author was fortunate in receiving an invitation to join the National Parks Branch in 1930, and by accepting, he escaped the debacle of 1931 when several hundred employees lost their jobs with the Department of the Interior. During the 38 years following, except for a war-time stint in Northwest Territories administration, he was privileged to assist in the development of the national park movement in Canada in successive roles of information officer, writer and admin-

istrator. These years witnessed the abolition of several parks, mainly preserves for endangered species since rehabilitated, and the establishment of many new parks, notably in the Atlantic provinces.

Chapter 4 in this volume provides an outline of the development of the National Parks Branch from a small segment of the Department of the Interior to the evolution of Parks Canada, Department of Indian and Northern Affairs. This extensive organization now has the responsibility of preserving, for the use and enjoyment of Canadians, representative examples of the nation's outstanding scenery, its native wildlife and mementoes of its historic past. Chapter 5 recounts some of the problems encountered by park officers in the administration of park lands, especially those utilized in the provision of essential services to the millions who annually visit the national parks.

The author wishes to acknowledge the assistance received from current and former members of the staff of Parks Canada, including those of park superintendents and regional directors; also from officers of the Departmental Library and the Public Archives of Canada. Suggestions made by Jim Shearon and James D. Georgiles of Parks Canada Information Division for the improvement of text matter also are most appreciated, as were those offered by R.S. Davies, concerning legal phraseology.

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Chapter 4 National Parks Administration

~ 1885 TO 1973 ~

Introduction

July 1, 1973, marked the 100th anniversary of the establishment of the Department of the Interior, under which Canada's system of national parks was initiated, expanded, and maintained for 51 years. In 1936, "Interior" was merged with three other federal government departments — Mines, Indian Affairs, and Immigration and Colonization — to form the Department of Mines and Resources. In turn, this department was reorganized successively as the Department of Resources and Development, the Department of Northern Affairs and National Resources, and the Department of Indian Affairs and Northern Development. Progressively, these departments have been responsible for national park administration including policy, administrative procedures, essential legislation, and the provision of appropriations.

Since Canada's national parks were first established, their management has required progressive and increasingly detailed legislation. The early park reservations were established under sections of the Dominion Lands Act. The Rocky Mountains Park Act of 1887 not only created the first national park, but provided, during the next 24 years, the authority for its administration and that of several park reserves which had existed since 1886.

In 1911, the Dominion Forest Reserves and Parks Act came into force, but unfortunately, its bilateral character led to ambiguities in administration that caused difficulties in later years. Eventually, national park administrators had the satisfaction of working under distinctive legislation, the National Parks Act of 1930. This long-awaited act, aided by provisions of the Natural Resources Acts of 1930, removed anomalies in federal and provincial jurisdiction over national parks.

Although successive Acts of Parliament contained the authority for park management policies, their implementation was made possible through regulations made by the Governor General in Council pursuant to these acts. Comparable to municipal by-laws, the various regulations — established, amended, and sometimes revoked — provide interesting criteria of the management of park resources and visitor services during a period extending over 85 years.

In the following pages will be found an outline of national park administration from its inception to 1973. Some background information on the legislation enacted to facilitate administration is included. A section dealing with National Park Regulations reveals the wide field of activity that exists in park management, as well as the amendments required to conserve native wild life and meet social and economic change. The efforts of park residents to obtain representation in townsite management is also recorded.

Brief sketches of former commissioners and directors of the national parks record some of their achievements in developing the national park system. Appendices contain an inclusive list of departmental heads together with the names of senior national park personnel. A list of federal government legislation affecting national park administration also is appended.

Administration and Administrators

The first reservations of public lands in Canada for the purposes of national parks were made by the Minister of the Interior under provisions of the Dominion Lands Act. The Department of the Interior was established on July 1, 1873, to superintend the opening and settlement of the Canadian West.¹ At Confederation, Crown lands were vested in the provinces, and the Commissioner of Crown Lands continued as a provincial officer. Ordnance and Admiralty Lands, however, remained federal government property, and the Secretary of State replaced the Commissioner of Crown Lands as the minister responsible for their administration. The acquisition of Rupert's Land and the Northwest Territories in 1870 resulted in many new problems connected with exploration, survey, settlement and administration. Exploration and survey work was commenced under the direction of the Department of Public Works, and following enactment of the Dominion Lands Act in 1872, its administration was entrusted to the Secretary of State.²

Department of the Interior

With the admission of British Columbia to Confederation in 1871, the Government of Canada was committed to the construction of a transcontinental railway, and its extension westward promised the settlement of a vast area which constituted unbroken prairie or wilderness. The need for a reorganization and regrouping of the agencies concerned with administration of the western territories was apparent. The establishment of the Department of the Interior in 1873 permitted that reorganization. Indian Affairs and the Geological Survey, which had been the responsibility of the Secretary of State for the Provinces, were placed under the new department. It also assumed the administration of the Dominion Lands Act, and jurisdiction over Ordnance and Admiralty Lands and all other public lands not specifically assigned to other departments. Concurrently, the office of Secretary of State for the Provinces was abolished, and federal-provincial correspondence was taken over by the Secretary of State.

From its inception, the Department of the Interior faced a tremendous task. It was responsible for the administration of almost two and three quarter million square miles. As first organized, it consisted of six main units: Administration, Dominion Lands, Ordnance and Admiralty Lands, Northwest Territories, Indians and Indian lands, and the Geological Survey. The Department maintained its identity for 63 years, and during most of this period its primary function was the administration of the Dominion Lands Act. This involved responsibility for surveys, homestead grants, sales, the preparation of lands patents, leases for grazing lands, and the administration of mineral and timber resources.

Over the years, changes in internal organization became necessary, as responsibilities increased with the settlement of the West. Administrative subdivisions of the Dominion Lands Branch were established, and in 1883, the Surveys section was elevated to the status of a main unit within the Department. On the creation of the provinces of Saskatchewan and Alberta in 1905, respon-

sibility for internal government was transferred to provincial authority, but the Department of the Interior continued to administer the public lands and natural resources, to which the Federal Government had retained title, as had been done in the case of Manitoba in 1870.³ Finally, in 1930, control of public lands and natural resources was surrendered to the western provinces under the provisions of the Resources Acts and agreements. Consequently, because of its greatly reduced responsibilities, the Department of the Interior was merged with three other departments in 1936 to form the Department of Mines and Resources.

The Forest Parks

In 1883, the Dominion Lands Act had been amended to consolidate several acts respecting the public lands of Canada then in force. One year later, as the Canadian Pacific Railway was being pushed through the Canadian Cordillera, provision was made by amendment to the Act for the reservation of lands west of the Prairies for the purposes of "forest parks".⁴ A function of these reserves was the "preservation of forest trees on the crests and slopes of the Rocky Mountains, and the proper maintenance throughout the year, of the volume of water in the rivers and streams which have their sources in such mountains and traverse the Northwest Territories".

The original park reservation of 1885, which so fortuitously reserved from "sale, settlement or squatting" the lands surrounding the mineral hot springs at Banff, was made under a general reservation clause (Section 26) of the Dominion Lands Act. Subsequent reservations, however, including those at Mount Stephen (Yoho) and Glacier on the Canadian Pacific Railway, at Waterton Lakes near the International Boundary, and at Jasper on the Grand Trunk Pacific Railway, were all made under authority of the amendment authorizing forest parks.

When the decision was made by the Minister of the Interior in 1886 to enlarge the "hot springs" reservation at Banff and establish a national park, special legislation to administer the enlarged area was considered desirable. Although the Dominion Lands Act made provision for the reservation of forest parks, and the setting aside of land for "town plots", it was never intended to cope with the complexities of national park administration which, as events turned out, involved municipal affairs as well as natural resources. Thus the stage was set for the first distinctive national park legislation, the *Rocky Mountains Park Act*.⁵

First Parks Act

The bill providing for the legislation was introduced in Parliament on April 22, 1887. As the Honourable Thomas White, Minister of the Interior observed, its purposes were "to fix the boundaries of the park, and give power to the government to adopt rules and regulations for proper order in the park after it is established". As related earlier in this history, the bill generated considerable debate before it received final reading on May 6, 1887. It was given royal assent on June 23, 1887.

The new act made provision for the management and control of the park by the Minister of the Interior under

authority of regulations approved by the Governor General in Council. Considerable latitude in the use of the park was contemplated, as the act provided not only for the preservation of the landscape, the protection of wildlife, and the leasing of lands for the purposes of residence and trade, but also permitted the working of mines within the park, the pasturage of cattle under permit and management of hay lands. Although the privilege of filing mining claims to lands in the parks was withdrawn in 1916, existing rights were recognized and the working of coal and base metal deposits was carried on in Banff and Yoho Parks for more than half a century.

Early Park Administrators

In the absence of any specific branch charged with their supervision, Rocky Mountains Park and the early forest parks at Field and Glacier were administered by the park superintendent under the direction of the Deputy Minister of the Interior, the Secretary of the Department, and the Department's Law Clerk, now styled Legal Adviser. Much of the correspondence between Banff and Ottawa that did not reach the desk of the Deputy Minister was channelled through the Secretary. Before and after the passing of the Rocky Mountains Park Act, the Deputy Minister, A.M. Burgess, had an active part in developing park policy. Burgess was promoted from Secretary of the Department to Deputy Minister in 1883 and served in that capacity until 1897. John R. Hall, Secretary from 1883 to 1899, investigated the operation of the United States hot springs at Arkansas in 1886, and his report provided a basis for the operation of the springs at Banff. Thomas G. Rothwell, who was appointed Law Clerk in 1882, served in that capacity for over 35 years before retiring in 1918.

A prominent figure in the early days of park administration was William Pearce who, in the capacity of Inspector of Mines, served as a consultant, roving inspector and trouble-shooter for the Minister. A Dominion Land Surveyor who headed early surveys in Manitoba and the Northwest Territories, Pearce became Inspector of Dominion Lands Agencies in 1882. Two years later he was appointed to the position of Inspector of Mines, with headquarters at Winnipeg, and from 1887, at Calgary. He took an active part in having the first park reservations made at Banff and in British Columbia, and was the first to suggest a park in the vicinity of Waterton Lakes. One of his most demanding assignments was that of serving as commissioner in the inquiry held at Banff in July 1886, to investigate claims arising out of the discovery of the Banff hot springs. After 32 years of service in the Department of the Interior, Mr. Pearce resigned in 1904 to enter the employment of the Canadian Pacific Railway Company as a consultant in irrigation and natural resources matters. Following his death in 1930, a voluminous collection of his personal papers, dealing not only with early national parks but with numerous other matters associated with the Canadian west, was deposited in the library of the University of Edmonton.

A following a change of government in 1896, when the Honourable Clifford Sifton took over the portfolio of Minister of the Interior in the Liberal administration,

changes in national park matters were made. George A. Stewart, Superintendent of Rocky Mountains Park since 1887, was replaced by Howard Douglas of Calgary in 1897. Douglas instituted an aggressive policy in matters of park development as far as appropriations would permit. During his term of office, which ended in 1912, the first exhibition herd of buffalo was established at Banff, a new building accommodating the administrative headquarters and a museum was erected, a zoo created, and a start made on a park highway system which later radiated in all directions from Banff. Douglas also served as acting superintendent of both Glacier and Yoho Parks. Under his direction, the scenic wonders of the Yoho Valley and Emerald Lake were opened to horse-drawn vehicles, and development at Glacier Park was commenced following the discovery of the Nakimu Caves in 1904.

Clifford Sifton resigned as Minister of the Interior in February 1905, and was replaced by Frank Oliver of Edmonton. Oliver had been a member of Parliament since 1896, having represented the Alberta District of the Northwest Territories and later the constituency of Edmonton. During Mr. Oliver's tenure of office, several additions to the national park system were made, including Elk Island, Jasper and Buffalo Parks. The last named park, for which the first reservations of land were made in March, 1908, was created as a home for the herd of buffalo purchased in Montana from Michel Pablo.

First Commissioner of Parks

Mr. Oliver made the first move toward setting up a separate bureau to administer the parks, when their administrative control was transferred to R.H. Campbell, Superintendent of Forestry late in March, 1908.⁶ This move was followed by a re-organization involving the creation of the position of Commissioner of Dominion Parks with headquarters at Banff. Howard Douglas, who had been Superintendent of Rocky Mountains Park since 1897, was selected to fill the office, effective April 1, 1908. The order in council which authorized the new position and outlined its authority, was unique in another respect. It described as 'parks' several areas which, in the past, had usually been referred to as 'reserves'. Included were the Buffalo, Elk Island, Jasper, Yoho and Glacier Parks.

George E. Hunter, who had served as assistant to Douglas at Banff for the preceding four years, was appointed Superintendent of Rocky Mountains Park, and superintendents were assigned to Yoho, Buffalo and Elk Island Parks. Hunter's term at Banff, however, was of short duration, for in 1909 he was transferred to Field to superintend Yoho and Glacier Parks. Douglas resumed responsibility for Rocky Mountains Park and directed operations at other parks until superintendents were named. In June, 1910, the office and staff of Commissioner Douglas were moved to Edmonton, so that he would be closer to Jasper Park. This vast area lay within the territory to be crossed by the Grand Trunk Pacific Railway and planning for the development of the park was then under way. Concurrent with the departure of Douglas from Banff, A.B. MacDonald assumed charge of Rocky Mountains Park.

Dominion Forest Reserves and Parks Act

Before the year 1910 had ended, an increasing public use of the national parks, and a growing appreciation of their value to the nation, had indicated the need for a separate branch of the Department of the Interior to carry on their administration and development. Since April, 1908, Rocky Mountains Park, the forest parks, and the national park reserves, together with the Dominion forest reserves, had been under the control of the Superintendent of Forestry at Ottawa. The Honourable Frank Oliver, the Minister of the Department, decided to institute changes by legislation. On January 11, 1911, he introduced in the House of Commons a bill to establish the Dominion Forest Reserves and Parks Act.

In moving its first reading, Mr. Oliver observed that although the purposes of forest reserves and forests parks were in some respects identical, they differed in others. A forest reserve was withdrawn from occupation, whereas a forest park was intended primarily to be occupied for purposes of pleasure. Under the provisions of the Act as proposed, all existing mountain parks in Alberta and British Columbia, together with the Elk Island and Buffalo park reserves in Alberta, would be incorporated in forest reserves. A clause in the Act would permit by order in council, the designation as national parks such portions of the forest reserves that were considered suitable or desirable. The Act also authorized the Governor General in Council to make regulations for the parks, in order to ensure their protection, care and management, and their use and enjoyment as public parks and pleasure grounds. The new Act received final reading in April, 1911, and was given royal assent on May 19, 1911.⁷

Dominion Parks Designated

One of the first steps taken under the new Act was the establishment of the first "Dominion", later to become known as "National" parks. An order in council approved on June 8, 1911, described and established Glacier and Yoho Parks in British Columbia, together with Rocky Mountains (now Banff), Jasper and Waterton Lakes Parks in Alberta.⁸ Reference has been made in a previous chapter to the drastic reductions made in the areas of these parks in 1911, and to the protests that led to their enlargement later on. On March 27, 1913, lands within Cooking Lake Forest Reserve were formally established as Elk Island Park, and Buffalo Forest Reserve at Wainwright, Alberta, was named Buffalo Dominion Park.

The limitations imposed by the new act in restricting the establishment of new parks from lands within forest reserves soon were realized. An amendment to the Dominion Forest Reserves and Parks Act made in June, 1913, extended the choice of lands for park purposes beyond the boundaries of forest reserves.⁹ Section 18 of the Act, as amended, read:

"The Governor in Council may, by proclamation, designate such reserves or areas within forest reserves or such other areas as he sees fit, the title to which is vested in the Crown in the right of Canada, to be and to be known as Dominion Parks, and they shall be

maintained and made use of as public parks and pleasure grounds for the benefit, advantage and enjoyment of the people of Canada, and the provisions of this act governing forest reserves, excepting Section 4, shall apply to the Dominion parks."

Parks Branch Established

The most significant result of the 1911 legislation was the creation of a new branch in the Department of the Interior to administer the federal parks. This was to be known for the next ten years as the Dominion Parks Branch. Heading the new branch and directing its activities from Ottawa was James Bernard Harkin. Field administration, with headquarters at Edmonton, remained in charge of Howard Douglas, who, for the previous three years, held the office of Commissioner. Douglas was given the new title of Chief Superintendent, and in that capacity he was responsible for the resident park superintendents and their activities. As the first report of the new commissioner observed, "The change in no way altered the duties performed by him, the new title being given because it more accurately described the duties of the office, viz., the supervision of the work of the individual park superintendents."

The circumstances of the new commissioner's appointment are interesting. A native of Vankleek Hill, Ontario, Mr. Harkin received his education there and at Marquette, Michigan. Having chosen newspaper work as a vocation, he commenced his career as a journalist at Montreal in 1892. The following year, he accepted employment with the Ottawa Journal, rising in a few years to the position of city editor, with membership in the Parliamentary Press Gallery. Late in 1901, P.D. Ross, editor and owner of "The Journal", was approached by the Honourable Clifford Sifton, Minister of the Interior, who was seeking assistance in the recruitment of a 'political' secretary. After some thought, Ross confessed that the only person having the necessary qualifications and background that he could recommend, was his city editor. Mr. Harkin was offered the position, accepted it, and was appointed to the public service of Canada on December 2, 1901. The Minister of the Interior at that time doubled as Superintendent of Indian Affairs, and for several years Mr. Harkin was carried on the establishment of the Department of Indian Affairs as a first class clerk. In February, 1904, he was confirmed by order in council as the Minister's Private Secretary. He was promoted to the status of Chief Clerk on April 1, 1907, and transferred to the staff of the Department of the Interior. On the resignation of Clifford Sifton as Minister of the Interior in 1905, Mr. Harkin had been requested by Sifton's successor, the Honourable Frank Oliver, to continue as his Private Secretary, a position he filled until 1911.

In the capacity of Private Secretary, Mr. Harkin was privileged to observe and participate in matters of administration and policy for which his Minister was responsible. In the early part of the twentieth century, these included administration of the Yukon and Northwest Territories, Dominion and other public lands, topographical surveys, forestry and immigration mat-

ters, Rocky Mountains Park and other park reserves, together with Indian Affairs. As Mr. Oliver's secretary, Mr. Harkin also was involved in the purchase of the Pablo herd of bison, which led to the successful experiment of saving from extinction, this magnificent game animal.

Prior to the enactment of the new park legislation in 1911, Mr. Harkin was informed by Mr. Oliver, of the latter's intention to establish two new branches of the Department, one to administer the national park system, and the other to supervise federal water power matters. Given a choice of heading either of the two new bureaux, Mr. Harkin chose national parks. His appointment as Commissioner of Dominion Parks was confirmed by order in council on August 10, 1911, retroactive to April 1.

With a small staff recruited from other divisions of the Department, Mr. Harkin launched the new branch in September, 1911. The few with experience in park administration came from the Forestry Branch, and others from the Surveys Branch brought additional skills. Gradually a capable head office staff including technical personnel was built up and plans and policies formulated for the administration of a total area of about 4,000 square miles. Although Howard Douglas was retired from the position of Chief Superintendent in 1912, the office was maintained at Edmonton until 1917. A field engineering office was developed at Banff from which major construction projects in the field were coordinated.

Soon after taking office, the new commissioner made a tour of western Canada to inspect the areas which were to be under his control. From this trip Mr. Harkin was able to visualize the potentialities of the great unspoiled wilderness that had been dedicated as a pleasure ground for Canadians. Before leaving, he had little in the way to guide him, other than the reports of early park superintendents which recorded development previously undertaken. As described by one of his original staff, Mabel B. Williams, in her discerning book, "Guardians of the Wild":

*"There was little in the new office at Ottawa to serve for guide or inspiration. The files which had been transferred to the new organization were for the most part dreary compilations of correspondence concerning transfers of land in the townsites of Banff and Field, the collection of rates and telephone charges, complaints concerning dusty roads, and the absence of a garbage collection. There were few photographs and no books, with the exception of government records and bulletins. Three thousand miles away from their inspiring reality, it was difficult to visualize these national parks, and far more difficult to realize to what manifold uses they might be put."*¹⁰

Early Park Policy

Of immediate concern to the new commissioner was the need for an increased appropriation from Parliament for development work required to make the attractions of the national parks more easily accessible to visitors. Mr. Harkin had taken charge of the parks at a period which

might be termed the beginning of the "automobile age". He became a strong proponent of tourism, not only for the purpose of stimulating travel to the parks, but also to impress on the legislators in Parliament the urgent need for more money with which to improve and carry out his plans. Most visitor traffic to date had been transported by railway, but in 1911 the first "carriage" road capable of carrying motor traffic from Calgary to Banff was completed. Mr. Harkin's early annual reports of the activities of his Branch stressed the value of tourist traffic in the United States and Europe, and called to attention the need for Canadians to share in the tourist dollar by emphasizing the advantages and attractions of national parks. Later, in 1917, he advocated the creation of a national travel bureau, a step which eventually was taken by the Government of Canada in 1934.

In explaining the policy of the National Parks Branch, Mr. Harkin cited the need for quality in services made available to visitors. Improved visitor accommodation, protection against exorbitant charges for services, and the provision of minor attractions to supplement natural features were recommended. The construction of first class roads and trails was advocated so that various attractions might be reached in comfort and in safety. He proposed action to control the prevailing dust nuisance, the supervision of water supplies and sanitation, and control of local transportation agencies including guides, drivers and charges. Steps also were taken to improve fire and game protection services, and reduce exploitation of the natural resources of the parks, particularly by the holders of timber licences granted in earlier days.

During his twenty-five year term of office, Mr. Harkin saw many of these early objectives attained. Highway construction which had been commenced prior to World War I was resumed in 1919, and the following year Banff was linked by motor road with Lake Louise. In 1923, the Banff-Windermere Highway, the first automobile road to cross the central Canadian Rockies through Banff and Kootenay Parks, was completed. An early link in the Trans-Canada Highway from Lake Louise through Yoho Park to Golden in the Columbia River Valley, opened in 1927, provided motorists with an opportunity to participate in a circle tour of 250 miles through the mountains. An outstanding achievement was the completion of the spectacular Banff-Jasper Highway in 1940.

As park highways were extended, adequate accommodation was provided along the way by private enterprise. A chain of motor lodges developed by the Canadian Pacific Railway, was augmented by attractive cabin developments developed by other concessionnaires. The Canadian National Railways added Jasper Park Lodge to the list of superb mountain hotels inaugurated by the Canadian Pacific in 1887. Visitors were encouraged to see the parks on horseback or afoot, and a remarkable system of trails was made available. Early bathing establishments built at the hot springs in Banff and Kootenay Parks were supplanted by commodious pools and with attractive dressing rooms, and a new installation made at Miette Hot Springs in Jasper Park.

Parks Branch Expansion

With larger appropriations and an increasing visitor use of the parks came expansion in the park establishment. Engineering requirements led to the development of a technical division headed by a chief engineer. In 1921, the town-planning office of the former Commission of Conservation was transferred to the National Parks Branch. This development resulted in the acquisition of a town-planning and architectural service that was to benefit both the park service and those providing services in the parks.

Commissioner Harkin was an ardent conservationist, having had an early association with the acquisition of the buffalo herds that were placed in Elk Island and Buffalo Parks. In 1914, he brought to the attention of the Minister, the plight of the pronghorned antelope which, although once prolific on the western prairies, were in danger of extinction. On his recommendation, three areas — two in southern Alberta and one in Saskatchewan were reserved in 1916 for the protection of the species. Later in 1922, these areas were established as the Nemiskam, Wawaskesy, and Menissawok Parks. Within these protected areas, the antelope flourished and repopulated adjacent areas. With the future of the species assured, the parks later were abolished and the lands returned to the provinces concerned.

Canada's participation in 1916 with the United States in a treaty to protect migratory birds resulted in another expansion of the National Parks Branch. Administration of the Migratory Birds Convention Act passed by Parliament in 1917, was delegated to the Department of the Interior and entrusted to the Commissioner of Parks. Regulations were established under the Act in 1918, and following the appointment of an ornithologist, a wildlife section was created to administer them. From this modest beginning was developed the National Parks Wildlife Division, later to become the Canadian Wildlife Service. In April, 1966, it became a separate branch of the Department of Indian Affairs and Northern Development. Later, in November, 1970, it was transferred to the Department of Fisheries and Forestry which, in 1971 became the nucleus of the Department of the Environment.

Another step taken to facilitate game protection in Canada was the formation in 1916 of an interdepartmental Advisory Board on Wild Life Protection. Composed of representatives of several federal government departments, including the Commissioner of National Parks, the Board functioned for nearly fifty years before it was dissolved. During its existence, the Board served in an advisory capacity, and its influence led in 1918 to the establishment of Point Pelee National Park on what previously had been a naval reserve.

The interest of Commissioner Harkin in historic sites and buildings in Canada led to the creation of yet another division of the National Parks Branch. A growing appreciation of the need for preserving and marking places of historic interest in Canada was sparked by the formation in 1907 of the Historic Landmarks Association of Canada. Its immediate object was to aid in the preparations for the Tercentenary of Quebec in 1908, but its work was continued until 1922 when it became

known as the Canadian Historical Association. Mr. Harkin had been a member of the association for some years, and had been active in having Canada's first national historic parks established — Fort Howe in New Brunswick in 1914, and Fort Anne in Nova Scotia in 1917. In March, 1919, he recommended to the Deputy Minister of the Interior that an honorary board, comprised of men known to be authorities on Canadian history, be created to advise the Department on the preservation of sites of national historic interest in Canada. The recommendation was approved by the Minister, the Honourable Arthur Meighen, and following their appointment, the members of the Historic Sites and Monuments Board of Canada held their first meeting in Ottawa on October 28, 1919.¹¹ The Board comprised seven members, who elected Brigadier General E.A. Cruikshank of Ottawa as Chairman. Commissioner Harkin served on the Board for some years, and his assistant, F.H.H. Williamson was the first secretary. The members of the Board functioned in an advisory capacity, and the administrative work involved in acquiring, marking and preserving sites recommended by the Board was assumed by the National Parks Branch. From a small unit, the Historic Sites Division developed into the National Historic Parks and Sites Branch, responsible for the administration of more than 70 national historic parks and major historic sites. In addition, the Branch has commemorated some 650 persons and events of national significance.

Publicity and Information

The need for suitable literature describing the physical attractions of the parks, as well as their fauna and flora, was recognized shortly after the Branch was formed. This requirement was met in part by the production of pamphlets describing the Banff Museum, the Nakimu Caves, the geology, the glaciers and the game fish of the mountain parks. The first distinctive park publication, issued in 1914, outlined the objects and functions of the parks, and carried as an insert in its cover, a sprig of mountain heather. Another early publication described the summer and winter attractions of Banff National Park. An effective campaign to educate the public in forest fire prevention also was undertaken with considerable success.

Following the end of World War I, increased appropriations permitted an expansion of educational and publicity activities. A publicity division was set up within the branch under a director, a public lecturer was engaged, and a series of attractive illustrated booklets was prepared for free distribution. The Parks Branch was one of the first agencies in the Federal Government to adopt motion pictures as a publicity medium, and over the years an extensive library of travel and wild life films was developed. Prints were made available on loan to lecturers, conservation groups, and travel agencies on an international basis. The division also maintained a large slide and photograph library, from which hundreds of prints were distributed annually. Special exhibits were prepared for display at world's fairs, expositions, and other exhibitions. Following the advent of wireless communication, the Branch employed radio for the

broadcasting of talks and information. At its zenith the Publicity Division had a staff of 25, but following the creation of other government information agencies, including the National Film Board and the Canadian Government Travel Bureau, many of its former functions were turned over to the new organizations. Its remaining activities eventually were absorbed by the departmental information division.

Parks System Expanded

The amendment of the Dominion Forest Reserves and Parks Act on July 6, 1913, which permitted proclamation as national parks of areas other than those within forest reserves, cleared the way for extensions to the park system. In 1914, three widely-spaced areas were established as national parks. Included was an area of 100 square miles incorporating the summit and upper slopes of Mount Revelstoke in the Selkirk Mountains, since known as Mount Revelstoke National Park. Also proclaimed as national parks were a group of islands in the Thousand Islands section of the St. Lawrence River, which had been acquired in 1904 by the Department of the Interior from the Department of Indian Affairs, and administered as a recreational park since 1910. The site of Fort Howe in the City of St. John, New Brunswick, formed the third park created in 1914.

In April, 1920, Kootenay National Park was established in British Columbia under the provisions of the Banff-Windermere Highway Agreement. Its creation permitted construction of the first motor road through the central Canadian Rockies linking Alberta and British Columbia.

The following year, one of the smallest areas ever to be set aside in Canada as a national park was formally proclaimed on October 31. This was Vidal's Point, containing 17 acres, located on Lake Katepwa in Saskatchewan. It had been reserved some years earlier for recreational purposes under forest reserve regulations.

Reference already has been made to the three areas reserved in 1916 for the preservation of pronghorned antelope. Of these, only Nemiskam Park, near Foremost, Alberta, was surrounded by a fence. This operation had been carried out by officers of the National Parks Branch in 1915, thereby enclosing a small herd of antelope within an area of nine square miles.

The Nemiskam reserve and two additional areas were established as national parks in 1922.¹² Menissawok Park, south of Maple Creek, Saskatchewan, contained an area of 17 square miles, and Wawaskesy Park, situated east of Suffield Alberta, contained 54 square miles.

One of the largest national parks in the world was established in northern Canada in 1922, to preserve from extinction the wood buffalo of the Northwest Territories and northern Alberta. The existence of this sub-species of the American bison in the vicinity of the lower Peace and Slave Rivers had been known for more than 150 years and its numbers were declining rapidly. The original area of the park was 17,000 square miles, but additions made in 1926 increased its size to 17,300 square miles.

A park with unusual characteristics was set aside in 1927, when the Sturgeon Forest Reserve in north central

Saskatchewan was established as Prince Albert National Park. It incorporated a forested lakeland eminently suited for the purposes of a nature sanctuary and a summer playground.

The last two national parks to be established under the authority of the Dominion Forest Reserves and Parks Act were authorized by order in council on December 29, 1929. Georgian Bay Islands Park, Ontario, reserved in perpetuity 30 islands in Georgian Bay, a region famous for many years as a holiday resort. Riding Mountain Park, in Manitoba, occupies 1,148 square miles on the elevated escarpment known as Riding Mountain. The park earlier had formed the Riding Mountain Forest Reserve, one of the first to be established in the prairie province.

Federal-Provincial Agreements

From 1919 to 1930, very few amendments were made to the dual-purpose Forest Reserves and Parks Act, and those that were enacted related to changes in the boundaries of the forest reserves. National parks administration, however, was affected by federal-provincial agreements entered into during this period. The completion of the Banff-Windermere Highway Agreement on March 12, 1919, between Canada and the Province of British Columbia facilitated future administration of the national parks in that province.¹³ Under the terms of the agreement, the province made available to Canada a corridor 10 miles in width (five miles on each side of the proposed highway) which became Kootenay National Park. The province also agreed to a satisfactory adjustment of the many conflicts of jurisdiction within the national parks in British Columbia. The province undertook, with respect to the parks in British Columbia, that its legislation and regulations thereafter would be conformable and correspond to the legislation and regulations of the Federal Government respecting national parks in general. The agreement also confirmed the right of the Federal Government to collect a park motor licence fee from persons not bona fide residents of the parks, to consent to the granting of liquor licences in the park, and to share fees from the sale of provincial motor licences issued for vehicles owned and operated by park residents. The agreement also imposed restrictions on future mining activities in the park and made the granting of water rights within the park subject to approval by the Minister responsible for national park administration. A matter of great satisfaction to park administrators was the assurance that national park game regulations would in future be effective within the national parks in British Columbia.

Conflicts of jurisdiction between Canada and the Province of Alberta respecting parks in that province also were resolved by an agreement completed on November 23, 1918. This agreement confirmed the maintenance of law and order in the parks in Alberta as the responsibility of the Canadian Government. It also provided for the sharing of motor licence fees covering vehicles owned and operated by park residents, and waived the right of the province to collect licence fees on various business enterprises closely related to the tourist

trade. Educational matters were confirmed as an exclusive responsibility of provincial authorities.

National Parks Act

The enactment of the National Parks Act in 1930 climaxed the prolonged efforts of Commissioner Harkin and his staff to have the administration of the parks removed from the authority of the Dominion Forest Reserves and Parks Act and placed under the authority of a separate act. The need for such action was recognized by the Deputy Minister of the Interior, W.W. Cory in 1919, when a legal officer of the Department was requested to draft suitable legislation. The first draft of a proposed National Parks Act was completed in April, 1920, and copies were submitted to the heads of other branches of the Department responsible for the administration of natural resources. This action brought strong objection from the Superintendent of the Irrigation Branch to a clause which would vest exclusive control of all waters in the parks in the new act. Commissioner Harkin, however, pointed out that control of park waters was essential, and that the existing Forest Reserves and Parks Act was not subject to provisions of the Irrigation Act.

Unfortunately, the Minister of the Interior found it impossible to introduce the legislation in Parliament. This situation prevailed for several years, during which some modifications were made to the draft act, including provision for the creation of recreational areas and game sanctuaries, and the administration of historic sites. Other changes proposed were a change of name to Banff from Rocky Mountains Park, and the designation of the administrative unit as "Canadian National" rather than "Dominion" Parks Branch.

By 1922, the transfer of the natural resources in Manitoba, Saskatchewan, Alberta and the Railway Belt of British Columbia was being considered by the Government of Canada. An agreement between Alberta and Canada was signed on January 9, 1926, subject to the approval of the provincial legislature and the Parliament of Canada. Some of the terms were objectionable to the Commissioner of National Parks. Having experienced disappointment in having a new National Parks Act introduced in the House of Commons, Mr. Harkin in 1927 induced the Honourable Charles Stewart, Minister of the Interior, to sponsor amendments to the existing Dominion Forest Reserves and Parks Act, which would have the effect of establishing the principle of the absolute sanctity of the national parks.¹⁴ Bill 54, which received first reading on February 10, also provided for a change of name from Dominion to Canadian National Parks, made provision for the establishment of Canadian Historic Parks, and specifically withdrew all lands and waters from the operation of the Dominion Water Power Act and the Irrigation Act.

The proposed legislation met with opposition not only from the federal Dominion Water Power and Reclamation Services, but also from the Premier of Alberta, the Honourable J.E. Brownlee. In a letter addressed to Prime Minister Mackenzie King, Premier Brownlee observed that the bill prohibited the disposal of any resources within the parks without the sanction of Parliament, and

suggested that consideration be given to the position of the Province respecting natural resources within these areas which were necessary for the development of the industrial life of the province.¹⁵ Specifically mentioned were the water power resources of the Upper Spray Lakes and the coal deposits existing in Banff and Jasper National Parks. Consequently he suggested that a survey of the parks be made to ensure that areas having important industrial potential would not be withheld from future development.

Premier Brownlee's suggestion was adopted and the proposed legislation was dropped. Later in 1927, R.W. Cautley of Ottawa, a Dominion Lands surveyor with wide experience in mountain survey work, was detailed by the Minister of the Interior to investigate and report on suitable permanent boundaries for Banff and Jasper National Parks. The Chairman of the Irrigation Council of Alberta, L.C. Charlesworth was appointed by the Provincial Government as its representative in all discussions relating to park boundaries. During 1927 and 1928, Mr. Cautley made a thorough examination of both parks, giving particular attention to matters respecting field administration, game protection, and the necessity of excluding from the parks areas of more value for industrial than for parks purposes. By deleting such areas from the park with the concurrence of the province, Mr. Cautley considered that the remaining park areas could then be regarded as inviolable. In his final report, Mr. Cautley recommended boundaries that would exclude from Banff Park the Kananaskis and Spray Lakes watersheds which had areas of high potential for hydro-electric power development, and other areas containing extensive grazing lands. Similarly, coal-bearing areas in both Banff and Jasper National Parks were recommended for withdrawal.¹⁶

Transfer of Natural Resources

Agreement on the transfer of natural resources was reached by the Minister of the Interior and the Minister of Justice for Canada with ministers of Alberta and Manitoba in December, 1929, and with those representing British Columbia and Saskatchewan in March, 1930. Acts of Parliament confirming the transfer of natural resources to the four provinces concerned were introduced, debated and passed. The long deferred National Parks Act was introduced in the House of Commons on May 2, 1930, and given third reading on May 9. The National Parks Act, together with the Manitoba Natural Resources Act, the Saskatchewan Natural Resources Act, the Alberta Natural Resources Act and the Railway Belt and Peace River Block Act, relating to British Columbia, all received royal assent on May 30, 1930.¹⁷

In its final form, the National Parks Act was an improved and stream-lined version of numerous previous drafts.¹⁸ It ensured that no new parks could be established or any change made in the boundaries of existing parks except by Act of Parliament. It designated the parks in future as the National Parks of Canada, changed the name of Rocky Mountains Park to Banff Park, and clarified the disposal of and use of parks lands. It confirmed the parks as absolute game sanctuaries, made no provision for mineral exploration or develop-

ment and limited the use of green timber to that essential for park management purposes. In practice, the rights of holders of mineral grants were recognized until extinguished. Part II of the Act authorized the establishment, by order in council, of lands vested in the Crown as National Historic Parks to commemorate historic events of national importance, or to preserve historic landmarks or objects of historic, prehistoric, or scientific interest of national importance.

The new act also withdrew from the national parks system, Fort Howe Park in order to permit its return to the City of St. John, New Brunswick; Vidal's Point Park, a small recreational area in Saskatchewan which lacked the characteristics of a national park; and Menissawok Park, also in Saskatchewan, which was no longer required to ensure preservation of the antelope of the western Canadian plains. Of paramount importance to national park administration were the agreements with the provinces incorporated in the Transfer of Resources Acts. They confirmed as national parks the areas listed in the schedule to each act and stipulated that the lands therein, including all mines and minerals, would continue to be vested in and administered by the Government of Canada. The agreements also confirmed the legislative jurisdiction of the Federal Government within the outer boundaries of the parks, with the stipulation that provincial laws then or thereafter in force that were not repugnant to laws made applicable to the parks by the Government of Canada, would be enforceable within the parks. Similarly, taxing acts passed by the provinces not expressly excluded by federal legislation, also would apply within the parks.

The resources agreements also safeguarded historic sites of which notice was brought to the province concerned, ensured the preservation of bird sanctuaries already established by Canada, and provided for recognition of bird sanctuaries established in future by agreement between Canada and the Provinces.

The Depression Years

The years immediately following 1930 were difficult ones for Canadians, the Department of the Interior, and the National Parks Branch. Following a general election, the Liberal Government was succeeded in August, 1930, by a Conservative administration headed by the Honourable R.B. Bennett, member for Calgary West. The new government had the misfortune to assume office on the eve of a world-wide economic depression. It also had the responsibility of transferring the natural resources to the western provinces. This action resulted in the disappearance of many branches of the Department of the Interior. The formal transfer of files and records was made during the summer of 1931, and hundreds of former Interior employees were left without jobs. Some obtained a transfer to provincial government departments. Others were either retired or relocated in other government departments, usually at a lower grade. Altogether 1,295 employees, 568 employed in Ottawa and 727 in the field offices, were affected.¹⁹

The National Parks Branch, although retaining all its functions, lost 32 positions in a departmental economy move. W.W. Cory, Deputy Minister of the Department

since 1905, was retired in 1931, and was succeeded by H.H. Rowatt, who for many years had charge of the Mining Lands and Yukon Branch of the Department. The Honourable Thomas G. Murphy replaced the Honourable Charles Stewart as Minister of the Interior. Mr. Rowatt was retired by 1934 and in 1935 Prime Minister Bennett appointed James M. Wardle, Chief Engineer of the National Parks Branch, to the position of Deputy Minister.

Economic conditions in the early "thirties" forced the Federal Government to make drastic reductions in expenditures, in which the appropriations of the National Parks Branch were substantially reduced. The loss, however was offset largely by funds provided for unemployment relief projects. Camps were established in most of the larger parks in western Canada and programs including highway, campground and building construction were undertaken. In fact, much of the early development in Prince Albert and Riding Mountain National Parks was carried out with funds provided for unemployment relief, and major highway projects resulted in scenic parkways that facilitate motor travel to and through the parks. Two highway projects — one involving construction of the Golden Revelstoke link in an all-Canada Highway, and the other the Banff-Jasper Highway — were carried on beyond the actual depression years to completion in 1940. Highway and building construction work during the period placed a heavy responsibility on the national parks Engineering Service both at Ottawa and in the western headquarters at Banff. From April 1, 1930 to March 31, 1937, a total of \$7,840,000 was expended in unemployment relief work carried on in the national parks and on the Golden Revelstoke Highway.²⁰

Department of Mines and Resources

In October, 1935, a general election was followed by another political change in which the Liberal party again took over the reins of government. The Honourable Thomas A. Crerar became, in addition to Minister of the Interior, the minister for the Departments of Mines, Immigration and Colonization, and Indian Affairs. With a view to effecting economies in administration and eliminate duplicate services, the Government in June 1936, introduced legislation in Parliament to consolidate in one department, the services provided by the four departments presided over by Mr. Crerar. In introducing the bill, Prime Minister King called attention to the fact that the new measure would eliminate the need for three deputy ministers, would consolidate duplicate or triplicate services of a varying nature, and would merge a total of 23 existing branches of government into not more than eight in the proposed new department. The Department of Mines and Resources Act received assent on June 23, 1936 and the new department came into being on December 1, 1936.²¹

The work of the former departments of the Interior, Mines, Immigration and Indian Affairs was distributed in five new branches, each headed by a Director. These were the Mines and Geology Branch; Land, Parks and Forests Branch; Surveys and Engineering Branch; Indian Affairs Branch; and Immigration Branch. Services

common to all branches, including legal, purchasing, editorial and personnel, were administered by a unit in the Deputy Minister's office headed by a Secretary and Chief Executive Assistant. Later this unit became the Administration Branch.

The senior Deputy Minister of the amalgamated departments, Dr. Charles Camsell, was appointed to that office in the new department. The Lands, Parks and Forests Branch, headed by Roy A. Gibson, formerly Assistant Deputy Minister of the Interior, comprised the National Parks Bureau, the Dominion Forest Service, the Bureau of Northwest Territories and Yukon Affairs, and the Land Registry, responsible for public lands remaining under federal government control. The Surveys and Engineering Branch, which absorbed the engineering and architectural services of the former National Parks Branch, was placed under the direction of J.M. Wardle, the former Deputy Minister.

Faced with a demotion from the status of a director to that of a division head in the new Lands, Parks and Forests Branch, Commissioner Harkin chose retirement. He had given 35 years of outstanding public service to Canada, of which 25 years had been devoted to the development and administration of Canada's national park system. The new post of Controller of the National Parks Bureau was filled by F.H.H. Williamson, for many years the Deputy Commissioner of Parks.

Although the reorganization of 1936 deprived the Lands, Parks and Forests Branch of its engineering and architectural services, the Engineering and Construction Service of the Surveys and Engineering Branch functioned as a servicing unit to all branches of the Department. National Park appropriations allocated to it were expended on national park and historic sites projects. Major work undertaken from 1937 to 1939 included the development of the new Cape Breton Highlands and Prince Edward Island National Parks. The outbreak of war in 1939 resulted in reduced national park appropriations and during the next six years major work was confined to that considered essential in the public interest.

The war years were featured by the completion of a hydro-electric power development in Banff National Park under authority of the War Measures Act. At the request of Minister of Munitions and Supply, the Governor in Council authorized the Calgary Power Company to increase the water storage capacity of Lake Minnewanka by construction of a new dam, and also to construct a hydro-electric generating plant at Anthracite.²² The additional power was required for the expanding war industry in the City of Calgary. The power development subsequently was ratified by complementary legislation of Canada and the Province of Alberta under the National Resources Transfer (Amendment) Act, 1941.

Further reorganization of the Department of Mines and Resources occurred in 1947 when a re-allocation of services was authorized by Order in Council of November 1, 1947.²³ Under its provisions, the Mines and Geology Branch, Lands, Parks and Forests Branch, and the Surveys and Engineering Branch were abolished. In their place were established the Mines, Forests and

Scientific Services Branch and the Lands and Development Services Branch. The reorganization brought together in the first-named branch, all the basic research activities and all the survey and mapping responsibilities of the Department. In turn, all national development and the engineering and construction activities of the Department were centralized in the Lands and Development Services Branch. This realignment permitted the former Director of the Surveys and Engineering Branch, J.M. Wardle, to become Director of Special Projects in direct association with the Deputy Minister's office.

The new Lands and Development Services Branch with R.A. Gibson as Director, included the National Parks Service; a new Dominion Wildlife Service created from the former Wildlife Division of the National Parks Bureau; the Engineering and Construction Division; Lands Division; and the Northwest Territories and Yukon Services, separated into the Mackenzie, Arctic and Yukon Divisions.

Some changes in administrative personnel occurred in the period 1936-1947. F.H.H. Williamson, Controller of the National Parks Bureau, died in September, 1941, and was replaced by James Smart. The Dominion Wildlife Service, created in November 1947, was headed by Dr. Harrison F. Lewis.

Department of Resources and Development

Further changes in Departmental administration were instituted two years later. In November, 1949, the Government of Canada introduced legislation in Parliament to abolish the Department of Mines and Resources and to establish in its place three new Departments — Resources and Development, Mines and Technical Surveys, and Citizenship and Immigration. The move was designed to make permanent provision for the functions performed by the Department of Reconstruction and Supply; to emphasize the importance of the mining industry of Canada; to coordinate the Citizenship Branch of the Department of Secretary of State with the Immigration Branch of the Department of Mines and Resources; and to provide for the administration of forest, water and other natural resources. All three new departments came into existence on January 18, 1950. The Department of Resources and Development emerged with the Development Services Branch, Forestry Branch, Special Projects Branch, and Canadian Government Travel Bureau as components. The first named branch, headed by R.A. Gibson as Director included the National Parks and Historic Sites, Wildlife, Water Resources, Lands, and Northern Administration Divisions, together with the Engineering and Construction Service and the National Museum of Canada. The National Parks and Historic Sites Division retained James Smart as Chief, and the Wildlife Division, Dr. H.F. Lewis as Chief.

This Departmental set-up, however, was short lived. Yet another reorganization of branches of the Resources and Development Department was authorized by Order in Council of December 1, 1950.²⁴ The former Development Services Branch and the Special Projects Branch were replaced by the Northern Administration and Lands Branch, the National Parks Branch, and the

Engineering and Water Resources Branch. The retirement of Roy A. Gibson, permitted the appointment of James Smart as Director of the National Parks Branch. It comprised the National Parks and Historic Sites Division, the Wildlife Division, and the National Museum of Canada. Technical services were now provided by the Engineering and Water Resources Branch, under the Direction of J.M. Wardle. This branch incorporated the Engineering and Architectural, Projects, Trans-Canada Highway and Water Resources Divisions.

The retirement on superannuation of R.A. Gibson climaxed a career in the Department of the Interior and successive departments that extended over 42 years. He joined the Department in Regina, Saskatchewan, in 1908, and later came to Ottawa as executive assistant to Deputy Minister Cory. His vigorous personality and capacity for work influenced subsequent promotions to Assistant Deputy Minister and acting Deputy Minister of the Interior. He also served as Deputy Commissioner of the Northwest Territories for many years.

As Director of the Lands, Parks and Forests Branch of the Department of Mines and Resources, he was responsible for the administration of the National Parks and Historic Sites, the Yukon and Northwest Territories, and for the activities of the Dominion Forest Service. During the fourteen years in which he served as Director, the National Parks System was expanded to incorporate three outstanding scenic areas in the Atlantic Provinces. The development of visitor services in Cape Breton Highlands, Prince Edward Island and Fundy National Parks were major achievements. Also completed were a number of very ambitious highway construction projects, including the Golden-Revelstoke section of the Trans-Canada Highway, the Banff Jasper Highway, and the Chief Mountain Highway in Waterton Lakes Park. A wide program of park highway improvement also was undertaken, including that of the spectacular Cabot Trail in northern Cape Breton.

During Mr. Gibson's tenure of office, the expansion of the park system was counter-balanced by the abolition of several national parks which had been established to provide sanctuaries for game animals threatened with extinction. Wawaskesy and Nemiskam Parks in Alberta were abolished in 1938 and 1947, after the pronghorned antelope population had been restored to satisfactory numbers in western Canada. In 1947, Buffalo National Park at Wainwright also was declared to be no longer required for the preservation of Canada's buffalo. Under the terms of the Alberta Natural Resources Act, lands in these parks reverted to provincial administration.

Park legislation during the period 1936-1950 dealt principally with the establishment of new parks in eastern Canada. The National Parks Amendment Act of 1946 also authorized revisions in the boundaries of several parks, and the 1947 Act added lands to Riding Mountain and Elk Island Parks. It also reduced the area of Waterton Lakes Park and abolished Nemiskam and Buffalo Parks. The 1947 National Parks Amendment Act also established authority for the re-establishment of summer cottage subdivisions, and the leasing of lots in them. This privilege had been revoked by the National Parks Act of 1930, and its reinstatement was influenced

by a demand for summer-home sites in Jasper National Park. Fortunately, reconsideration of this aspect of public land disposal in the National Parks of Canada led to the withdrawal, some years later, of remaining subdivision lots from entry.

Ministerial Changes

Meanwhile, political events had brought about changes in the Ministry. The Honourable T.A. Crerar retired as Minister of Mines and Resources in April 1945, to enter the Senate. He was replaced by the Honourable J.A. Glen. Mr. Glen gave way to the Honourable James MacKinnon on June 11, 1948. Mr. MacKinnon was summoned to the Senate in March, 1949, and was followed by the Honourable Colin Gibson. Colonel Gibson resigned on his appointment to the Supreme Court of Ontario. He was followed as Minister on January 18, 1950, by the Honourable Robert H. Winters, who previously had been Minister of Reconstruction and Supply.

The office of Deputy Minister of Mines and Resources was vacated on December 31, 1945, when Charles Camsell commenced his retiring leave. His successor was not named until March 15, 1947, when Hugh L. Keenleyside received the appointment. Dr. Keenleyside resigned in September, 1950, and on October 1, 1950, Major General Hugh A. Young, who had been vice-president of Central Mortgage and Housing Corporation, became Deputy Minister of Resources and Development.

The departmental reorganization of 1950 resulted in other changes in personnel responsible for national park administration. The promotion of James Smart to Director of the National Parks Branch was followed in December 1950 by that of J.R.B. Coleman from Assistant Chief to Chief of the National Parks and Historic Sites Division. In September, 1951, the Deputy Minister, H.A. Young, arranged for an exchange of duties between Mr. Coleman and J.A. Hutchison, Superintendent of Banff National Park, "in order that their experience might be broadened and their usefulness to the Department increased". The exchange was effected in November, 1951, and Mr. Hutchison served as Acting Chief, and Mr. Coleman as Acting Superintendent, until March 1, 1953. On that date, Mr. Hutchison was appointed Director of the National Parks Branch, succeeding James Smart who retired from the Public Service on February 28. Mr. Coleman resumed his duties in Ottawa on April 1, 1953.

James Smart's Retirement

The retirement of James Smart in 1953 concluded a long and active career in national park administration. Mr. Smart, the son of a former Deputy Minister of the Interior, James A. Smart, was born in Brandon, Manitoba. Following early schooling there and in Ottawa, he attended the University of New Brunswick where he specialized in forestry. After service in the World War I, he joined the Dominion Forest Service, and served at several western agencies including Kamloops, British Columbia, and Prince Albert, Saskatchewan.

In 1930 he joined the National Parks Service and was appointed Acting Superintendent and later Superintend-

ent of Riding Mountain National Park. Here he supervised its early development, and displayed great ingenuity in the planning and construction of administration buildings, highways and campgrounds. Much of the work was undertaken with funds provided under unemployment relief programs. Following the establishment in 1936-37 of the first national parks in the Atlantic Provinces he had charge of the early development of Cape Breton Highlands and Prince Edward Island National Parks.

Mr. Smart was appointed Assistant Controller of the National Parks Bureau in 1937 and Controller in 1941. During World War 2, he gave special attention to the establishment and operation of alternative service work camps in a number of the western national parks. These camps were maintained from 1941 to 1946, and provided useful employment for conscientious objectors to military service.

During the three-year term of Mr. Smart as director, the first major expansion of the national park campground system was undertaken, with emphasis on improving this type of visitor accommodation in Banff, Jasper, Waterton Lakes, Yoho and Mount Revelstoke National Parks. Other accomplishments appreciated by park visitors included the improvement of skiing facilities in Mount Revelstoke, Banff and Jasper National Parks, and the location of and initial construction of the Trans Canada Highway through Banff National Park. An enthusiastic golfer, Mr. Smart took a personal interest in the planning and development of the picturesque courses now operated by the National Parks Service in Cape Breton Highlands, Prince Edward Island and Fundy National Parks. He was the recipient of the Order of the British Empire in 1947.

Department of Northern Affairs and National Resources

In September, 1953, Prime Minister St. Laurent announced changes in the Cabinet. Jean Lesage, Member for Montmagny-Islet since 1945, was appointed Minister of Resources and Development, replacing the Honourable Robert H. Winters, who became Minister of Public Works. This change in the Ministry was followed by the transfer to the Department of Public Works of the Special Projects and the Trans-Canada Highway Divisions of the Engineering and Water Resources Branch of the Department of Resources and Development. Another change in departmental organization occurred on November 15, 1953, when R. Gordon Robertson of the Department of External Affairs was appointed Deputy Minister. He replaced Major General H.A. Young, who had become Deputy Minister of Public Works.

In December, 1953, Parliament passed a bill establishing the Department of Northern Affairs and National Resources.²⁵ In moving the second reading of the bill, Prime Minister St. Laurent stated that it was designed to give more emphasis to the importance of northern Canada and its economic development. The change in name of the department had no immediate effect on national park administration.

On September 1, 1955, however, a departmental reorganization had the effect of strengthening the National Parks Branch. The former Engineering and Water

Resources Branch was dissolved, and the Water Resources Division elevated to branch status. In turn, the former Engineering and Architectural Service was brought under the direction of the National Parks Branch. An additional move made at this time was the separation of the National Parks Service and the National Historic Sites Division. Heading the new historical division was A.H.J. Richardson, formerly of the Map Division of the Public Archives of Canada. The National Parks Branch now included the National Parks Service, the National Historic Sites Division, the Engineering and Construction Service, the Canadian Wildlife Service and the National Museum. In January, 1957, the National Museum was reorganized as a separate branch of the Department of Northern Affairs and National Resources, with two distinctive divisions, Natural History and Human History.

Personnel Changes in 1957

A general election held in June, 1957 resulted in the defeat of the Liberal administration and the accession of John G. Diefenbaker to the office of Prime Minister. Lieut. Colonel D.S. Harkness, Member for Calgary North, was appointed Minister of Northern Affairs and National Resources on June 21. His term of office was brief, for on August 7, 1957, he became Minister of Agriculture. He relinquished his portfolio in Northern Affairs on August 18. His successor, Alvin Hamilton, served as Minister from August 22, 1957, to October 10, 1960, when he in turn, succeeded Colonel Harkness as Minister of Agriculture. Walter G. Dinsdale, Member for Brandon-Souris, then became on October 11, the third minister of the Department in a period of less than four years.

James A. Hutchison retired as Director of the National Parks Branch on August 15, 1957, after serving for a little more than four years. During this period, Canada's national park system became more widely known to Canadians. Annual attendance at national parks increased by more than a million and a half, due mainly to the increasing use of private automobiles, and the growing popularity of camping and outdoor life.

During the period from 1953 to 1957, the development of national parks to facilitate their use by the public was continued on a steady if not spectacular scale. A substantial portion of the appropriations provided for new works was devoted to the improvement of park highways, notably in Banff, Jasper and Cape Breton Highlands Parks. Progress also was made in the construction of the Trans-Canada Highway through Banff and Yoho Parks. The need for additional campgrounds was recognized, and the provision of trailer parks on an expanded scale was undertaken. A major achievement was the completion of a new consolidated campground in Point Pelee Park, which ended the use of scattered camping sites in which the unique flora of the park was being extinguished. An extension to Canada's park system was confirmed by the establishment of Terra Nova National Park in Newfoundland in May, 1957.

Expansion of Park Development

On August 16, 1957, J.R.B. Coleman was promoted to the position of Director, National Parks Branch. His appointment was followed by a period of great expansion both in the National Parks establishment and in the extension of park amenities. The development for visitor use of Terra Nova National Park was commenced in May, 1957. Later that year, a long-range planning section was created within the national park directorate, with Lyle C. Ward, an experienced park engineer, as acting head. The new section was instituted to undertake studies and make recommendations on park use and development as present and future needs dictated. A permanent section head was appointed in 1959 when Lloyd Brooks was recruited from the Provincial Parks Branch of British Columbia.

In October, 1955, the federal cabinet had approved a major program of trunk highway construction in the national parks. As originally planned, construction would extend over an eight-year period. Although contracts and direct supervision of construction were assigned to the Department of Public Works, the National Parks Branch had responsibility for location surveys, highway standards, and the provision of funds. By 1957, projects were under way in several parks, and the resulting improvement in park highways was to exert a profound influence on the accelerating use of park facilities.

Another important development in 1959, was the establishment of an Education and Interpretation section under the immediate supervision of the Director of National Parks. Heading the new section was H.S. Robinson. Its objective was to develop a greater public understanding of the purposes and meaning of national parks. A chief park naturalist, Dr. George C. Stirrett, was appointed, and seasonal park naturalists were engaged in several parks. Nature trails were developed, and programs incorporating field excursions, lectures and on-site exhibits explaining native wildlife and natural phenomena were developed. Public appreciation of the early programs led to an expansion of activities, and the development of the section a few years later into a functional unit of the Operations Division in the National Parks Service.

National Parks Reorganization

During the years following 1955, operations of the National Parks Branch had expanded to an extent that the existing organization was experiencing difficulty in carrying out its functions and responsibilities at a level of efficiency expected by the Department. By 1961, the situation had deteriorated. Appropriations provided for Branch activities had been increased over those for 1950 by more than \$20,000,000, and visitor attendance at the parks had risen from 1,840,000 to 5,840,000. An expanded highway and building construction program, the provision of additional visitor services, and involvement in federal-provincial agreements all had combined to produced an ever-increasing work load.

The field organization had been augmented in 1959 by the appointment of a Regional Supervisor of Western Parks with headquarters at Banff. This officer, G.H.L.

Dempster, assumed responsibility for the co-ordination and implementation of national park policy, standardizing highway maintenance practices, and co-ordinating fire protection and wildlife management. His services also were available to park superintendents in meeting administrative problems.

In turn, the Branch directorate was strengthened in 1961 by the appointment of an assistant director, A.J. Reeve. It became obvious however, that further improvement in administrative organization was desirable, and in September, 1961, an overall review of the organization and methods of the Branch was undertaken. This review was carried out by J.I. Nicol, an officer of the Department having broad experience in the administration of technical services. Specific objectives of the study included the improvement of administrative and financial procedures; decentralization of responsibilities and authorities; more efficient use of staff; reduction of routine work undertaken by senior officers of the Branch; and the elimination of overlapping not only between divisions, but between divisions and field offices.

Mr. Nicol's investigation included a detailed appraisal of the National Parks Branch organization at Ottawa, in which the functions of each division were analysed. Field operations were examined, reports relating to the reorganization of other branches of the Department were studied, and consultations were held in Washington and Philadelphia with senior officers of the United States National Parks Service. By the end of March, 1962, a draft plan of re-organization had been completed and was submitted to heads of divisions, park superintendents and supervising engineers for their information and comment. Later in the year, the plan was discussed at a conference of park superintendents in Halifax.

The proposed reorganization called for the establishment of six separate divisions of the National Parks Branch at Ottawa. Also envisioned were four regional offices, to be known as Atlantic, Central, Prairie and Western, each to be headed by a regional director with a supporting staff similar to that at headquarters. An exception was proposed for the Canadian Wildlife Service, which would operate from two regional offices only.

Implementation of the proposed reorganization was delayed, mainly as the result of a cut-back in Federal Government expenditures. By June, 1963, however, a revised plan of reorganization was submitted by the Deputy Minister of Northern Affairs and National Resources to the Treasury Board for consideration. On October 18, 1963, approval in principle was given by the Board, subject to some modifications of the estimated staff requirements.²⁶

The approved plan of reorganization provided for a directorate, to be composed of the director and two assistant directors. The component units of the Branch were the National Parks, Historic Parks, Administration, Planning, and Engineering Divisions, together with the Canadian Wildlife Service. Field operations in future would be supervised from three regional headquarters, each in charge of a regional director. These were: Western Region at Calgary, Alberta; Central Region at Cornwall, Ontario; and Atlantic Region at Halifax, Nova Scotia. In turn, regional directors would be sup-

ported by heads of sections responsible for administration, interpretation, engineering, national parks and historic parks and sites. Basically, the regional offices would be responsible for day to day implementation of policy, administration and operations.

In addition to a strengthening of the directorate, the new organization had as objectives a more effective co-ordination in policy and programs, including planning, interpretation and engineering; the provision of an effectively integrated field staff, to be made possible by having all staff in each region directly responsible to the Regional Director; and the improvement of administrative procedures, brought into line with approved government policy.

Details of the reorganization were announced by the Minister of Northern Affairs and National Resources, the Honourable Arthur Laing, on October 28, 1963. J.I. Nicol, who had undertaken the initial study and had co-ordinated the reorganization, was appointed as an additional assistant director. The offices of regional directors were filled as follows: Western Region, B.I.M. Strong, formerly Chief of the National Parks Service; Central Region, D.B. Coombs, formerly Superintendent of Banff National Park; and Atlantic Region, G.L. Scott, formerly Chief, Engineering and Architectural Division, National Parks Branch. Vacancies resulting from promotions were filled by the transfer of W.W. Mair from Chief, Canadian Wildlife Service to Chief, National Parks Service, and the assignment of G.L.L. Dempster from Regional Supervisor of Western Parks to General Superintendent, Banff National Park. J.E. Savage of the Department of Public Works succeeded G.L. Scott as Chief of the Engineering and Architectural Division.

Implementation of the reorganization began in December, 1963, when Mr. Mair commenced supervision of the National Parks Service. The Western Regional office was opened late in January, 1964, and that for the Central Region began operations in the Spring of the same year. Gordon Scott assumed charge of the Atlantic Regional office in July. The duties and responsibilities of the two assistant directors of the Branch were allocated by having one officer responsible for units of an operational character, including National Parks, Historic Sites, and the Wildlife Service. The other assistant director assumed responsibility for what might be termed service units of the Branch, including financial management, personnel, and engineering and architectural services. Later these senior positions were designated as Assistant Director (National Parks), and Assistant Director (General).

Ministerial and Executive Changes

A general election held in April, 1963, was followed by the return to political power of the Liberal Party. Arthur Laing, Member for Vancouver South, succeeded the Honourable Walter Dinsdale as Minister of Northern Affairs and National Resources on April 22, 1963. On July 1, of the same year, R. Gordon Robertson, Deputy Minister since 1953, was appointed Clerk of the Privy Council, and Ernest A. Côté, was promoted from Assistant Deputy to Deputy Minister. In March 1965, the new minister established, with Treasury Board approval, a

Resources Development Branch in the Department, effective April 1. The Board also concurred in a proposal to alter the name of the National Parks Branch to that of National and Historic Resources Branch, in order to call attention to the range of Branch activities. This change was made effective May 1, 1965.

Branch Reorganization, 1966

Rapid expansion of national park activities, coupled with a recognition of the tourist potential of historic sites, and the increasing pressures in the area of wildlife conservation, led to a further reorganization in the National and Historic Resources Branch. On March 3, 1966, Treasury Board approved changes in the Branch structure to facilitate the efficient conduct of its activities.²⁷ This reorganization involved the elevation of the Canadian Wildlife Service to branch status within the Department; the creation of an additional position of assistant director responsible for the administration of historic parks and sites, and a change in the name of the Branch to the National and Historic Parks Branch.

The reorganization permitted a reassignment of responsibilities of assistant directors to emphasize direct line of command. Under the Director, the Assistant Director (General) became responsible for the financial and management improvement of the Branch, and the general direction of the Engineering and Architectural Division and other support sections of the Branch. The Assistant Director (National Parks) became the effective head of the National Parks Service under general direction of the Director. The Planning section became a constituent part of the National Parks Service, now comprised of an Operations Division, under a Chief of Operations, and a Planning Division, under a Chief of Planning. Similarly, the Assistant Director (Historic Sites) became the effective head of the Historic Sites Division. Provision also was made for an organizational pattern similar to that of the National Parks Service, with operations and research functions carried on under separate division heads.

Effective August 5, 1966, the senior officers of the National and Historic Parks Branch were: Director, J.R.B. Coleman; Assistant Director (National Parks) A.J. Reeve; Assistant Director (General) J.I. Nicol; and Assistant Director (Historic Sites) J.I. Nicol (acting). Within the National Parks Service, the Chief of Operations was W.W. Mair and the Chief of Planning, Lloyd Brooks. The reorganization of the National Historic Sites Service was deferred pending the appointment of an assistant director. This position was filled, following a public competition, by the appointment in January, 1967 of Peter H. Bennett. On October 1, 1967, John H. Rick was promoted to Chief of Research, and on November 10, 1967, Peter B. Lesaux became Chief of Operations, in the National Historic Sites Service.

Department of Indian Affairs and Northern Development

Concurrent with changes in the national parks administration was a reorganization of Federal Government departments including that responsible for the national parks. On May 9, 1966, Prime Minister Pearson introduced in the House of Commons a bill providing for the

establishment of five new departments and the expansion of a sixth. Under the terms of the Government Organization bill, Indian Affairs would replace National Resources as the companion responsibility of the Minister of Northern Affairs. As Mr. Pearson stated, "the joining of Indian Affairs and Northern Development is a national step which cannot but strengthen both the well being of Canada's indigenous peoples and the cause of northern expansion and development".

The Government Organization Act, which received royal assent on June 16, 1966, established in place of the Department of Northern Affairs and National Resources, a new Department of Indian Affairs and Northern Development.²⁸ Provisions of the Act made the Minister responsible for Indian affairs, Eskimo affairs, the Northwest Territories, Yukon Territory, national parks, national battlefields, historic sites and monuments, and migratory birds and wildlife. Administration and development of resources connected with northern Canada remained with the Minister of Indian Affairs and Northern Development, but other natural resources, including water resources, were transferred to the Minister of Energy, Mines and Resources. By proclamation, the Department of Indian Affairs and Northern Development came into being on October 1, 1966.

The 1966 legislation brought new responsibilities to the Department of Indian Affairs and Northern Development. Following a review of the departmental organization structure, program responsibilities of the Department were established. A temporary organization structure established responsibilities under an Indian Program, Northern Program, Conservation Program, and Departmental Administration. Later, after studies by a task force, the organization pattern was amended to provide for a Social Affairs Program, Economic Development Program, Conservation Program, and a Departmental Administration unit embodying all support services. Each program was headed by an assistant deputy minister. Support services, including those under the Financial and Management Adviser, Personnel Adviser, Legal Adviser, Public Information Adviser and Director of Technical Services, reported to the Deputy Minister. The Conservation Program included the National and Historic Parks Branch and the Canadian Wildlife Service. In the reorganization which became effective in 1969, the Engineering and Architectural Services of the National and Historic Parks Branch, along with the technical services of other branches, was absorbed by the Technical Services Branch.

Change in Parks Directorate

The reorganization of the National and Historic Parks Branch between 1963 and 1967 was followed by changes in senior administrative personnel. In September, 1966, W.W. Mair, Chief of the National Parks Service since 1963, resigned to accept a post at Deputy Minister level with the Government of Manitoba. The resulting vacancy was filled in June, 1967, by the appointment of J.J.L. Charron, formerly an officer of the Public Service Commission.

On April 30, 1968, J.R.B. Coleman, Director of the Branch since 1957, retired on superannuation. He was

succeeded by J.I. Nicol, who, since 1963, had carried on the responsibilities of Assistant Director (General). Mr. Nicol's appointment as Director was confirmed on January 1, 1969.

Mr. Coleman's term as Director, which spanned a little less than 11 years, witnessed a remarkable growth in the public use of national parks and a corresponding expansion in park development. Annual visitor attendance at national and historic parks had risen from about four million persons in 1957 to a new high of nearly thirteen million in 1967. Similarly, annual expenditures on Branch responsibilities had risen from \$17,000,000 to \$37,000,000. A milestone in the history of park administration was reached on September 18, 1964, when the Honourable Arthur Laing, Minister of Northern Affairs and National Resources announced, in the House of Commons, the adoption of a statement of National Park policy for Canada. A corresponding statement of policy for National Historic Parks and Sites was adopted in March, 1968.

Other Branch accomplishments, included the virtual completion of the national park trunk highway program instituted in 1955. This involved construction of the Trans-Canada Highway through Terra Nova, Banff, Yoho, Glacier and Mount Revelstoke National Parks, and the completion of scenic parkways in the eastern and western parks. A broad program of campground improvement and development, involving modern design techniques, helped accommodate the ever increasing number of campers, which in the 1967 season reached a total of 1,250,000. The establishment and development of a second national park in Nova Scotia — Kejimikujik — provided an important addition to the areas set aside for the use and enjoyment of Canadians.

Change in the Ministry

On July 6, 1968, the Honourable Jean Chrétien, formerly Minister of National Revenue, became Minister of Indian Affairs and Northern Development. His appointment coincided with that of the Honourable Arthur Laing as Minister of Public Works. A change in the office of Deputy Minister also occurred in 1968. On February 29, Ernest A. Côté became Deputy Minister of Veteran Affairs. Later he was appointed Deputy Solicitor General. Senior Assistant Deputy Minister John A. MacDonald was promoted to Deputy Minister of Indian Affairs and Northern development. He occupied this position until January, 1970, when he was appointed Deputy Minister of Public Works. His successor was H. Basil Robinson, formerly a career officer of the Department of External Affairs.

Further changes in the Department occurred when Jean Chrétien was appointed President of the Treasury Board of Canada on August 8, 1974. He was succeeded as Minister by Judd Buchanan, M.P., who had served as Parliamentary Secretary to Mr. Chrétien from October 1970 to January 1972. Basil Robinson vacated the post of Deputy Minister of Indian and Northern Affairs on December 13, 1974, when he was appointed Under-Secretary of State for External Affairs. Mr. Robinson's successor was Arthur Kroeger, formerly with the Treas-

ury Board of Canada. Mr. Kroeger's appointment was effective December 20, 1974.

Parks Personnel Appointments

Changes in National and Historic Parks Branch personnel at the senior level also occurred. In April, 1969, Alex. Reeve was granted extended educational leave and his post was filled on an acting basis by Peter B. Lesaux, Chief of Operations in the Historic Sites Services. Mr. Lesaux was confirmed as Assistant Director (National Parks) in September, 1970. In April, 1971, J.J.L. Charron relinquished his position as Assistant Director (General) to accept a position with the Public Service Commission. Pierre H. Franche of the Department of Secretary of State was appointed as his successor.

Mr. Charron's appointment as Assistant Director early in 1969 left vacant the position of Chief, Operations Division. It was filled in August, 1969, by Dr. Louis Lemieux, an experienced officer with previous service in the Canadian Wildlife Service, and with the provincial parks service of Quebec. Dr. Lemieux, however, remained for less than a year. In June, 1970, he became Director of the National Museum of Natural Sciences in Ottawa. Donald Lockwood of the National Parks Planning Division was named Chief, Operations Division, June 1, 1971.

In May, 1972, Mr. Lesaux left the Parks Branch to become Director, Indian-Eskimo Economic Development Branch of the Department. The vacancy of Assistant Director (National Parks) was filled by Ronald P. Malis, who, since May, 1970, had been Regional Director of the Western Region at Calgary.

A vacancy in the Planning Division occurred in July, 1968, when Lloyd Brooks, who had headed the division since July, 1959, resigned to accept a senior position with the Department of Natural Resources in Manitoba. His former assistant, Harold Eidsvik, was promoted to Chief of Planning in October, 1968.

Regional Personnel

Transfers, retirements, and other causes contributed to numerous changes in senior Regional Office personnel. B.I.M. Strong, the first Director of the Western Region, was transferred to the Eastern Region at Halifax in September, 1966, where he remained until his retirement from the Public Service in April, 1968. His successor as Western Regional Director was Donald B. Coombs, who served until his transfer to the Director's staff at Ottawa in February, 1968. Later, Mr. Coombs accepted a position in the Department of the Environment. William McKim, successor to Mr. Coombs at Calgary, transferred to another branch of the Department in May, 1970.

Mr. Coombs had been the first Director of the Central Region with headquarters at Cornwall, Ontario. He was followed by G.H.L. Dempster, previously General Superintendent of Banff National Park. Mr. Dempster retired from the Public Service in April, 1969, and was replaced by J.J. Seguin, an officer of the Department at Ottawa.

The first Director of the Atlantic Region at Halifax, Gordon L. Scott, was appointed in June, 1964, but died a

year later. A permanent successor was designated in September, 1966, by the transfer of B.I.M. Strong from the Western Region. L.H. Robinson, formerly Chief of Materiel and Supply for the Department at Ottawa, succeeded Mr. Strong in May 1968. In turn, Mr. Robinson was named successor to R.P. Malis as Regional Director at Calgary, effective May 1, 1972. Later in 1972, P.A. Thomson was selected to succeed Mr. Robinson as Regional Director for the Atlantic Region.

Park Service Changes

Between 1969 and 1971, a series of changes in the organization of the National and Historic Parks Branch had the effect of creating several new divisions. Some of the duties and functions for which the National Parks Operations Division had been responsible were absorbed by the new divisions, including the Land and Property Management and the Programming and Co-ordination Divisions. The Operations Division became known as the Operations Policy Division in 1971. A new division was created following the appointment in December, 1970, of Pierre DesMeules as Resource Adviser. In April, 1973, this became known as the Applied Research Division. Additional information on the development of some of these divisions will be found in the pages following.

Land and Property Management

Prior to the reorganization of the National Parks Branch in 1964, the management of park lands, including those utilized for residence, trade and the entertainment of visitors, was carried on as a function of the National Parks Service. In 1964, a land acquisition and registry section, known as the Property Section, was established under the supervision of the Branch Financial and Management Adviser. Its functions included the preparation and recording of leases, licences and other land-use documents, and the acquisition of real property. Concurrently, land management, involving policy on land use, leasing and zoning remained a function of the National Parks Service. By 1967, this had developed into the Real Property Section, in which studies of land use and concession management were instituted.

By July, 1969, the need for a consolidation of duties and responsibilities relating to land management had been established. Effective August 19, 1969, a Property Management Division was established under a chief reporting to the Assistant Director (General). The new division incorporated the former Real Property and the Property sections which had functioned under separate divisions of the Branch. Pending the appointment of a division head, J.C. Christakos, and later W.V. Lowry, served as acting chief. Following a public competition, P.L. Morel was appointed Chief of the Property Management Division in May, 1970. Mr. Morel left the Department in 1972 and was succeeded by Mr. Christakos as Chief.

An allocation of responsibilities under the Chief resulted in the formation of three administrative sections, each under a unit head. These were a Policy and Development section, involved with townsite administration, land use and management; a Documentation

Section responsible for the issuance and administration of land use documents; and a Land Acquisition and Land Registry Section.

Land Management Decentralized

Management of park lands had been directed and carried on from Ottawa since the National Parks Branch was established in 1911. All leases and licences of occupation had been prepared there, and a registry of park lands operated under authority of successive national park acts had been maintained. Moreover, the prerogative of granting consent to assignments of leases, licences of occupation, and other relevant documents had remained with the Minister or an officer of the Department designated by the Minister.

Although the decentralization of certain park management activities had been instituted in 1963, it was not until 1971 that steps to decentralize land and property management were undertaken. It had become increasingly apparent that such action was desirable in order to facilitate land transactions. By April, 1972, the Departmental Management Service had been commissioned to develop a land registry system for headquarters and field offices of the National and Historic Parks Branch. Action also was taken to recruit and train the staff that would be required in regional offices. By the end of December, 1972, time schedules had been developed for decentralizing property management, exclusive of land acquisitions and concession fee negotiations. Under the schedule adopted, the changes in management became effective in the Western, Ontario and Quebec Regions on January 1, 1973; in the Prairie Region on April 1, 1973, and in the Atlantic Region on June 1, 1973.

On December 19, 1972, the Minister delegated to the Director and Assistant Directors of each region, authority to sign on his behalf, leases, licences of occupation, consents to assignment and other documentation related to real estate and real estate transactions. A solicitor from the Department's Legal Section at Ottawa was assigned to the regional office of the Department of Justice at Edmonton in January, 1973, to furnish advice in legal matters affecting park land management in the Western Region.

Programming and Co-ordination

Another organizational development within the National and Historic Parks Branch was the establishment of a staff unit responsible for program planning and co-ordination. This function was conceived in 1964 and brought into operation in 1965. In its formative stage, it had four distinct functions: the preparation of a Program Forecast and the Annual Estimates; the co-ordination of planning for capital projects; a repository for management information; and the study and co-ordination of special projects. All operations and physical development of Parks Canada must stem from the conception of a long-range plan which provides a true reflection of the objective and goals of the organization. In its operation, the program co-ordination function constitutes a focal area within the Program for all information related to broad development plans or the details and status of individual projects.

By 1968, a programming and co-ordination section had been established in the National Historic Sites Service, to meet its individual needs. Early in 1969, a study within the Branch was undertaken by the team of J.-J.L. Charron, J.A. Pettis and A.C. Falkner to evaluate the existing system of programming park development. It was determined that the most important function of program co-ordination was to maintain a long-range development plan to which additions and deletions could be made on a continuing basis. A need for improvement in procedures required to assist top-level decisions on components of the long-range plan with the assistance of a senior level committee also was indicated. To achieve greater effectiveness, it was recommended that programming and co-ordination should function on a Branch-wide status, as a separate entity from both Operations and Planning Divisions, and be co-ordinated with activities of the Technical Services Branch, the Financial and Management Adviser and the Regional Offices.

Recommendations of the study group were adopted and in March 1970, the new Programming Division responsible to the Assistant Director (General) came into operation. Supervised by a Chief, J.A. Pettis, the Division comprised two sections, each in charge of a responsible officer, supported by a qualified staff. One section functioned in the role of co-ordination, and the other in program planning. The new division merged the programming and co-ordination sections of the National Parks and the Historic Sites Services. R. Glencross became Chief of the Division on April 1, 1973.

Concurrently with the creation of the Programming Division at Ottawa, a staff unit to carry out the same functions at the regional level was created in 1970, under R. Roberts, at the Western Regional Office. This function was established at all regional offices in 1972 to co-ordinate development and operational planning and the preparation of program forecasts and capital project estimates under the respective regional directors.

Expansion of Planning Division

The expansion of the Planning Division following its inception in 1957 exerted a significant influence on national park administration. From a nucleus of three, the staff of the division increased by 1969 to more than 30, most of whom possessed a professional background of park management, resource management or economic research. In its formative years, the work of the division was carried on under section heads responsible for development planning, land evaluation, policy co-ordination and research. Development planning incorporated master plan projects and townsite planning. Research involved park use surveys, and statistical studies of Park users. In August, 1966, the division, previously an extension of the Branch directorate, became a separate subdivision of the National Parks Service. A reorganization of the Planning Division resulted in the co-ordination of its activities under section heads responsible to the Division Chief for Long Range Planning, for Park Master Planning and for Policy.

An early task undertaken by the Planning Division was the preparation of development inventories of all national parks. These provided details and costs of

developments such as park buildings, highways, public utilities, and recreational features, together with buildings and other items constructed by private enterprise for visitor service purposes. Another early activity was the development of a broad policy relating to the use, development and administration of national parks. A working draft was completed in 1958, and with amendments and refinements, a statement of park policy was approved by the federal cabinet in July, 1964. Its formal adoption was announced in the House of Commons on September 18, 1964 by the Minister.

Much of the work of the Division was devoted to the preparation of provisional master plans for the progressive and orderly development of individual parks. These plans included detailed proposals for the location and development of visitors services in areas outside those designated as wilderness zones. The earliest of these preliminary master plans were developed for Elk Island and Point Pelee National Parks. By March, 1968, preliminary master plans had been developed for an additional 14 parks. A significant development at this time was the inclusion of five land use classes ranging from ecological preserves to intensive use areas.

On October 10, 1968, the Minister, the Honourable Jean Chrétien announced that provisional master plans for all national parks in Canada would be presented for public discussion at hearings to be held at or near the park concerned. This announcement led to the creation in January, 1969, of a public hearings office in the National Park Service, responsible for the conduct and documentation of such hearings. Under the arrangements adopted, copies of provisional master plans were made available in advance of the hearings to interested groups, organizations and individuals, thus providing an opportunity for the submission of written or oral briefs. All such representations are carefully analysed and the decisions reached are published and become guidelines for the revision of the plan. The program was launched in Halifax in April, 1970, with a hearing on Kejimikujik National Park in Nova Scotia.

In addition to its role in helping to preserve and develop the existing national parks to provide a maximum of appropriate use, the Planning Division has exercised another important function. This has been the study of areas having a potential for establishment as national parks. These studies stemmed from a need for expanding the national park system to include examples of all major physiographic regions of Canada. For many years, many nationally significant geographic and ecological features were missing, even from represented zones. These features included examples of the Pacific Coast shoreline, the Yukon ice-fields, Alberta foothills, prairies grasslands, arctic tundra and Labrador fiordland.

Prospective Park Areas Examined

In 1962, potential sites for national parks were examined by field survey in the Yukon Territory and the Northwest Territories. The same year, a detailed examination of an area surrounding Kejimikujik Lake in Nova Scotia resulted in agreement with provincial authorities that a second national park in that province be established.

Studies carried on in subsequent years in each of the remaining provinces led to the completion of agreements or memoranda of understanding between the Federal Government and a number of provincial governments for the establishment of additional national parks. On completion of these agreements, the Minister of Indian Affairs and Northern Development was able to announce, between May 1969 and July, 1971 the creation of six new national parks. These were Kouchibouguac in New Brunswick; Forillon and La Mauricie in Quebec; Pacific Rim in British Columbia; Gros Morne in Newfoundland; and Pukaskwa in Ontario. In addition, two areas of 870 square miles and 2,860 square miles respectively, incorporating lands in the vicinity of the South Nahanni River and Great Slave Lake in the Northwest Territories, were reserved under the Territorial Lands Act for national park purposes.

In February, 1972, the Honourable Jean Chrétien announced the transfer, to the National and Historic Parks Branch, of the administration and control of 18,500 square miles for the creation of three new national parks. These were to be known as Kluane National Park in southwestern Yukon Territory, with an area of 8,500 square miles; Nahanni National Park, 1,840 square miles, and Baffin Island (now Auyuittuq) National Park, 8,290 square miles, both in the Northwest Territories. The latest agreement relating to the establishment of a national park in Canada was concluded by the Minister with the Province of Nova Scotia in August, 1972. The agreement provided for the creation of a third national park in Nova Scotia taking in parts of Ship Harbour, Clam Bay, and Shell Harbour on the Atlantic Coast east of Halifax-Dartmouth.

CORD Study Launched

In 1967, the Planning Division assumed responsibility for the Canadian Outdoor Recreation Demand (CORD) Study, responsible for the collection of basic reference data in outdoor recreation activities. The study stemmed from discussions at the Federal-Provincial Parks Conference held at Victoria, B.C. in 1964, when a committee was formed to review the requirements of such an undertaking. The committee presented a report at the 1966 Parks Conference held in Winnipeg, Manitoba, and recommended the engagement of a consultant to work out a design for the study. As proposed, the study would involve four main aspects: (a) the existing supply of outdoor recreational facilities in Canada; (b) the present use of such facilities, trends in their use, and the relationship of such use to known social-economic factors; (c) outdoor recreational habits, preferences and rates of participation by Canadians; and (d) detailed knowledge of present park users.

The National and Historic Parks Branch, recognizing the magnitude of the proposed study, undertook to retain the services of a consultant, and entered into a contract with Dr. J. Knetsch of George Washington University, Washington, D.C. Dr. Knetsch participated in the 1967 Federal Provincial Parks Conference. In the course of a preliminary report he outlined the methods to be utilized in the study and described its essential elements in diagrammatic form. Later, studies based on household

surveys were commenced by consultants, and the compilation of a complete inventory of park and recreation facilities, together with use surveys extending over a wide range of park and recreation areas, were undertaken.

Phase II of the CORD Study, consisting mainly of data analysis and reporting on the results, was initiated in 1971. During both phases, continuing liaison and co-ordination were maintained through the CORD Technical Committee composed of provincial and federal representatives. The target date for the completion of Phase II was the autumn of 1974. The 1973 Federal-Provincial Parks Conference decided that, following the publication of a comprehensive report on Phase II, the CORD Technical Committee will cease to exist. After the dissolution of the CORD Technical Committee, CORD will be officially ended and CORD-related research will be the concern of the Outdoor Recreation Research Technical Committee of the Federal-Provincial Parks Conference.

Byways and Special Places

On October 10, 1972, Prime Minister Pierre Trudeau and the Minister of Indian Affairs and Northern Development, Jean Chrétien announced new objectives for Canada's National Parks System in a program entitled *Byways and Special Places*. The main elements of the proposed long-range program included both initiatives and extensions of the current program. Under the first category are *Historic Waterways*, involving the rivers and lakes which led the Indians and early explorers across Canada; these will be surveyed, mapped and interpreted. *Historic Land Trails*, which led across the prairies and mountains will be reopened for hiking, riding or cycling. *Scenic Land Routes*, involving out-of-the-way roads, will be rehabilitated and low-key parkways will be developed along designated scenic routes.

Extensions of the existing program include the integration into the National Park system of eight *Historic and Recreational Canals* in Eastern Canada. *National Marine Parks* are to be developed along Canada's spectacular three ocean coasts and inland waters. Small but unique wonders of nature will be protected as *National Landmarks*. In addition, remaining *Wild Rivers* throughout Canada can be brought within the boundaries of linear parks to ensure the preservation of their untamed character. The new program, later entrusted for implementation to the Agreements for Recreation and Conservation Branch of Parks Canada, presents a challenge to Canadians in identifying places and events, the commemoration of which will express the variety of the nation's natural and cultural heritage.

Canal Systems Absorbed

Canada's national park system was expanded in 1972 when eight of the nation's significantly historic canal systems were transferred from the jurisdiction of the Minister of Transport to that of the Minister of Indian Affairs and Northern Development. The enacting order in council also provided for the transfer of some 600 members of the public service administering the canals to the Department of Indian Affairs, where they became

staff members of the National and Historic Parks Branch.²⁹

The canals affected by the transfer included the Rideau in Ontario, sometimes called the Rideau Canal System; the Trent-Severn and Murray Canals, also in Ontario, often referred to as the Trent Canal System; the St. Ours and Chambly Canals in the Province of Quebec, sometimes called the Richelieu River Canals; the old Beauharnois Canal in Quebec; the Ste. Anne and Carillon Canals, also in Quebec, occasionally called the Ottawa River Canals; and St. Peters Canal in Cape Breton Island, Nova Scotia.

Most of these canals outdate the Rocky Mountain reservations of 1885 and 1886 as the oldest components of Canada's National Park system. Construction of the Rideau Canal and that of the Carillon Canal dates back to 1826; the St. Peters Canal to 1854; and the Murray Canal to 1882. Built originally for the purposes of national defence or for facilitating commercial traffic, the canals today are dedicated mainly to recreational use. Their transfer to the national park system not only will ensure the preservation of their interesting natural and human histories, but also will permit their use in an expanded program of park interpretation.

The administration of the canals is now carried on under the Conservation Program by the Canals Division of Parks Canada, under the supervision of the Director General.

Ordnance Lands Supervision

In September, 1973, Parks Canada accepted responsibility for the administration of remaining Ordnance, Admiralty and public lands formerly supervised by the Water, Forests and Land Division of the Northern Economic Development Branch of the Department. The custody of Ordnance and Admiralty lands was assigned to the newly-created Department of the Interior on July 1, 1873. Formerly, the lands were administered by the Secretary of State. For many years, a division of the Dominion Lands Branch functioned as custodian of these lands. Following the transfer of natural resources to the four western provinces in 1930, supervision of Ordnance and Admiralty lands, together with other public lands retained by the Department, was taken over by the branch responsible for the Yukon and Northwest Territories. This management pattern was continued in successive departmental reorganizations.

Ordnance and Admiralty lands, which originally were occupied by discarded military establishments or were held for military purposes, have diminished greatly in area during the past 75 years through sales or other disposition. An example is the Point Pelee Naval Reserve, which in 1918 became Point Pelee National Park. The principal areas of undisposed Ordnance and Admiralty lands are situated in the provinces of Ontario, Quebec, and Nova Scotia.

Concurrent with the transfer of documents and records to Parks Canada, several staff positions and the incumbent personnel from the Land Administration Division of the Northern Economic Development Branch were assigned to the Property Management Division.

Reorganization and Decentralization

During 1973, further reorganization and decentralization of the National and Historic Parks Branch was accomplished. The expansion of the parks system resulting from the acquisition of lands for national parks purposes in the Yukon and Northwest Territories and in British Columbia, Ontario, Quebec and the four Atlantic provinces, led to an extension of the reorganization carried out in 1963. The decentralization included the creation of a new Prairie Region incorporating parks formerly administered from the Western Region, and the division of the former Central Region into the Ontario and Quebec Regions. A factor in the latter change was the desirability of having in each of the provinces of Ontario and Quebec, a regional office of full status, in order to focus attention on the establishment of new national parks in each of these provinces.³⁰

Effective April 30, 1973, regional offices were opened in Winnipeg, Manitoba, and Quebec City, Quebec, in order to accommodate the headquarters of the newly created Prairie and Quebec regions. This step resulted in the existence of five regions of park administration, as follows:

Western: involved in all National Parks and National Historic Parks and Sites in southern Alberta and all of British Columbia.

Prairie: taking in all National Parks and National Historic Parks and Sites in Manitoba, Saskatchewan, northern Alberta, the Yukon Territory and the western part of the Northwest Territories.

Ontario: to include all the National Parks and National Historic Parks and Sites in the province, and later the Rideau, Trent-Severn and Murray Canal systems.

Quebec: to include all National Parks and National Historic Parks and Sites in the province and in the eastern portion of the Northwest Territories, and later the Richelieu and Ottawa River Canal systems.

Atlantic: to include all National Parks and National Historic Parks and Sites in the four Atlantic Provinces, and later the St. Peters canal.

Decentralization meant that much of the administrative work, particularly in research, local and short-term planning, operations, administration and interpretation would be undertaken in the regions rather than at headquarters in Ottawa. The decentralization program also was expected to improve communication and strengthen the organization to meet the increasing demands of a rapidly growing program.

Headquarters Reorganization

Reorganization of the National Parks headquarters staff, together with its functions and responsibilities, gave birth to a new and shorter name for the former National and Historic Parks Branch. Effective April 30, 1973, it became known as Parks Canada. Headquarters activity

thereafter was concerned with the formulation of policy, the development of long range research and planning, and liaison and cooperation with other departments and governments. Conversely, the regions became involved in the day-to-day operation of the system together with short-term planning and research. Headquarters of Parks Canada then comprised three major divisions, each headed by a director, and known as the National Parks Branch, the National Historic Parks and Sites Branch, and Policy, Planning and Research Branch. The Director of each Branch reported to the Director General who, in turn was responsible to the Senior Assistant Deputy Minister. Officers in charge of the five regions retained the title of Director, and reported directly to the Senior Assistant Deputy Minister. The Canal Division reported to the Director General.

Senior Branch Personnel

Continuing to head the new Parks Canada Program of the Department was John H. Gordon, Senior Assistant Deputy Minister. Effective April 30, 1973 John I. Nicol moved up from Director, National and Historic Parks Branch to Director General, Parks Canada. Branch Directors appointed as of that date were: National Parks, Stephen F. Kun; Policy, Planning and Research, Pierre A.H. Franche; National Historic Parks and Sites, Peter H. Bennett; Canals Division, Acting Chief. W.D. Bennett.

Regional Directors appointed or confirmed were: Western Region, L.H. Robinson; Prairie Region, R.P. Malis; Ontario Region, A.H. Farmer, (Acting); Quebec Region, J.J. Seguin; Atlantic Region, P.A. Thomson.

Support Services

Reporting directly to the Director-General was the Chief of the Public Hearings Program, responsible for the planning and implementation of public hearings on proposed national park programs. A secretariat, also responsible to the Director General prepared, co-ordinated and supervised correspondence and the submission of informative material relative to Ministerial requirements.

Responsible to the Director, National Parks Branch, were Chiefs of the Planning, Policy, Applied Research and Interpretation and Extension Divisions. Under the Director of the Policy, Planning and Research Branch were the Property Management, Planning, Research, Programming and Policy Division, each headed by a Chief, together with an Adviser on Bilingualism and a Chief of Photographic Services.

Support services reporting to the Director, National Historic Parks and Sites were the Policy, Planning and Programming, Interpretation, Conservation and Research Divisions each under a Chief. The Canals Division, reporting to the Director General, incorporates divisions headed by a Superintendent of Operations, a Superintendent of Engineering, Superintending Engineers, and a Financial Officer.

Regional Structure

Under the decentralized program, regional structures will no longer separate the activities of the National Parks, and National Historic Parks and Sites. Instead,

Regional Directors are assisted by two Assistant Directors — one responsible for operations and the other for Program and Development. Together they are responsible for the implementation of activities common to both national parks and national historic parks and sites. Regional Directors also have the services and assistance of a senior regional Information Officer with a bilingual staff; an Environment Adviser, and a Bilingual Adviser together with financial, management and personnel services. Technical services are provided as required by the Technical Services Branch of the Department, under the supervision of a Regional Manager of Engineering and Architecture.

Provision is made in the regional establishments for various services supervised by a chief reporting to the relevant Assistant Director. Under Operations, these components include Visitor Services, Interpretation, Natural Resources Conservation, Historic Resources Conservation and Property Management. Under Programming and Development, Chiefs responsible for Programming, Policy, Planning and Research, Master Planning, and Property Acquisition will function with the assistance of adequate staff. Superintendents of National Parks and National Historic Parks and Sites report to the Regional Directors.

References

- 1 Department of the Interior Act. (1873). 36 Victoria, Chap. 4.
- 2 Dominion Lands Act (1872) 35 Victoria, Chap. 23.
- 3 (a) Alberta Act (1905) 4-5 Edward VII, Chap. 3 (b) Saskatchewan Act (1905) 4-5 Edward VII, Chap. 42
- 4 Dominion Lands Act (1884) (Amendment) 47 Victoria, Chap. 25
- 5 Rocky Mountains Park Act (1887) 50-51 Victoria, Chap. 32
- 6 Annual Report, Department of the Interior, 1908, P. XXXVI
- 7 Dominion Forest Reserves and Parks Act (1911) 1-2 George V, Chap. 10
- 8 Order in Council P.C. 1338, June 8, 1911
- 9 Dominion Forest Reserves and Parks Act (Amendment) (1913) 3-4 George V., Chapter 18
- 10 Williams, M.B. Guardians of the Wild. Thos. Nelson and Sons, Toronto, 1936.
- 11 Long, M.H. The Historic Sites and Monuments Board of Canada. Annual Report, Canadian Historical Association, 1954. Tribune Press, Winnipeg.
- 12 Order in Council P.C. 1134, May 31, 1922
- 13 Order in Council P.C. 612, March 20, 1919
- 14 National Parks Branch File U.127-1, Vol. 1
- 15 National Parks Branch File U.1, Vol. 4, March 2, 1927
- 16 Cautley, R.W. Report on the selection of Permanent Boundaries of Rocky Mountains Park, Jasper Park, and the Jasper Park Extension, Department of the Interior, Ottawa, 1928.
- 17 (a) Manitoba Natural Resources Act, 20-21 George V., Chap. 29 (b) Saskatchewan Natural Resources Act, 20-21 George V, Chap. 41 (c) Alberta Natural Resources Act, 20-21 George V, Chap. 3 (d) Railway

- Belt and Peace River Block (British Columbia) Act, 20-21 George V. Chap. 37
- 18 National Parks Act (1930), 20-21 George V, Chap. 33
- 19 Hansard, May 6, 1931, pp. 1299-1300
- 20 Annual Report, Department of Mines and Resources, 1937, p. 162
- 21 Department of Mines and Resources Act (1936) 1 Edward VIII Chap. 33
- 22 Order in Council P.C. 7382, Dec. 13, 1940
- 23 Order in Council P.C. 37/4433, Nov. 1, 1947
- 24 Order in Council P.C. 81/99, Dec. 1, 1950
- 25 Department of Northern Affairs and National Resources Act. 2-3 Elizabeth II, Chap. 4
- 26 Treasury Board Minute No. 612426, Oct. 18, 1963
- 27 Treasury Board Minute No. 651749, March 3, 1966
- 28 Department of Indian Affairs and Northern Development Act. 14-15 Elizabeth II, Chap. 25
- 29 Order in Council P.C. 1972-1124, May 25, 1972
- 30 Letter, Deputy Minister to Treasury Board, June 6, 1972. National Parks Branch File 90/601

Government by Regulation

A Chief of the National Parks Service, F.H.H. Williamson, once referred to the "Garden of Eden" as the first national park. Taken in context, it can be inferred that the first residents of Eden were deprived of their privileges for failure to observe the Garden Regulations. Regulations have always constituted an integral part of national park administration in Canada. They have provided the authority for general control and management of the parks, and functioned as an alternative to municipal by-laws. In fact, there are few facets of park management that are not subject to some form of regulation.

During the period between the discovery of the hot springs at Banff in 1883, and the passing of the Rocky Mountains Park Act in 1887, administration of the hot springs reservation appears to have been carried on under authority of the Dominion Lands Act, the Northwest Territories Act, and the Criminal Code. In July, 1886, the Governor in Council authorized the Minister of the Interior to lease sites for bath-houses, to charge for the use of mineral water from the hot springs supplied to the operators of bath-houses, and to make regulations for the control of the bathing business in general. The enactment of the first park act in June, 1887, confirmed this authority, and opened the way to a broader field of legislation.

First Park Regulations

The first regulations made under the Rocky Mountains Park Act were approved on November 27, 1889.¹ The two-year delay in their establishment may have been attributable to the time consumed in completing the first plans of survey of Banff Townsite. These were approved by the Surveyor General on July 2 and October 24, 1888. The regulations covered many phases of park management. Relevant clauses were included to preserve natural features and curiosities in the park, to control the cutting

of timber, and to permit the grazing of live stock and the pasturing of horses and milch cows owned by residents. Hunting and the use of firearms was prohibited, except on a rifle range laid out by the park superintendent. All business activities were regulated by licence, tariffs were established for the commercial use of horses and horse-drawn vehicles, and provision made for camping on designated areas.

Regulations that later were to have considerable significance, authorized the Minister to have lots surveyed for the accommodation of dwellings and business premises, and to designate areas as sites for buildings, places of worship, cemeteries and benevolent institutions. Provision for the occupation of such lots under lease, for terms not exceeding 21 years at rentals fixed by the Minister, also was made. A little more than six months later, the Park Regulations were revised and expanded. They came into force on July 1, 1890.² Probably the most important change made affected the regulation governing the leasing of townsite lots. Thereafter, leases might be granted for terms not exceeding 42 years with right of renewal. This change accounted for the existence of the "perpetual renewal" lease, of which more will be said in a subsequent chapter.

An innovation in the 1890 Park Regulations was provision for the licensing and control of dogs in Rocky Mountains Park, with a nominal fee entailed. In June, 1901, this regulation was amended by increasing the annual licence fee from \$1 to \$3 for male dogs and from \$2 to \$5 for bitches.³ The new fees provoked the following editorial comment in the local newspaper, the "Crag and Canyon":

"The raising of the tax on dogs in the national park has caused considerable discussion among dog-owners during the past week, one party aptly remarking that five dollars was a pretty high tax on a fifty-cent dog."

The reorganization of the parks in western Canada in 1908, including the appointment of a chief superintendent, led to a revision and expansion of the National Parks regulations.⁴ For the first time, they were made applicable to Yoho, Glacier, Jasper, and Elk Island Parks, in addition to Rocky Mountains Park. As the recital clause of the enacting order in council explained:

"Whereas, owing to the reorganization of the National Forest Parks, it has been necessary to revise the regulations relating to the Rocky Mountains Park of Canada, and to establish regulations that will apply to all the national parks".

The 1909 regulations were a great improvement on those previously in force. They afforded greater protection to the park forests from fires lit by careless campers and others. They also provided penalties for unlawful cutting of timber, and extended increased protection to game and game fish. A provision for the appointment by the Minister of the Interior of game guardians paved the way for the development of the Park Warden Service as it presently exists.

A new regulation reserved for the use of the public,

land within 100 feet of the shore of any lake, river and stream in the parks. Public morality was safe-guarded by a regulation which forbade bathing near any travelled road, dwelling, or place of public resort, without suitable bathing clothes. Regulations previously enacted for the control of businesses and trades, the prevention of nuisances, and the granting of licences for the working of mines, were re-established.

Not until 1911 were park regulations made applicable to the forest park surrounding the Waterton or Kootenay Lakes. This area, first reserved in 1895, had been re-established as the Kootenay Lakes Forest Reserve in 1906 under the Dominion Forest Reserves Act, and was administered under forest reserve regulations for the following four years. In 1910, special regulations were established for the Kootenay or Waterton Lakes Reserve, which, in abbreviated form, closely followed those adopted for the national parks.⁵ They made provision for the survey and leasing of summer cottage lots, the preservation of fish and game, the control of timber and for a shore-line reservation 100 feet in width for public use. These regulations also authorized the appointment of the park's first game guardian, "Kootenai Brown".

Specialized Regulations

Early regulations made to facilitate the administration of Banff National Park covered a wide field, and later were known as the General Regulations. The expansion of Banff and other park townsites, the development of municipal services, and the creation of a park warden service, contributed to the establishment of special regulations covering particular phases of administration. During 1906 and 1907, the installation of Banff's first water and sewer systems was undertaken. In 1908, regulations governing the use of both the water and the sewer systems were approved.⁶ In addition to establishing charges for the new services, the regulations afforded sanitary protection for the valley of Forty Mile Creek, which, for the next 65 years, was to be the town's source of water supply.

Over the years, extensions of the systems, rising costs of maintenance, and improved methods of assessment, led to changes in both the regulations and the charges levied thereunder. In 1927, the water regulations were extended to the Townsite of Jasper and to any other waterworks systems installed in other parks. At the same time, the charges established for the Banff sewer system were adopted for other parks with the provision that the Minister could levy alternative rates considered fair and reasonable.

In 1942, the National Parks Service adopted the National Building Code as the code for national parks.⁷ A standard plumbing by-law forming the Code's appendix also was adopted. As a consequence, the regulations governing the operation and use of sewers in the national parks comprised part of the Building Regulations.

Following the improvement of water systems in Waterton Lakes, Prince Albert, and Riding Mountain Parks, new water rates on a seasonal basis were established in 1946 for Waterton Park, Waskesiu and Wasagamung Townsites, and for Fundy Park Townsite in

1954. New year-round rates were approved for Radium Hot Springs Townsite, Kootenay Park, in 1948.

The installation of new water and sewer systems in Field Townsite, Yoho Park, in 1951 and in Waterton Park Townsite in 1952, led to studies of capital and maintenance costs of public utility services in a number of the parks. In turn, these studies resulted in new regulations for the control and management of the Waterton Lakes water and sewer systems. The new regulations established in 1954 provided for charges based on an entirely new formula incorporating quantity, service connection, general assessment and special assessment charges.⁸ A basic factor in the determination of rates was the acceptance by the Department of one half of the total capital and operational costs. By 1956, the revised formula for determining charges was adopted for all water and sewer systems in the national parks, and made effective by a revision and consolidation of the regulations.⁹

Highway Traffic Regulations

Of all the regulations established for the control and administration of national parks, none was subject to more frequent amendment than the Highway Traffic Regulations. For the first 20 years following the establishment of Rocky Mountains or Banff National Park, access to and travel within the park was limited to services provided by the railway and by horses and horse-drawn vehicles. In fact, the owners of livery stables enjoyed a virtual monopoly of local transportation and their status was confirmed in 1905 when the use of automobiles in the park was outlawed. The regulation, short and authoritative, read: "That the use of automobiles of every kind be prohibited on any road or elsewhere within the limits of the Park."¹⁰

By 1910, the park superintendent had completed construction of that portion of the Banff-Calgary coach road within the park. Presumably, pressure from motorists induced the Minister of the Interior to relax the regulation, which in September that year, was amended to permit automobile travel on roads designated by him. In April, 1911, the first national park Motor Vehicle Regulations were enacted.¹¹ They provided for the registration by the Park Superintendent or by the Royal North-West Mounted Police, at a cost of 25 cents, of all motor vehicles brought into Banff Park. The regulations also limited speed to eight miles an hour in Banff Townsite and 15 miles an hour elsewhere in the park. Motorists arriving in Banff from Calgary were required to follow the Calgary-Banff road, Banff Avenue, and Spray Avenue without deviation on the way to Banff Springs Hotel. Traffic after dark was prohibited.

By 1912, the motor age had arrived in Banff. Highway construction west of the townsite was under way, and the park superintendent was forecasting the eventual completion of an automobile route to Vancouver. That year, the motor vehicle regulations were amended by requiring every motor vehicle driven into the park to be licensed by the superintendent.¹² The fee for a season was \$5 and for a single trip \$1. In 1913, a wider use of automobiles in the park was permitted, including access to private homes and the golf links.

The Motor Vehicle Regulations were revised and expanded in June 1915, and authorized travel over roads in the park approved by the Minister. A new fee structure retained the \$5 seasonal licence fee, but limited the valid period of a single trip licence to one week, after which a renewal was required. Licensing was extended to vehicles operated on a commercial basis, and provision was made for the issue of drivers' and chauffeurs' licences. On September 16, 1915, the Banff Park motor vehicle regulations were made applicable to all other national parks.

By 1916, the Province of Alberta was attempting to licence the motor vehicles of national parks residents. Discussions between the Provincial Treasurer, and the Deputy Minister of the Interior and the Commissioner of National Parks led to a satisfactory solution of the problem. On November 23, 1918, agreement was reached by the Minister with the Province whereby residents of the Alberta parks would be subject to provincial licensing of motor vehicles. Licence plates provided by the province were issued by the park superintendents, who retained from the licence fee the sum of \$5, previously the fee for private automobiles in the parks. One half of the fees collected by the superintendents for motor cycles and for dealers' licences also were retained and the balance remitted to the province.¹³ The authority of the Minister to licence vehicles of transient visitors to the parks was confirmed. A similar arrangement was reached with British Columbia under the Banff-Windermere Highway Agreement of March 12, 1919.

New Motor Vehicle Regulations adopted in June 1919, authorized the Minister of the Interior to fix the fees for transient motor licences, which in no case were to exceed \$1 for a single trip into a park for a period not exceeding a week, and \$1 for each additional week or portion thereof. The speed limit in the parks also was raised to 25 miles per hour. Later, apparently by departmental ruling, a maximum fee of \$4 for a seasonal licence was adopted.

A radical change made in the regulations on March 20, 1928, authorized the Minister to fix, without qualification, the fees payable for temporary or transient licences.¹⁴ On the recommendation of the park superintendents, a seasonal park motor licence fee of \$2 was established by ministerial order for Banff, Kootenay and Yoho Parks.¹⁵ The licence was reciprocal in all three parks, and also entitled the holder to free camping privileges for a period of one month. For the comparatively few automobiles entering Jasper Park, a fee of \$2 was charged. However, in March, 1933, Jasper Park was included within the group in which the \$2 park motor licence was valid. Concurrently, the reciprocal licence for Banff, Jasper, Kootenay and Yoho Park was made available at Waterton Lakes Park. This move enabled visitors to Waterton, which was not yet subject to automobile licensing, to take advantage of the free camping privileges acquired with the licence, before proceeding to Banff or other parks where a licence was required.

On March 31, 1937, the Minister authorized a fee of \$3 for automobiles, to which a trailer was attached, on

entry to Banff, Jasper, Kootenay and Yoho Parks. This licence, reciprocal in all four parks, also was placed on sale in Waterton Lakes Park.

Less than a year later, park superintendents were notified of further changes. Effective January 31, 1938, the free camping privileges which formerly accompanied the purchase of a park motor licence were withdrawn. Licensing of motor vehicles entering Waterton Lakes, Prince Albert, Riding Mountains and Point Pelee parks was authorized. Fees of 25 cents for a single trip and \$1 for the season were payable. If a trailer was attached to the vehicle, the fees were 50 cents for a single trip and \$2 for a season. The fee structure for the four-park unit of Banff, Jasper, Kootenay and Yoho Parks remained at \$2 for an automobile and \$3 if a trailer was attached. A fee of \$1 per trip for buses and trucks entering parks also was authorized. Licensing was extended to Elk Island National Park in 1939, the fees being identical with those prevailing at Waterton Lakes, Prince Albert, Riding Mountain and Point Pelee Parks.

The authority for the establishment of park motor licence fees by the Governor in Council was re-established in 1940 when a revised fee for buses entering Banff, Kootenay and Yoho Parks was fixed at one half cent per passenger mile.¹⁶ In March, 1941, the prevailing motor vehicle and motor traffic regulations were rescinded and a new consolidation approved.¹⁷ The schedule for these regulations established the fees for both private automobiles and commercial vehicles, including buses and trucks entering the Prairie parks. In 1950, a special fee of \$525 for each 10,000 miles travelled was approved for buses maintaining a regular interprovincial schedule in Banff, Jasper, Kootenay and Yoho Parks. Following completion of the Trans-Canada Highway through Glacier and Mount Revelstoke Parks in 1962, the motor licence fees applicable to the mountain parks were applied to these areas.

Although a recommendation that the annual park motor licence fees be increased had been made to the Cabinet in 1954, it was turned down. Consequently, the basic fee structure remained virtually unchanged from 1950 to 1971. A few amendments to licence fees were made in 1971, the most notable of which provided for a substantial increase in the charges made for vehicles entering Point Pelee Park in Ontario, where the use of park roads by automobiles is discouraged.

Later amendments made to the Highway Traffic Regulations in 1975 extended application of the licensing requirements to additional parks, and also imposed substantial increases in the fees charged for both annual and single-entry passenger vehicle licences.¹⁸ Effective May 18, 1975, park motor licences were required for entry to Fundy, Cape Breton Highlands, Kejimikujik, Prince Edward Island and Terra Nova National Parks. Provision, however, was made for waiving licence requirements for persons operating passenger and commercial vehicles when travelling directly across or through a park on certain trunk highways in Banff, Jasper, Kootenay, Yoho, Glacier, Mount Revelstoke and Riding Mountain Parks in western Canada, and in Fundy, Cape Breton Highlands, Prince Edward Island

and Terra Nova National Parks in the Atlantic provinces.

The 1975 amendments also relieved operators of commercial vehicles from obtaining licences when using trunk highways or access roads referred to in the preceding sentence. The 1975 amendments to the regulations also affected the schedule of fees payable for motor licences in the national parks, which was simplified and shortened to facilitate administration. The amendments included a substantial increase in the annual fee for passenger vehicles from \$2 to \$10, and from \$3 to \$12 if a trailer was attached. A special fee for buses operating on an inter-provincial route and based on the annual mileage travelled was abolished. New rates were established for buses operating on regular inter-city or town schedules, and for commercial vehicles other than buses which are used for business purposes. The new fee schedule also eliminated disparities in the charges made for the operation of commercial vehicles in the mountain parks, compared with those operated elsewhere.

For many years, the Highway Traffic Regulations restricted the use of park highways by commercial vehicles, exclusive of those utilized in providing sight-seeing services. Regulations in force since 1941 prohibited the issue of park licences for trucks used in the transportation of freight in Banff, Kootenay, Yoho and Jasper Parks unless, in the opinion of the park superintendent concerned, the operation was essential for the conduct of business in that park. Representations made on behalf of special groups, including lumbermen and farmers, led to numerous concessions respecting the use of the Banff-Windermere Highway in Kootenay and Banff Parks during the 1950s. Following completion of the national park trunk highway improvement program including construction of the Trans-Canada Highway, most of the restrictions on the use of highways that formed portions of interprovincial routes gradually were removed, although licence fees were charged.

Following the opening of the Trans-Canada Highway through the mountain parks in Alberta and British Columbia in 1962, considerable objection was registered by operators of motor vehicles to the payment of a motor licence fee when using the highway in the course of a continuous trip through the parks. Following recommendations made by delegates at the Western Economic Opportunities Conference held at Calgary in July, 1973, the Minister exempted operators of commercial motor vehicles from the payment of park motor licence fees for those parks in Alberta and British Columbia through which the Trans-Canada Highway passed. This decision subsequently was confirmed by the 1975 amendments to the Highway Traffic Regulations.

Building, Electrical and Sanitary Regulations

Regulations established to control building development in the National Parks came into force in 1913.¹⁹ They provided for building permits, inspections, recognition of safety and fire prevention requirements, and standards of construction. The creation of the National Building Code by the National Research Council of Canada at Ottawa, led in 1942 to the adoption of the Code, with minor reservations, as the code for national

parks under the Building Regulations. Subsequent revisions of the code by the National Research Council were adopted as required by amendments to the Park regulations.

Recognition of the hazards involved in the use of electrical power accounted for the first *National Park Electrical Installation Regulations*, which were established in June, 1914.²⁰ Patterned after those adopted by the Hydro-Electric Power Commission of Ontario, the park electrical regulations covered all phases of installations. They also made provision for the issue of installation permits and inspections by qualified electricians. The development of a Canadian Electrical Code by the Canadian Engineering Standards Association permitted the Minister of the Interior in 1933 to adopt the latest edition of the Code for all electrical installations in the national parks.²¹ Updating of the park regulations was maintained by the adoption of succeeding editions of the Canadian Electrical Code as they became available.

The institution of sanitation measures and the control of nuisances was an early goal of the newly established National Park Service. In his annual report for 1913, the Superintendent of Banff Park reported the institution of annual clean-ups in Banff townsite, with particular attention being devoted to 'lanes and corners'. In 1914, the first regulations for the disposal of garbage and trash were instituted, when regular collections in park townsites were authorized. For many years, the annual charges were fixed by the Minister, but in 1947, the existing regulations were over-hauled, and charges established by the Governor in Council.²² The consolidation of the *Garbage Regulations*, undertaken in 1968, recognized the improvements made in types of containers available to park residents, and also imposed additional restraints on disposal methods that tended to pollute the environment.

Control of Natural Features

The Rocky Mountains Park Act of 1887 authorized the making of regulations for "the care, preservation and management of the park and the water courses, lakes, trees and shrubbery, minerals, natural curiosities and other matters therein contained." Also subject to regulation was the preservation and protection of game, fish and wild birds generally, and of cattle allowed to pasture in the park. The natural resources of Rocky Mountains and other parks, however, were to be far from sacrosanct, for the reason that rights to substantial areas containing timber and minerals had been disposed of by the Federal Government prior to the establishment or enlargement of the older parks. Some of these vested rights in the form of timber berths and mineral grants were retained for years until extinguished by purchase or expropriation by the Federal Government.

Timber Regulations

The first regulations for the disposal of timber in the parks were made in 1906, when the cutting of dry wood and dead timber in Banff Park, Yoho Park Reserve, and Glacier Mountain Park was authorized.²³ In 1911, an amendment to the regulations permitted the Minister to issue permits for the cutting of dry timber on areas not

exceeding two square miles. The cutting of green timber, exclusive of that cut on licensed timber berths, was authorized on the enactment of new timber regulations in April 1915, for the purpose of "thinning out dense growth, making roads, or any other improvement in Dominion Parks."²⁴

After the National Parks Act came into force in 1930, a forest management policy was adopted to restrict operations to those primarily concerned with the protection and maintenance of national park values. Amendments to the Timber Regulations made after 1930 were concerned mainly with revisions of dues payable on timber harvested. In 1951, the administration of timber berths remaining in the national parks was taken over by the National Parks Branch from the Northern Administration and Lands Branch of the Department. In April, 1952 the Timber Regulations were amended to establish charges payable by the holders of timber berths for ground rental, fire protection, and for timber cut.

A major overhaul of the Timber Regulations was made in November 1954, when a substantial upward revision was made in the rate of dues for both green and dry saw timber cut under permit. The regulations also confirmed the rates payable for timber cut in licensed berths which were established two years earlier.

By 1970, the cutting of timber in the national parks had been substantially reduced. Following prolonged negotiation, the licensees of seven timber berths in Glacier and Mount Revelstoke Parks surrendered their rights to cut timber in exchange for compensation exceeding \$3,000,000. The licence covering a berth in Yoho Park was cancelled in 1969 following failure of the licensee to comply with the terms and conditions of his licence.

Following the establishment of Riding Mountain Park in Manitoba, a forest management plan was developed to provide a source of timber for residents of areas outside, but near the park, who for many years had been dependent on the park area for their supply. Gradually the demand for timber in this park declined, due in part to restrictions on cutting imposed by the Department, and also as a result of a departmental decision made in 1969 to discontinue the issue of timber permits after March 31, 1972.

Game Regulations

In earlier paragraphs, mention has been made of the inclusion in the 1909 General Regulations of clauses for the protection of game in the national parks. During the years following, several amendments were made to these regulations. One made in March 1915, contained a definition of game; and another amendment approved a month later prohibited the sale of firearms within national parks.

One of the most provocative regulations affecting the protection of wild birds was approved in August, 1918, following the establishment of Point Pelee National Park in Ontario.²⁵ The enacting order in council authorized the shooting of wild duck in the park on four days of the week from October 1 to December 14 inclusive. An explanation of this unusual exception to the general policy on wild life conservation in the national parks is

contained in a previous chapter relating to Point Pelee National Park.

On December 1, 1919, all park regulations for the control and management of game with the exception of that related to hunting in Point Pelee Park were rescinded, and new game regulations for the national parks were established under authority of the Dominion Forest Reserves and Parks Act.²⁶ The new regulations set out in detail the sanctuary aspects of the parks, prohibited possession of game trophies within park boundaries unless legal ownership could be established; made provision by the superintendent for the destruction of aged or diseased game animals; and established rules for the conduct of guides in charge of hunting parties travelling through the parks to hunting areas outside the boundaries. The regulations also permitted the operation of gun clubs within parks on areas set aside for the purpose. Club members had the privilege of retaining unsealed firearms within the club-house. Provision also was made in the regulations for the seizure of fire-arms, traps and other appliances found in possession of persons contravening the regulations.

Prior to 1938, duck shooting in Point Pelee Park was permitted by hunters in possession of a permit from the park superintendent, issued free of charge. In February, 1938, a permit fee of \$2 was authorized by an amendment to the Game Regulations. Sanctuary Pond, in the northwest corner of the park, was declared withdrawn from the area open to hunters in December, 1942.

A revision and consolidation of the Game Regulations on February 20, 1948 revoked the authority for establishment of gun clubs in national parks. The regulations as amended also made provision for the issue of duck-hunting permits in Point Pelee Park during the years 1948 to 1952 inclusive. Barring future amendment, this regulation would have ended duck-hunting in the park. Unfortunately, protests received in the late summer of 1953 from sportsmen in southwestern Ontario against cancellation of their privileges, together with allegations that the proposal to terminate duck-hunting had not been given sufficient advance publicity, induced the Minister to reconsider the matter. By order in council of September 24, 1953, duck-shooting in the park was reinstated. An amendment made on August 18, 1954, had the effect of reducing hunting pressure. The fee for a duck-shooting permit was increased to \$7 and the issue of permits was confined in future to Canadian citizens in possession of a valid Ontario hunting licence for game birds.²⁷ Subsequent amendments to the Game Regulations have varied the season for duck hunting in Point Pelee Park, but up to the end of the 1973 season, no definite action had been taken to terminate hunting privileges.

One of the most prevalent game species known to park visitors is the black bear, whose range extends from Newfoundland to British Columbia. Its habit of frequenting areas where human food may be found led to numerous incidents involving park visitors. In many of the mountain parks, bears displayed a preference for sites adjacent to park highways, attracted sometimes by motorists who, anxious to obtain pictures, had proffered food and sweets. In spite of public warnings posted in

prominent locations, a continuation of this practice resulted in injuries to incautious visitors. By 1951, it was considered necessary to make the attraction or feeding of bears a punishable offence. An amendment to the National Park Game Regulations approved on December 14, 1951, prohibited the touching, feeding or enticing of bears with candy or food. General observance of the new regulation was more evident after several park visitors paid a fine in court following their conviction for feeding bears.

Wood Buffalo Park

The establishment of Wood Buffalo National Park in 1922 reserved as a sanctuary for the wood buffalo or bison, an immense area in northern Alberta and the Northwest Territories. An extension of the park boundaries in 1926 added to the park a large area south of the lower Peace River, in which Indians and others had hunted and trapped for many years. Consequently, the Game Regulations of the national parks were amended concurrently to extend to treaty Indians, hunting and trapping privileges under permit in the entire park area. The amendment also authorized the issue of permits by the park superintendent to persons who had hunted and trapped in the area south of the Peace River, to hunt and trap within the park extension.

Under the terms of the order in council establishing Wood Buffalo Park, its administration had been entrusted to the branch of the Department of the Interior concerned with the administration of the Northwest Territories. Following a consolidation of various park regulations in 1947 and 1948, Section 28 of National Park Game Regulations relating to Wood Buffalo Park was rescinded, and new regulations respecting the preservation of game in Wood Buffalo Park were established on November 3, 1949.²⁸ The new regulations covered a much wider field of game administration than previously had existed. Although they retained a closed season on the hunting of buffalo in the park, they authorized the Minister of the Department to issue permits for the taking of game, including bison, for scientific purposes and for parks or zoological gardens under public ownership.

On October 1, 1964, the administration of Wood Buffalo National Park was transferred to the National and Historic Parks Branch of the Department of Northern Affairs and National Resources.

Forest Protection

Measures for the protection of the forests in the parks were included in the General Regulations established in 1909. Six years later, these regulations were considered insufficient for park needs, and in September, 1915, new ones were compiled and approved to ensure better forest protection.²⁹ An important item in the new regulations gave park wardens the authority to draft the services of persons between the ages of 16 and 60 for the purpose of fighting fires. An exception was made for certain categories including clergymen, railway employees and members of the medical profession. Restrictions on the possession and storage of explosives and flammable materials also were approved.

An amendment to the regulations made in 1928 prohibited the lighting of campfires within one mile of any park highway, except at campsites where stoves were provided. Later this regulation was expanded to prohibit the lighting of fires in the open in locations more than one mile from a highway, unless a permit had first been obtained from a park warden.

A revision and consolidation of the regulations in 1947 provided park superintendents with authority to prohibit smoking or the lighting of fires in any area within a park. They also permitted the superintendent to close to public travel, any area within a park when the fire hazard made such action necessary.

In the latest consolidation of these regulations approved in 1958, the title was changed from "Forest Protection" to "Fire Protection" Regulations.

Grazing and Pasturing

Early residents of Banff Park enjoyed the privilege of pasturing horses and cows under authority of the General Regulations. This permission, extended without charge to leaseholders, was confined to areas designated by the park superintendent. Stray livestock was subject to impoundment and the owners were required to pay a fine sufficient to cover the cost of feeding stock while in custody.

The first distinctive Grazing Regulations for the National Parks were established in 1914.³⁰ It is probable that this administrative measure was approved to meet the demand for pasturage not only by livery operators and park residents owning horses, but also that of stock growers in areas outside but adjacent to the parks.

Grazing on public or Dominion lands in Western Canada had commenced about 1876. The establishment in 1881 of grazing regulations under authority of the Dominion Lands Act permitted the leasing for terms of 21 years of areas up to 100,000 acres. The low annual fee of one cent per acre influenced the development of many very large ranches, particularly in southwestern Alberta. It was therefore inevitable that stock owners would seek pastures in the meadows and on the grassy plains within national parks.

Waterton Lakes Park was a grazing area favoured by nearby ranchers for many years, until grazing privileges were terminated in 1947. Ten years earlier, more than 2,200 private-owned cattle were in competition with the game animals of the park for forage. Another heavily-grazed park was Riding Mountain in Manitoba. Prior to the establishment of this park, nearby farmers and stock growers had grazed cattle in the Riding Mountain Forest Reserve under permit. Eventually, grazing and the cutting of hay under permit in the park was causing serious problems in game management. Consequently after investigation had indicated that alternative grazing areas were available in provincial community pastures, permit holders were notified in 1966 that both hay-cutting and grazing would be phased out by 1970.

Amendments to the Grazing Regulations made during the 50-year period following 1914 were concerned mainly with safeguarding park game from diseases which might be transmitted by grazing stock; identification of cattle being grazed; and adjustment of grazing

fees to keep them in line with those prevailing for pasture areas outside the parks. The latest revision of the Grazing Regulations made in May, 1967, authorized a substantial increase in the fees charged for grazing both cattle and horses.

Fishing Regulations

From the earliest days of their existence, Canada's National Parks have enjoyed a remarkable popularity with anglers. The waters of the mountain parks form the habitat of a variety of trout and in the Atlantic parks, salmon share the fishermen's interest with trout. Lake trout, pike and walleye provide the main catches in the prairie parks where fishing is possible.

The earliest control measure governing sport fishing in the parks was taken in 1889, when the General Regulations restricted the taking of fish to rod and line. In 1890, fishing with nets was outlawed in Banff Park. The General Regulations were expanded in 1909 to protect game fish in all national parks. Size and catch limits, together with a closed season from September 16 to May 14 in the year following, were established. The sale of fish taken in the park was prohibited and the taking of fish by any method other than by hook and line was forbidden. The netting and sale of coarse fish other than game fish by permit from the Minister was authorized by an amendment to the regulations in March, 1919.

Distinctive fishing regulations were established in March, 1925.³¹ For the first time, they designated the species comprising "game fish". These comprised most of the varieties of trout common to the mountain parks, together with Atlantic and land-locked salmon, Arctic grayling and Rocky Mountain whitefish. New prohibitions included the use of fish roe or eggs as bait, baiting fish waters, and fishing later than two hours after sunset or one hour before sunrise. Eight inches was established as the minimum length for fish retained.

In June, 1933, the waters of the Medicine-Maligne lake system in Jasper Park, previously barren of fish, were opened to angling. This new fisherman's paradise had been stocked a few years previous with eastern brook trout with fantastic results. Special regulations enacted for control of these waters required anglers to be in possession of a permit from the Superintendent. The maximum catch of one person for the season was set at 200 pounds, and a minimum length of 12 inches set for fish retained.

In May, 1939, anglers in Banff, Jasper, Waterton Lakes, Yoho and Kootenay parks were required to obtain a seasonal fishing licence for the first time.³² The fees were set at \$2 for residents of the province in which the park was situated, and \$5 for non-residents. A daily licence also was available to non-residents for \$1. Before the season was well started, the regulations were amended by setting the licence year back to April 1, 1940. Advance advertising by railway, provincial and other tourist agencies, which advertised free fishing privileges in national parks, accounted for the change of heart. Reconsideration of the fee schedule led to an amendment on November 2, 1939, which established the fee for a seasonal licence at \$2.25. On April 11, 1940, a

further amendment gave purchasers of a seasonal transient motor licence at a cost of \$2, a bonus in the form of a free angler's licence. This privilege was revoked on December 8, 1947.

As the national parks system was expanded, requisite amendments were made to the Fishing Regulations. Species prevalent in Riding Mountain and Prince Albert Parks — pickerel and bass — were added in 1942 to the list of game fish subject to regulation. Angling seasons and catch limits also were established for national parks in the Atlantic provinces. An experiment in the form of short-term fishing licences was made in 1944, when a fee of \$1 purchased a three-day licence. In 1949, a licence for two months was made available for \$1. The valid period for a term licence was reduced to one month in 1953, and the licence fee for a season was reduced to \$2.

Park visitors were required to obtain a fishing licence in Prince Albert and Riding Mountain Parks in 1949. Concurrent with the completion of the Trans-Canada Highway, Glacier and Mount Revelstoke were added in 1961 to the list of parks in which licences were required. The latest extension of the licensing requirement was made in April, 1967, when four parks in the Atlantic region — Terra Nova, Cape Breton Highlands, Prince Edward Island and Fundy — were added to those where a licence was necessary.³³ Another change made in the regulations eliminated the fishing licence for a month, but confirmed the validity of a licence issued for a year in any national park where a licence is required. In March, 1975, the fee for a yearly fishing licence was increased to \$4.

Biological and fish culture activities in the national parks instituted by the former Wildlife Division of the National Parks Branch, and carried on by the Canadian Wildlife Service, have greatly improved angling, despite the tremendous pressure placed on the fish population by the ever-increasing number of anglers. In turn, these studies have given rise to numerous changes in seasons, catch limits and the periods in which certain waters are open to fishermen. All such changes, of course, were intended to provide better opportunities for the visiting angler during his stay in the national parks.

Businesses and Trades

The need for effective control of businesses, trades and occupations was recognized by early park administrators when the first park regulations were approved in 1889. Provision was made for licensing most businesses including horse liverys, boat concessions, draying services and the operation of pool-rooms, bowling alleys, and public vehicles. The sale of alcoholic beverages was controlled and licences were available only to hotels having at least 20 bedrooms. Although issued under authority of the Northwest Territories Act, such licences required the consent of the Minister of the Interior. The regulations also prohibited gaming of any kind in the parks including the use of cards and dice.

Revised regulations, which were enacted in 1909 and made applicable to all parks, contained further modifications relating to the operation of businesses. By then the sale of liquor had become a provincial responsibility, and the regulations specified only that a licence was

required. By 1919, the use of motor vehicles had cut into the monopoly formerly enjoyed by the owners of horse liveries, and a new schedule of fees for vehicles, both horse-drawn and motorized, was approved in April that year.

Separate or distinctive regulations controlling business, trades and callings were established on May 9, 1922.³⁴ They included an elaborate schedule of licence fees covering every conceivable business permitted by law in the parks. Persons engaged in almost-forgotten occupations, including that of bootblack, chimney-sweep, ice dealer, palmist, and pawnbroker, were required to obtain a business licence. Exhibiting oneself in a window, presumably for advertising purposes, cost the brash exhibitor \$1 per day. Operators of garages and gasoline outlets also were required to obtain licences.

By 1948, many clauses in the Business Regulations established 24 years earlier were out of date, and a revision and consolidation undertaken that year resulted in many changes.³⁵ The impact of the automobile on travel in the parks was reflected by an increase in the licence fee for the operation of gasoline pumps, garages, and premises utilized in the sale of motor vehicles. Units of bungalow-cabin camps located mainly on the park highways were licensed for the first time. Licences for hotels and rooming houses were issued on a basis of the number of rooms available. Motels, apartment hotels and apartments rented as visitor accommodation also were made subject to licensing. A measure of protection for visitors was afforded by a new regulation requiring operators of visitor accommodation to display in each room or suite, a card indicating the maximum rate payable, as approved by the Director of the National Parks Branch.

New legislation enacted in 1953 by the Governments of Alberta and British Columbia respecting the sale of liquor prompted changes in the National Parks Business Regulations in 1954. By agreement reached many years earlier, provincial licences for sale of alcoholic beverages in the national parks were granted only with the consent of the Federal Government Minister responsible for the parks. Consequently, after applications were received for permission to sell liquor in premises authorized by provincial legislation, the Minister of Northern Affairs and National Resources obtained the approval of the Governor in Council for new licence fees. These fees were based on the value of spirits, wine, beer, etc., purchased by the licensee for sale.

From their inception, the Business Regulations were drafted to exert control over trade and industry in the national parks. Where necessary, the superintendent was empowered to impose by endorsement, conditions in the licence considered desirable in the public interest. For many types of business, the licence fee collected was either nominal or comparable with that charged for similar activities in municipalities outside the parks. Some increases in business licence fees were made in 1954 when the policy of the Department required increased revenues. Later, in 1962, the fee for a number of categories was reduced. In issuing licences, park officers have devoted special attention to businesses engaged in the sale of food, meat and dairy products. For

more than half a century, the regulations have authorized a park superintendent, when considered desirable, to require a licensee to furnish a certificate from a medical health officer or a sanitary inspector, certifying that the premises in which the business is to be carried on meets sanitary requirements.

The most recent general revision of the Business Regulations, undertaken in 1962, established a new formula for the licensing of visitor accommodation.³⁶ All classes, including hotels, motels, cabin development and rooming houses, were required in future to pay a licence fee based on the number of guests that could be accommodated. Establishments providing accommodation in summer only were subject to a reduction in the annual fee. The new regulations also established a special classification of the types of guides offering their services in the national parks. Applications for guide licences are now subject to examination by qualified personnel before licences are approved by the Superintendent.

Camping Regulations

Camping has been encouraged in the national parks since they were first created. The original plan of survey of Banff Townsite incorporated an area for campers. Later, this was discarded for more attractive spots outside but near the townsite. As the national park system was developed, additional campgrounds were opened. A fee of one dollar per month for tents was authorized by regulation in 1890, and had effect for many years thereafter. In 1926, the General Regulations were amended to permit the issue of camping permits by the park superintendents subject to payment of a fee fixed by the Minister. Camping fees prevailing in the 1930's were \$1 for a tent for each period of two weeks, and \$2 for trailers.

As campgrounds were developed or extended, and improved facilities made available to patrons, camping fees were increased moderately, and a daily fee instituted both for tents and trailers. It was not until 1955, however, that distinctive Camping Regulations were established.³⁷ These regulations set out in detail the responsibilities of campers and the administrative authority of the park superintendent. Camping fees by that time had been advanced to \$2 a week for tents and \$3 for trailers. The fee structure also included a fee for tent-houses or cabin tents, permitted in Riding Mountain and Prince Albert Parks.

The increasing use of tent and cabin trailers by visiting motorists influenced the development of trailer park areas in campgrounds, which offered water, sewer and electrical service connections. Other services available to both tent and trailer owners included the use of modern service buildings equipped with washrooms, showers, sanitary services and in many areas, laundry facilities. The latest revision of the camping regulations, including camping fees, was made in 1975. They established a minimum fee of \$6 per day for a camping lot equipped with all services, \$5 for a lot providing electrical service only, and \$3 for other camping lots. Provision also was made for payment of fees by organizations using group campgrounds, and for the use by individuals of special

areas in Prince Albert and Riding Mountain Parks set aside for portable cabins or tent-houses.

Health and Welfare

In 1947, action was taken by the Minister of Mines and Resources to permit residents of the national parks in Alberta to share in health and welfare services provided by the province. An amendment to the National Parks Act authorized agreements with a province for the purpose of supplying park residents with health and welfare services supplied by that province to its residents outside the parks. The amendment also authorized the levying of taxes on park residents to defray the cost of the services supplied.

An agreement with the Province of Alberta was completed on April 1, 1949. The agreement extended to park residents certain health and welfare services. In order to meet the costs of welfare services, regulations were made under the National Parks Act permitting the collection by the Park superintendents of a welfare tax imposed on all residents who had attained the age of 18 years.³⁸ The tax was first levied annually at the rate of \$3 for single persons and \$2.50 for married residents, but later was reduced to \$1. By 1960, the amount collected annually as taxes was exceeding disbursements. Consequently the welfare tax regulations were revoked on December 8, 1960. Further tax collection was suspended until the tax credits, held in a trust fund, were reduced proportionate to the amount required to compensate the province annually for health and welfare services provided.

An amendment to the *Alberta Municipal Hospitals Act* in 1955 permitted the extension of a hospital service plan to residents of national parks in Alberta. Under the amendment, the park superintendent was empowered to serve in the capacity of the "contributing council" and consequently was responsible for the collection of a hospital tax which was turned over to the province.

Regulations governing the levying of a tax on ratepayers in Banff National Park were established in October, 1955. The tax, calculated at a mill rate, was based on the assessed value of real property shown on the latest assessment rolls of the Banff and Lake Louise school districts. Ratepayers were liable, under the regulations, for payment of a tax not less than \$10 in each twelve-month period. Similar regulations were enacted for Jasper National Park in July, 1957, for Waterton Lakes Park in September, 1959, and for Elk Island Park in September, 1961.

The *Alberta Hospitalization Benefits Act, 1959*, made provision for an equalized assessment in Improvement Districts, within which each national park in Alberta is included. Consequently, from 1959 onward, taxes for hospital services were levied and collected on the basis of the assessed value of properties shown in the latest revised assessment rolls for the Improvement Districts. Preparation of the Hospital Tax Roll and collection of the tax remained the responsibility of the park superintendents.

An amendment made to the *Alberta Hospitals Act* on April 15, 1970, relieved municipalities and national parks in Alberta of the necessity to levy and collect taxes

for hospital services. Consequently, the Hospital Tax Regulations for Banff, Elk Island, Jasper and Waterton Lakes National Parks were revoked on June 8, 1971.³⁹

Zoning Regulations

The improvement of park townsites by zoning was first given consideration in 1912, when the Minister of the Interior entered into a contract with T.W. Mawson, a landscape architect and town planner, to submit plans for a rearrangement of sections of Banff Townsite. His general report appeared as an appendix to the Report of the Commissioner of National Parks for the Year 1913-14.⁴⁰ Some of Mr. Mawson's recommendations were adopted when the portions of the townsite north and south of the Bow River were resurveyed in 1914 and 1917. Mr. Mawson also visited Jasper Townsite, but there is no record of any major changes in the townsite plan following his investigation.

In 1945, an Edmonton architect, Cecil S. Burgess, was engaged by the National Parks Service to conduct surveys of Banff and Jasper Townsites, and make recommendations for their improvement by replanning and zoning. Mr. Burgess produced separate reports for both townsites, and also submitted draft zoning regulations for each townsite. Although the reports were not immediately incorporated in regulations, they provided guidance in formulating land use policies for several years.

In July, 1956, the first Zoning Regulations for the Townsite of Banff were established.⁴¹ They adopted many of the proposals contained in the Burgess Report and established, for the first time, definite zones for future development. These included Class "A" and Class "B" residential, multiple housing, business and motel and bungalow court zones within the townsite. The long-overdue regulations also provided control over the siting, height and size of buildings in the various zones. As might be expected, building activity carried on over a period of 70 years had resulted in the existence of many buildings which failed to conform to the new regulations. This anomaly was covered by a clause which, although condoning the continued use of non-conforming structures, made provision for the application of the new regulations when any change in design, construction or use was contemplated after the regulations came into force.

In 1960, Dr. H.P. Oberlander, a townsite planner of outstanding reputation, was engaged by contract to carry out a study of Banff. This was completed in 1961 and his report was delivered in 1962. Known as the Banff Urban Development plan, it contained recommendations for the physical and administrative development of the community. The principal physical recommendations included proposals that the road system should be related to the land-use plan; that a new highway approach to the townsite from the west should be constructed; that a pedestrian mall should be developed on one block of the principal thoroughfare, Banff Avenue; and that a system of pedestrian walks and a major promenade be built along Bow River. Preliminary designs for both the Mall and the Bow River Walk were designed by professional architects, but implementation of the proposals was deferred.

Dr. Oberlander's proposals for Banff, however, led to amendments of the existing zoning regulations in 1965, and to a major revision in 1966.⁴² The new zoning concept for the townsite was arrived at after consultations with the local advisory council. As approved on December 1, 1966, the latest Banff Zoning Regulations contained greatly expanded interpretation clauses and a modified classification of zoned districts which include "open space and storage and service" zones. An integral feature was a map of the townsite which designated the boundaries of the various districts established by the regulations.

The results obtained from the Banff Urban Development study influenced the retention of Dr. Oberlander in 1962 to undertake a similar study of Jasper Townsite. Although Jasper had been a planned community from its inception in 1913, its location had been marred by its proximity to the main trans-continental line of the Grand Trunk Pacific Railway, later absorbed by the Canadian National Railway system. Dr. Oberlander's report on Jasper Townsite was made available in 1964, but as his redevelopment plan was based on the relocation of the railway to the west of the townsite, the proposals were rejected because of the magnitude of the cost.

A supplementary report received in September, 1964, based on the retention of the railway in its original position, provided scope for development of new visitor accommodation areas and some revisions in the commercial zone. As a consequence, zoning regulations for Jasper Townsite were established in March, 1968.⁴³ Patterned on those for Banff, the Jasper zoning proposals were reviewed with representatives of the community before they were submitted to the Governor in Council for approval.

Signs and Canopies

Early park regulations restricted the posting or display of advertisements in the parks without the consent of the Minister. In 1947, this authority was delegated by regulation to the Controller of National Parks Bureau, and in 1954 to the park superintendents. The development and use of signs incorporating neon tubing and other devices, demonstrated the need for regulations governing the erection of illuminated signs. Applications for the erection of signs, awnings and canopies were approved by the issue of building permits, but it was not until 1945 that guide-lines for the acceptance or rejection of applications to erect signs were adopted. The reports of C.S. Burgess relating to the proposed zoning of Banff and Jasper Townsites incorporated recommendations for the control of signs, awnings and canopies, and his recommendations assisted, for several years, in the assessment of plans or descriptions of new signs.

The first distinctive regulations governing the erection of signs in the national parks were established on June 7, 1956.⁴⁴ They incorporated many of the suggestions contained in the Burgess reports and also reflected discussions held in Banff and Jasper townsites by the park superintendents with representatives of these communities.

The Signs Regulations established in 1956 called for

the submission of plans of all signs, awnings and canopies to be erected, and on approval, for the issue of a sign permit. A fee, based on the value of the proposed installation, was charged for each permit. The regulations also limited the dimensions of signs that might be erected in the various zones of districts of the townsite. Although the regulations condoned signs illuminated by electricity including those employing the use of neon tubing, animated or flashing signs were prohibited.

Canopies or awnings erected over public thoroughfares were subject to the observation of rules governing their height above the ground level and projected distance from the building concerned. Permit holders for the erection of awnings and canopies also were required to produce evidence that they had entered into a bond or other undertaking absolving the Minister from all claims for damages to persons or property caused by the awning or canopy installed. A revision of the regulations approved in 1966 modified restrictions in the size of some signs, including those employed to advertise gasoline sold at service stations and garages.

Townsite Designation

The enactment of Townsite Designation Regulations was a logical sequence to the zoning of Banff and other park townsites. These regulations, approved by the Governor in Council on December 20, 1963, set out in detail, the existing legal subdivisions or subdivided areas which comprised the townsites and subdivisions in the national parks.⁴⁵ This was accomplished by listing, in a schedule to the regulations, the number under which each plan of survey of lots or parcels was recorded in the Canada Lands Surveys Records at Ottawa.

The words "townsite" and "subdivision" in the sense of forming communities, do not appear in either the Rocky Mountains Park Act or the Dominion Forests Reserves and Parks Act. The first plans of Banff, north and south of the Bow River, were identified as the "town plot" and the "villa lots". The original plan of survey of the Townsite of Jasper was entitled the "Town of Jasper". The designation "townsite" however, gradually began to appear in various park regulations as they were established.

The National Parks Act, 1930, authorized regulations for the granting of leases of lots in townsites, and the granting of licences for lands outside townsites. The interpretation clause of the Act, however, provided no explanation of what constituted a townsite. The terms "townsites" and "other subdivisions" are incorporated in amendments to the National Parks Act in July, 1947. Similarly, the general regulations of the national parks, as revised and consolidated in 1947 for the first time in 38 years, also referred to "townsites" and "subdivisions" but failed to include definitions.

Originally, "townsites" were subdivisions of lands into lots where year-round residence by inhabitants of the parks was permitted, and "other subdivisions" constituted areas where residence was permissible during the summer months only. This criterion, however, no longer became applicable when subdivisions in national parks such as Prince Albert, Riding Mountain and Fundy were termed townsites, although year-round

residence in them was not possible. The Townsite Designation Regulations established in 1963 were designed to identify clearly the areas to be known in the future as "townsites" and "subdivisions".

Natural Gas Installation

For several decades after its establishment, the Townsite of Banff relied on nearby coal mines for its principal supply of fuel. Mines were operating at Canmore and Anthracite in 1886, and another mine at Bankhead, three miles from Banff, came into operation in 1904. The discovery and development of petroleum fields in Alberta together with the closing of some mines near Banff, influenced a change from coal to oil as fuel. Later the location of immense quantities of natural gas in the foothills west of Calgary was followed by the distribution of natural gas by pipeline over a wide area.

Studies undertaken by officers of the National Park Service in Banff in 1950 led to the conclusion that the use of natural gas for heating would lead to substantial savings. On assurance that the Canadian Pacific Railway Company and the residents would welcome the introduction of a gas service in Banff, the Minister of Resources and Development in 1951 completed arrangements with the Canadian Western Natural Gas Company Limited for the extension of its distribution system from Jumping Pound, Alberta, to Banff. The company was granted an easement for the construction of a gas line over park lands and gas was released into the townsite mains in October, 1951. A franchise agreement, giving the company the exclusive right to distribute gas in Banff and vicinity, was completed in March, 1952. Regulations covering the installation, control and management of natural gas in the national parks in Alberta were established on November 2, 1951.⁴⁶ Patterned after provincial legislation, the regulations were designed to provide the superintendents of national parks with authority to control and inspect natural gas installations, issue permits and collect permit fees, and to arrange for inspections of heating, lighting and cooking appliances and equipment as required.

Telephone Regulations

Communication by telephone between the offices of park superintendents and outlying warden stations was established in most parks shortly after their establishment. Public telephone services however, were developed much later when the park townsites had attained some size. The public telephone system in the town of Banff came into use about 1907, and that at Jasper was developed following the first great war. Considerable improvement was made to the Banff system in 1929 when much of the open wire system was replaced by underground cables. The following year, the exchange was moved from the park administration building to the town fire hall, which prior to 1913, had been the public school.

In 1941, regulations governing the operation of and management of telephone systems in the national parks were established by the Governor in Council.⁴⁷ They permitted the superintendents to enter into contracts with subscribers, established charges for service, connection, moves and changes, and incorporated general

telephone tariffs. Later that year, the regulations were amended to establish special charges for telephone installations of the Canadian Pacific Railway Company at the Banff Springs Hotel and at the railway station, where the equipment was owned by the company. In return, the railway company agreed to the use, without charge, of its telephone line between Banff and Field by the superintendents of Banff and Yoho Parks.

Telephone service on the forest telephone systems of Banff and Jasper Parks was made available in 1946 to the operators of visitor accommodation along highways and roads in areas served by the park system. In 1947 a change in the method of assessing charges for such telephone services was made by adopting rates based on the distance between points at which service was supplied.

By 1952, the urban telephone systems in Banff and Jasper townsites had become obsolete. As an alternative to seeking appropriations for new equipment, officers of the National Parks Branch negotiated an agreement with the Alberta Government Telephone Commission, whereby the equipment and services in Banff and Jasper would be taken over and operated by the Commission. A formal agreement between the Minister of Resources and Development and Alberta Government Telephones was completed on July 1, 1952. Under the terms of the agreement Alberta Government Telephones undertook to establish new exchanges in Banff and Jasper on sites to be provided by the Department. The agreement also left the operation of the park forest telephone system with the park superintendents.

The operation of the townsite telephone systems was taken over by the provincial authorities in 1952. By 1955 new exchange buildings had been erected and brought into operation in the towns of Banff and Jasper. The National Parks Telephone Regulations were revoked in November, 1954, when new regulations governing the operation of the forest telephone systems were established.⁴⁸ The new regulations contained provision for supplying telephone service to business premises licensed by the superintendent where no other satisfactory method of communication was available, or where telephone communication was essential for the conduct of such business. The regulations also incorporated a schedule of the toll and service charges payable by subscribers.

Theatre and Motion Picture Regulations

The growth of urban communities in some of the national parks required the enactment of regulations of a varying nature. Among these were the *Theatre and Motion Picture Regulations*, first approved on April 12, 1912, to give adequate protection to the public attending motion picture shows in Rocky Mountains Park.⁴⁹ Theatres in the park previously had been licensed as a business enterprise. The operation of motion-picture projection equipment at the time was believed to entail considerable risk, especially from the flammable type of film then in use. The new regulations required exhibitors to obtain a special licence, at a cost of \$1, to operate film projection equipment in any place of amusement. The regulations also required the location of projection

equipment in a metal asbestos-lined cabinet or booth. Under the regulations, the park superintendent was vested with all the powers of a censor, with authority to prohibit the showing of films that "depicted criminal or immoral scenes".

Although motion picture theatres were opened in other parks over the years, the 1912 regulations remained in force until 1947, when they were revised to incorporate many of the provisions contained in regulations enacted by provincial legislation. The latest consolidation of the National Parks Theatre and Motion Picture Regulations was approved in April, 1954.

Mineral Hot Spring Water

The use of water from the mineral hot springs at Banff was first authorized by order in council on July 6, 1886.⁵⁰ Charges for the water were based on the number of bathtubs installed in premises obtaining water through a pipe system. Rates for hot water were modified in 1908, and a special rate was authorized for the use of hot water in a large indoor pool operated at the Banff Springs Hotel. Other large establishments provided with water from the hot springs included the Sanitarium or Bretton Hall Hotel and the Mineral Springs Hospital. A gradual decline in the commercial use of water from the springs led to the revocation on December 8, 1947, of the regulations governing their use. Consumers subsequently were billed at the rates formerly prevailing. The Bretton Hall Hotel was razed in 1933, and the Banff Springs Hotel discontinued the use of water from the springs in their pool prior to 1953. In April, 1963, the Banff Hospital notified the park superintendent that it no longer required mineral hot water. The government pools at the Cave and Basin Springs were converted to the use of fresh water in 1960, and the Upper Hot Springs pool now offers the only opportunity at Banff of bathing in natural hot water.

Ice Regulations

Regulations that no longer have a wide application are those relating to the harvesting of ice from lakes and streams in the national parks. *Ice Removal Regulations* were established on June 29, 1916 to control the cutting of ice by park residents, either for personal use or for sale. Permits covering ice harvested for personal use cost the permittee 25 cents. On the other hand, dealers were assessed a permit fee of \$5, together with a royalty of two cents a ton on ice cut. Evidently the royalty charge was considered excessive, for on October 24, 1916, it was revoked by an amendment to the regulations.

In 1947, the Ice Regulations were revised and the non-commercial permit fee was raised to \$1. The latest amendments made in 1954 established the fees for permits at \$2.00 if ice is cut for personal use and \$10 if cut for sale.⁵¹ Very little ice is now harvested in national parks, owing to the increased use of mechanical refrigeration.

Boat-launching Fees

Fees for the use of boat-launching ramps in Prince Albert National Park were approved in 1965. Boating activity at Waskesiu Beach and other points in the park

had attained by 1960, a popularity that necessitated the provision of additional facilities for the shelter, launching and berthing of water craft. Following a study undertaken by a consultant, the development of a marina was undertaken in 1961 by the National Parks Branch on Waskesiu Lake, three miles northeast of Waskesiu Townsite. The marina was completed in 1964. The *National Parks Boat Launching Fees Regulations* established on November 24, 1965, incorporated a tariff for the use of launching ramps at the Lake Waskesiu marina, at Waskesiu Narrows, and at Heart Lakes. These regulations, however, were revoked on September 24, 1969.

Cemetery Regulations

Observations on park regulations will be concluded, perhaps fittingly, with those relating to park cemeteries. The first permanent burying-ground in Banff National Park was laid out in 1888 by Superintendent Stewart at the eastern end of Buffalo Street. It was planned as a temporary cemetery, subject to relocation. More than 60 years, however, were to elapse before an alternative cemetery site acceptable to residents was developed.

The original Banff Cemetery was surveyed in 1899 at the request of Superintendent Douglas by B.G. Saunders, D.L.S., of the Surveyor-General's staff at Ottawa. The plan incorporated an addition to the original site and divided the cemetery into four sections. Two additional sections were added in 1933 by survey. By 1945, very few unoccupied or unreserved plots remained, and after consultations with town-planner C.S. Burgess and a citizens committee, a site for a new cemetery on the road to Lake Minnewanka was selected. Named the Mountain View Cemetery, it was surveyed in 1949. Development of the five-acre area was commenced in 1950, and a surrounding fence was completed in 1951.

Although records of burials in the Banff Cemetery had been maintained over the years, and regulations governing its use and been drafted in 1903, they never had been approved by order in council. Completion of the Mountain View Cemetery presented an opportunity not only for the establishment of adequate regulations but also for a new management policy. Following a study of rules governing the management of cemeteries elsewhere, regulations for the operation of Mountain View Cemetery were established on March 25, 1955. They provided for perpetual care of plots on payment of a stipulated fee, confined the installation of memorials and markers to those which would not project above ground level, and restricted applicants for plots to permanent park residents and owners or lessees of real property in the park. The regulations also incorporated a tariff of fees for services normally associated with the operation of a cemetery.

In October, 1955, regulations were approved for a cemetery in Waterton Lakes National Park which was developed at the request of permanent residents. The regulations followed closely the form of those approved for the Mountain View Cemetery. Another cemetery for which regulations had never been enacted was located outside the Townsite of Field in Yoho National Park. It had been surveyed in December, 1913, when Field was an important divisional point on the Canadian Pacific

Railway west of Kicking Horse Pass. Regulations governing its management and control were approved on July 18, 1957.

Residents of Jasper Townsite, like those at Banff, had the privilege of obtaining burial plots in a local cemetery which had been in use before it was legally surveyed. The official plan dated from March 28, 1919. In 1955, an extension to the Jasper Cemetery was surveyed, and the new area was incorporated in a compiled plan of the enlarged cemetery dated June 20, 1956. Regulations for the operation and management of Jasper Cemetery were approved in June, 1957. Owing to the existence of non-conforming memorials that had been erected in the past, plot holders retained the privilege of installing markers and memorials that project above ground level.

With a view to having regulations as uniform as possible for all park cemeteries, the existing regulations for the Mountain View, Jasper, Field, and Waterton Cemeteries were revoked on November 15, 1962. They were replaced by the *National Parks Cemetery Regulations* of the same date.⁵² These were made applicable to the original Banff Cemetery as well as to those for which individual regulations previously had been established. Restrictions on the installation of above-ground memorials in the Mountain View and Waterton Cemeteries were retained, but the rule was waived for the Jasper, Field and Banff cemeteries, although the height of future installations of this nature was limited to three feet above ground.

An amendment to the Cemetery Regulations made on February 1, 1968, raised substantially the cost of a burial plot in all park cemeteries. The new charge, however, included sodding and perpetual care by the superintendent, of the plot concerned.

An anachronism remains in Banff National Park in the form of the Bankhead Cemetery near the site of the long-vanished settlement of that name, which disappeared after the closing of a nearby coal mine in 1921. This cemetery had been surveyed in 1904, but for years no interments were made. In reply to an inquiry from the Commissioner of National Parks, the Park Superintendent in 1921 explained that a local superstition existed whereby the family of the first person buried in the cemetery would experience bad luck from the date of the interment. In an effort to overcome public reluctance to use the cemetery, the superintendent arranged for the burial in June that year, of the body of a former resident of Chinese ancestry, who had died friendless. However, Chee Yow could not have been entirely friendless, for in October, 1938, the Alberta Department of Public Health granted permission for the exhumation of his remains in order that they might be transported to China for re-interment with those of his ancestors. This episode closed the book on Bankhead Cemetery, on which maintenance had long since been discontinued.

References

- 1 Order in Council P.C. 1350, 27 Nov. 1889
- 2 Order in Council P.C. 1694, 30 June 1890
- 3 Order in Council P.C. 1209, 8 June 1901
- 4 Order in Council P.C. 1340, 21 June 1909
- 5 Order in Council P.C. 682, 13 April 1910

- 6 Order in Council P.C. 1392, 23 June 1908
- 7 Order in Council P.C. 8366, 16 Sept. 1942
- 8 Order in Council P.C. 1954-1851, 1 Dec. 1954
- 9 Order in Council 1956-1456, 27 Sept. 1956
- 10 Order in Council P.C. 1516, 27 July 1905
- 11 Order in Council P.C. 730, 8 April 1911
- 12 Order in Council P.C. 1732, 21 June 1912
- 13 National and Historic Parks Branch (Property Management) File U.5-1
- 14 Order in Council P.C. 444, 20 March 1928
- 15 Public Archives of Canada, National Parks Branch File U.3-7, Vol. 4, March 30, 1928.
- 16 Order in Council P.C. 2904, 2 July 1940
- 17 Order in Council P.C. 1985, 24 March 1941
- 18 Order in Council P.C. 1975-663, 25 March 1975
- 19 Order in Council P.C. 2875, 27 Nov. 1913
- 20 Order in Council P.C. 1521, 15 June 1914
- 21 Order in Council P.C. 1046, 1 May 1933
- 22 Order in Council P.C. 5008, 8 Dec. 1947
- 23 Order in Council P.C. 814, 21 May 1906
- 24 Order in Council P.C. 915, 30 April, 1915
- 25 Order in Council P.C. 2046, 20 Aug. 1918
- 26 Order in Council P.C. 2415, 1 Dec. 1919
- 27 Order in Council P.C. 1954-1215, 18 Aug. 1954
- 28 Order in Council P.C. 5588, 3 Nov. 1949
- 29 Order in Council P.C. 2149, 16 Sept. 1915
- 30 Order in Council P.C. 1331, 21 May 1914
- 31 Order in Council P.C. 450, 30 March 1925
- 32 Order in Council P.C. 1134, 13 May 1939
- 33 Order in Council P.C. 1967-672, 13 April 1967
- 34 Order in Council P.C. 953, 9 May 1922
- 35 Order in Council P.C. 87, 13 Jan. 1948
- 36 Order in Council 1964-528, 12 April 1962
- 37 Order in Council 1955-1056, 14 July 1955
- 38 Order in Council P.C. 1081, 5 April 1949
- 39 Order in Council P.C. 1971-1090, 8 June 1971
- 40 Annual Report, Department of the Interior, 1914, Part V, p. 72
- 41 Order in Council P.C. 1956-1149, 26 July 1956
- 42 Order in Council P.C. 1966-2232, 1 Dec. 1966
- 43 Order in Council P.C. 1968-602, 28 March 1968
- 44 Order in Council P.C. 1956-874, 7 June 1956
- 45 Order in Council P.C. 1963-1868, 20 Dec. 1963
- 46 Order in Council P.C. 5863, 2 Nov. 1951
- 47 Order in Council P.C. 1588, 5 March 1941
- 48 Order in Council P.C. 1954-1803, 23 Nov. 1954
- 49 Order in Council P.C. 1066, 27 April 1912
- 50 Order in Council P.C. 1359, 6 July 1886
- 51 Order in Council P.C. 1954-1118, 22 July 1954
- 52 Order in Council P.C. 1962-1626, 15 Nov. 1962

Representation of Park Citizens

As constituted, the national parks of Canada are entirely under federal government jurisdiction and to date, no statutory provision has been made for local self-government of its residents. The administration of local affairs, including the management of park townsites, is the responsibility of the Minister of Indian Affairs and Northern Development. In turn, local administration is delegated through the Director General, Parks Canada

and the Regional Directors to the park superintendents. In several parks, however, organizations elected by local citizens were formed to provide opportunities for presenting recommendations and grievances to the park superintendent.

Banff Advisory Council

The first of these groups, known as the Banff Advisory Council, was elected by the citizens of Banff in 1921. For several years, residents of the townsite had petitioned periodically to the Commissioner of Parks for a voice in the administration of town affairs. Finally, at a meeting with a deputation of residents in Banff on August 30, 1920, the Minister of the Interior, Sir James Lougheed, agreed to the formation of a body of citizens to represent the community. Understanding was reached that the citizens' group would not interfere with park management, and would discuss with the park superintendent, matters of local interest affecting the townsite.¹

At an organization meeting attended by 80 citizens on February 28, 1921, a Banff Citizens' Association was formed.² The association, headed temporarily by S.M. Armstrong, made the necessary arrangements for the election of a council of nine members to hold office for a term of one year. Those elected from the citizens at large on March 21, 1921 included H.G. Gordon, T.A. Balderson, S.M. Armstrong, Samuel Howard, Byron Harmon, William Mather, Dan MacCowan, T.A. Dunsmore and P.A. Moore. Gordon was appointed Chairman and Balderson Secretary of the Council.³ Prior to the next annual election, held on March 29, 1922, it was agreed that the three elected candidates receiving the greatest number of votes would hold office for three years, the three receiving the next highest number of votes would retain office for two years, and the remaining three elected would serve for one year.

During the initial election, one of the candidates indulged in a little satirical humour by issuing a manifesto on the reverse side of one of the posters outlining details of the candidates. Harry Gordon, a local confectioner, solicited the votes of the electors as follows:

"For many years I have been identified with the growth and prosperity of the village, and have occupied many positions of trust, to the complete satisfaction of myself If elected will promise to serve you to the best of my ability, so long as the other members of the council do not butt in and differ from my opinions Although I say it myself, I am the brainiest man offering himself for office."

The villagers took Gordon at his word. He was elected and later chosen Chairman of the Council.

In the early days of its existence, the Advisory Council had the opportunity, at least once a year, of meeting with the Minister of the Interior or the Commissioner of National Parks. Matters of early concern included the improvement of public services, traffic control, local employment, extension of camping facilities for visitors, and the appointment of a resident magistrate. In addition, monthly meetings of Council with the park superin-

tendent or delegated members of his staff were instituted. These meetings have been continued for half a century.

Following the successful launching of the Banff Advisory Council, citizens of the neighboring community of Canmore petitioned the Commissioner of Parks for the right to elect an advisory group. The proposal was approved by the Minister of the Interior and the Canmore Advisory Council came into being on October 27, 1922.⁴ This group functioned for a number of years, but on the revision of the boundaries of Banff National Park in 1930, the lands surrounding Canmore were withdrawn from the park and consequently from the jurisdiction of the Federal Government.

In November, 1925, two resolutions sponsored at a joint meeting of the Banff and Canmore Advisory Councils were submitted to the Honourable Charles Stewart, Minister of the Interior. One resolution requested financial assistance in the operation of the councils, preferably by an annual grant. The second resolution recommended that wider powers in civic matters be granted to the councils. Replies to the communications were forwarded to the secretaries of the councils by the Deputy Minister. He called attention to the fact that the Minister was answerable to Parliament for the conduct of affairs in the parks, and that it was not possible for him to depute any of his powers of administration. The request for financial assistance also was turned down with the explanation that funds made available in national park appropriations must be conserved for undertakings for which the Federal Government had administrative responsibility.⁵

Jasper Advisory Council

The first citizens committee in Jasper National Park took the form of a board of trade, which was formed in April, 1924. One of its first objectives was the extension of electric power service to private homes and business premises. This service, supplied by the Canadian National Railways, had been limited to buildings maintained for park administration. The following year, members of the board had the satisfaction of witnessing the construction of a new power distribution system which provided electric light and power services to all developed sections of the townsite.

The Board of Trade was supplanted in February, 1927, by a Jasper Advisory Council which was elected from the citizens at large.⁶ The membership of nine appointed A. Gray as chairman and G.E. Clarke as secretary treasurer. The activities of the Council however, gradually declined, and it was disbanded in 1933. Its functions as a citizens' organization apparently were taken over by a chamber of commerce formed in February of that year.

Representations made by the Jasper Chamber of Commerce in March, 1956, to the Minister of Northern Affairs and National Resources, led to the re-establishment of the Jasper Advisory Council. This development was predicated on the belief that the existence of a council would result in a closer co-operation between the citizens and park superintendent. The proposal had the approval of the Minister, and the organization committee received the assistance and co-operation of the Superintendent and the Chamber of Commerce in the

formation of the council. At an election held on December 1, 1956, six members of the new council were elected, two councillors representing each of three wards or sections of the townsites.⁷ Later C.E. Davignon was appointed chairman and H.T.R. Gilmore as secretary. A constitution drafted by the newly-formed council was approved by the Minister in February 1957.

The Jasper Advisory Council functioned for a comparatively brief period. An early problem was the matter of revenue required to finance its activities. In Banff, the local advisory council had overcome this difficulty by public subscription, and by the printing and sale of a promotional brochure. The Jasper Council made a proposal that the national park regulations be amended to permit the collection of a special tax, the proceeds of which would be made available for council expenses. As any measure of this nature would have entailed an amendment to the National Parks Act, it was turned down. Finally, discouraged by its failure to solve its financial problem, and the fact that some of its proposals respecting changes in park regulations and administrative policies were not accepted, the members of the Jasper Advisory Council resigned on June 3, 1958.

Waterton Park Council

A third advisory council was established at Waterton Lakes National Park Townsite in 1959. Its organization followed a meeting of the Minister, the Honourable Alvin Hamilton, with the Waterton Lakes Chamber of Commerce in October, 1958. An interim committee, appointed at a general meeting of the townsites residents, carried out the work of organization, which included attendance at a meeting of the Banff Advisory Council at Banff. A constitution was drafted by the committee and submitted to the Director of National Parks for consideration. It was subsequently approved with amendments by the Minister.⁸

The Waterton Park Advisory Council, elected by the park residents on May 15, 1959, originally consisted of five members, all of them residents of the townsites engaged in business pursuits.⁹ Frank Goble, who was active in the formation of the council, was selected as chairman and continued in that office for seven years. In December, 1960, the council amended its constitution to authorize the expansion of its membership to seven. This action permitted the representation of townsites lessees who did not reside in the park the year round, and of residents who were members of the Public Service of Canada. The enlarged council functioned in an energetic manner for several years by bringing to the attention of the park superintendent various matters of concern to the local residents. One of its early achievements was the formation in November 1961, of a volunteer fire brigade. In 1966, Chairman Goble announced his retirement from council activities for reasons of ill health, and following the death of his successor, Hugh Craig, interest in the council and its activities waned. Finally, at a meeting held June 22, 1970, for the purposes of accepting nominations, the Advisory Council decided to disband when no nominations were forthcoming.¹⁰ The disappearance of the Advisory Council left the Waterton

Park Chamber of Commerce as the remaining citizens' organization in the townsites.

In common with the Banff and Jasper Councils, that at Waterton Lakes also experienced difficulty in financing its operations. A recommendation made by the Institute of Local Government, commissioned in 1959 to report on administrative matters in three national parks in western Canada, advocated a grant by the Federal Government to the advisory councils. A submission made by the Minister of Northern Affairs and National Resources to the Treasury Board in August, 1960, recommended grants to the Banff and Waterton Councils, and to the Jasper Council if reconstituted. The Board, however, withheld approval, and suggested that the councils draw their financial support from local sources. The proposal was re-submitted to the Treasury Board in March, 1961, for consideration, and again the recommendation was rejected.

Chambers of Commerce

In several of the national parks, residents have formed either chambers of commerce or boards of trade. These bodies, however, are composed almost entirely of park residents engaged in business activity within the park, including the provision of visitor services. On the other hand, the Advisory Councils were intended to provide representation for a cross-section of townsites citizens at large, including members of the Public Service of Canada. For this reason, the national parks administration encouraged the formation and continued activity of Advisory Councils. Throughout the years following its formation in 1921, the Banff Advisory Council has maintained its standing as the main group representative of the citizens of Banff, in calling to the attention of the park superintendent, matters of concern requiring consideration. Conversely, in Jasper and Waterton Park Townsites, the Chambers of Commerce have, with public support, replaced the advisory councils as the medium of representation. Chambers of commerce also have functioned for a number of years in the Townsite of Waskesiu in Prince Albert National Park and the Townsite of Wasagamung in Riding Mountain Park. An advisory committee established in Point Pelee Park by residents occupying privately-owned lands in the park, had the opportunity of meeting with the Director, National and Historic Parks Branch, usually once a year, for discussion of matters affecting the residents. The gradual acquisition by the Crown of much of the freehold property within the park reduced the number of permanent residents and the Point Pelee Advisory Committee has consequently become relatively inactive.

References

- 1 Memorandum, Superintendent of Banff Park to Commissioner, June 21, 1928. National Parks Branch File B.155, Vol. 1
- 2 Minutes of Public Meeting, Banff, Alberta. National Parks Branch File B.155, Vol. 1, Feb. 28, 1921
- 3 Banff "Crag and Canyon", May 14, 1921
- 4 National Parks Branch File B.155, Vol. 1, Nov. 1, 1922
- 5 Ibid., December 21, 1925

- 6 National Parks Branch File J.155, Vol. 1, March 1, 1927
- 7 National Parks Branch File J.155, Vol. 2, Dec. 6, 1956
- 8 National Parks Branch File W.155, Vol. 2, Jan. 19, 1959
- 9 Ibid., May 21, 1959
- 10 National Parks Branch File 69/1-C7, July 3, 1970

Proposals for Self Government

Although park residents have had no part in the actual administration of the national parks, the formation of advisory councils and other citizen groups permitted the discussion of grievances and the submission of recommendations to park superintendents. Nevertheless, some problems generated by the collection of land rentals, charges for municipal services, and the imposition of business licence fees, gave rise to charges that park residents were subject to taxation without representation. Among the more vocal of the citizen groups in the national parks was the Jasper Chamber of Commerce, which, in January 1954, brought to the attention of the Minister of Resources and Development, its dissatisfaction with certain administrative actions relating to land rentals, townsite improvement, and access by road to outlying areas of Jasper National Park.¹

Later in the year the Minister, the Honourable Jean Lesage, met with members of the Chamber and discussed at some length, proposals which had been made on behalf of the park residents.² At this meeting, the Minister called attention to the fact that development of Jasper Park was limited by the funds made available by Parliament, and that the expenditure of appropriations provided was determined on a priority basis. Mr. Lesage also made the point that park residents were subject to federal park legislation, and that local control of taxation was not possible. He conceded however, that there was no objection to the formation of a community organization that could present to the Department, the opinions of the local population. A sequel to the meeting was the formation in 1956 of the Jasper Advisory Council.

Dissatisfaction at Jasper

Achievements of the new advisory council on behalf of Jasper residents apparently failed to satisfy members of the Jasper Chamber of Commerce, which represented largely the business community. Early in May, 1957, the president of the Chamber, R. Mohr, delivered an address at a conference on Northern Development in Edmonton, which was critical of the park administration. The Chamber followed up this expression of displeasure by submitting on August 29, a resolution to the Honourable Alvin Hamilton, recently appointed Minister of Northern Affairs and National Resources.³ The resolution deplored the status of park residents in matters of administration and called on the Government of Canada to give the residents of national parks representation with an effective voice in their own affairs. Without the knowledge of the Jasper Advisory Council, the Jasper Chamber of Commerce also sponsored a similar resolu-

tion which was presented at the annual meeting of the Canadian Chamber of Commerce at Vancouver in October, 1957.⁴ It called for a revision of the National Parks Act in order to provide local residents with an effective voice in their local government. The resolution was accompanied by a brief setting out in detail, specific proposals for changes in the administration of park regulations, policies, park lands, and park developments.

Institute of Local Government Study

In January, 1958, Mr. Hamilton met at Edmonton with representatives of the Edmonton and Jasper Chambers of Commerce and discussed proposals contained in the brief presented at Vancouver. Later in 1958, during the course of visits to the national parks in western Canada, Mr. Hamilton talked to the Advisory Councils and the Chambers of Commerce in Banff, Jasper and Waterton Lakes Parks. An outcome of these discussions was a proposal that the Minister institute a study by an independent authority on municipal and economic matters, with a view to ascertaining what form of local government might be extended to the residents of the three townsites concerned.⁵

Subsequently, the Institute of Local Government, Queens University, Kingston, was engaged by contract to undertake the study. The terms of reference required recommendations on the means by which and the extent to which local government could be established in Banff, Jasper and Waterton Parks Townsites, consistent with the objectives of the National Parks Act; ways and means of meeting the costs of local government; and legislative and other action required to implement any proposals made, if repugnant to the Act. The contract also required recommendations on methods of controlling businesses in each of the townsites in order to prevent use of the national parks for purposes inconsistent with the objectives of the National Parks Act; the content of leases and licences for the use of park lands required for residential purposes and the operation of necessary and desirable businesses, which the Institute considered fair and just to residents and business owners and the public of Canada; and the means by which recommendations made could be effected.

The study was undertaken by Professor K. Grant Crawford, Director of the Institute of Local Government, Queens University, and an associate, Dr. Stewart Fyfe, a lecturer in political science. Professor Crawford and Dr. Fyfe visited in turn the townsites of Banff, Jasper and Waterton Park between July 1 and July 17, 1959. During this period, they interviewed the superintendents of each park, and had discussions with members of the Advisory Councils in Banff and Waterton Park, and with former members of the Jasper Advisory Council. Interviews were obtained with members of the Chambers of Commerce in each townsite, and with the chairmen of the school boards in Banff and Jasper. A submission to the Minister from the Mountain Parks Motel Association was discussed with its representatives in Banff and Jasper.

The Institute's report was received by the Deputy Minister of Northern Affairs and National Resources late in March, 1960.⁶ It explored five principal fields —

local government, motels and bungalow camps, land rentals, business licences, and control of development. A supplement to the report, dealing with the length of leases of lands in national parks, was submitted by the Institute in June, 1960.

The report recognized that national park townsites have no exact counterpart elsewhere in municipal government in Canada. Banff, Jasper and Waterton Park are not towns in the accepted sense. They are a part of the parks and as such are subject to the principles guiding park development within the terms of the National Parks Act. The study group commended the advisory council principle of mutual consultation in a situation where, generally, the interest of the local people and the park administration must find common ground. A need for better communication between the National Parks Branch and the townsite residents and business men was stressed, and ways in which this situation could be remedied were proposed. The report also recommended an annual federal grant to the advisory councils in order to assist in their operation.

A feature of the report was the revelation that in none of the three parks visited "was there indicated any real desire for local self-government". Consequently the report recommended that no steps be taken to establish self-government because of the special situation and purposes of the parks. A brief submitted to Professor Crawford on December 22, 1959 by the Banff Advisory Council contained the following statement:

"Following an exhaustive study of the Government of Canada's present methods of administration of the national parks of Canada as it affects town residents within those parks, and following a further intensive study of possible advantages and/or disadvantages which residents would derive from full local autonomy, were it granted them, this Advisory Council declares itself most strongly opposed to any radical changes from the present system".⁷

The Jasper Chamber of Commerce, which sponsored the movement for self-government, experienced a change of heart. On July 6, 1959, it adopted the following resolution:

"Resolved that it is the unanimous opinion of the Jasper Chamber of Commerce that local self-government is not requested for the residents of Jasper".⁸

The report also records that at a joint meeting of the Waterton Park Advisory Council and the Waterton Lakes Park Chamber of Commerce, those present agreed that they did not want local self-government.

The report devoted considerable attention to a brief submitted by the Mountain Parks Motel Association, members of which operated visitor accommodation contained mainly in motel and cabin developments. The association was critical of prevailing policy relating to motels and cabin camps, and particularly those which were situated outside the park townsites. Existing legislation restricted the terms of leases covering sites outside townsites to twenty-one years. This restriction, the motel

operators claimed, created difficulties in financing development by way of a mortgage. Another matter of contention was the existing basis of rental for bungalow camps, based on a percentage of gross revenue derived from the rental of accommodation. Although the rental formula, in force since 1956, provided for rebates or allowances for depreciation and interest on the capital investment, the operators considered it compared unfavorably with the rental formula in townsites, which was based on a flat annual rental for each lot occupied.

The report recommended as an alternative, a rental based on six per cent of the assessed value of the land occupied, regardless of whether the site lay within or outside a park townsite. A supplementary report on the subject of leases prepared by the Institute of Local Government on request of the Department, recommended the retention of the existing terms of 42 years for lands occupied by accommodation developments within townsites, and 21 years for sites outside townsites, with provision for renewal of leases for additional terms not exceeding half the length of the original lease.

Business Licences

Discussions by the study team with representatives of citizen groups in the parks had produced complaints that business licence fees in the parks were excessive. Licence fees singled out for comment included those payable for the sale of spirits, wine and beer, which also were subject to provincial licensing. Other fees cited as inequitable were those collected on a "per room" basis for visitor accommodation. Another complaint charged that the number of licences required for certain businesses was unrealistic.

In commenting on these allegations, the report called attention to the fact that three years earlier, the Department has instituted a comparison of fees charged in some 22 towns in British Columbia, Alberta and Saskatchewan with those charged in national parks. This study has covered 81 distinct types of businesses or occupations licensed. In 24 categories, the licence fee charged in the national parks was the same or slightly higher than the average in the towns studied. In many other cases, the park fee was not substantially different. The report concluded that existing business licence fees in the parks were approximately what they would be, had park townsites been self-governing municipalities.

Implementation of the Crawford Report

The report of the Institute of Local Government — better known as the "Crawford Report", exerted considerable influence on the future administration of national parks in Canada. Its disclosure that local self-government no longer was an issue in parks containing large townsites was a matter of satisfaction to park authorities. After careful study, many of its recommendations were adopted and implemented. Improved public relations between park residents and administrators were achieved through more frequent meetings and closer liaison with the park citizens groups.

Following a review of the duties and responsibilities of the Regional Supervisor of Western parks, he was given extended supervision over matters affecting park admin-

istration. In October, 1963, the Minister of Northern Affairs and Natural Resources announced a reorganization of the National and Historic Parks Branch which involved the appointment of three Regional Directors to supervise administration of national park affairs in western Canada; in Ontario and Quebec; and in the Atlantic Province.

A review of the fees for business licences in the national parks was made in December, 1961 and January 1962. From this review stemmed revisions of a number of licence fees, and the standardization of fees for all types of visitor accommodation in the national parks. These revisions became effective on April 12, 1962.

The much debated matter of leases and rentals also received consideration. Following consultations at Banff between officers of the National and Historic Parks Branch and representatives of citizens groups in Banff, Jasper and Waterton Lakes Townsites including members of the Mountain Parks Motel Association, the Minister recommended to the Governor in Council changes in park regulations governing terms of leases in the parks. An order in council dated March 1, 1962 authorized the Minister to grant leases in townsites for the purposes of residence, trade, schools, churches, hospitals and places of entertainment for any term not exceeding 42 years, with the option of renewal for a further term not exceeding 21 years.⁹ Provided the land had been surveyed in accordance with the Canada Lands Surveys Act, similar lease terms were available to lessees of lands outside townsites utilized for the purposes of schools, hospitals, churches or the entertainment of persons visiting the park. Provision also was made for granting leases of lands outside townsites which were not surveyed, for terms not exceeding 10 years.

In January, 1962, Ministerial approval was given to a new land rental formula. Under the formula, rentals for townsite lots subject to review in 1960 would remain in force until 1970 at the rate established following a review in 1950. In January, 1970, a policy of basing land rentals on a percentage of the assessed value of the land occupied would be adopted. After 1970, rentals would be subject to review at 10-year intervals. As will be explained in a following chapter, some changes in the application of the proposed land rental basis were made before it became effective in 1970.

Operators of motels and bungalow camps who had paid rental on a percentage of receipts were offered an alternative rental arrangement. It provided for payment of a fixed annual rental to January, 1970, when the proposed change to a percentage of the assessed value of the land would become effective. Most operators of visitor accommodation accepted the offer.

Because of the numerous matters affecting zoning, appearance and control of development undertaken by private enterprise, and the provision of public facilities, the Crawford Report concluded that the retention of the services of a town planner to study the townsites of Banff, Jasper and Waterton Park should be considered.¹⁰ As proposed, the work of the consultant engaged would supplement that of the Park Planning Division on the

particular problems of urban-type development within the parks.

This recommendation was implemented by the engagement early in 1961 of a qualified town planner, Dr. Peter Oberlander of the University of British Columbia, to assist in the planning and zoning of Banff Townsite in collaboration with the Planning Division of the National Parks Service at Ottawa. Later Dr. Oberlander's contract was extended to incorporate a study of Jasper Townsite. The report on Banff was received in October, 1962 and that for Jasper in September, 1964. The reports provided a valuable basis for the development of town-planning for both townsites, and influenced the employment of planning consultants to study and report on other townsites in the western national parks.¹¹

Other Reports

National park administration in Canada also was affected by recommendations contained in the Report of the Royal Commission on Government Organization — better known as the Glassco Report. Appointed by the Government of Canada in September, 1960, the Commissioners included J. Grant Glassco of Toronto, R. Watson Sellar of Ottawa, and F. Eugene Therrien of Montreal. The Commission's terms of reference were to inquire into and report on the organization and methods of operation of Canadian Government departments, with a view to improving their efficiency and economy of operation through decentralization of operations, regrouping or redistribution of units of the public service, and by improved management of departments and agencies.

In the course of a study of the Department of Northern Affairs and Natural Resources, the national parks were reviewed as "special purpose lands". The Commissioners commented on the anomalous situation created by the provision of amenities and recreational facilities for millions of annual visitors, when the National Parks Act required the parks to be maintained "so as to leave them unimpaired for future generations". The Commissioners believed that the administration of park townsites had suffered by reason of the fact that it had not been functionally separated from the general park administration. Other facets of administration producing critical comment were inadequate communication between park administrators and concessionaires and residents of townsites; undue involvement of park managers in detailed problems on a day-to-day basis, compounded by the lack of authority to make on the spot decisions; failure to relate expenditures for local services in establishing the basis of charges to residents for utility and municipal-type services; and an illogical pattern of rentals collected for land used for residential and commercial purposes.¹²

The Commissioners recommended the abolition of the three small national parks in Ontario — a proposal that would have deprived provincial residents of representation in the National Park System. Another startling proposal called for vesting the operation of the federal parks system in an autonomous commission with senior park officers appointed by or on the recommendation of the Commissioners.¹³ As envisioned, the park headquar-

ters would preferably be close to the principal operations in western Canada, and the parks in the Atlantic provinces would be supervised through a regional headquarters in that area.

In conclusion, the Commissioners expressed the belief that the development and subsequent administration of a park townsite could not be accommodated within the regular administrative organization of a federal department. Extensive decentralization was considered necessary, and the best way of meeting special requirements generally would be through the establishment of a special type of municipal corporation.¹⁴

The conclusions of the Glassco Report relating to the administration of townsites in national parks led to yet another study. In September, 1964, Thomas C. Plunkett and Associates of Montreal were engaged by contract "to study and report on the factors involved in setting up a quasi-form of municipal government for Banff Townsite in Banff National Park". A municipal affairs consultant, Mr. Plunkett had served as a project officer for the Royal Commission on Government Organization and had acquired some knowledge of the administration of national parks in the course of the study. Plunkett's terms of reference required him to investigate and report on the desirability of having a form of government-established under federal or provincial legislation; to recommend an outline of the powers, duties and responsibilities to be assigned to a special type of municipal corporation for Banff Townsite; and to recommend methods of financing the undertakings of the proposed municipal corporation.

Mr. Plunkett visited Banff and Calgary where he had discussions with officers of the National Parks Branch. Later he consulted provincial authorities in Edmonton and senior officers of the Department of Northern Affairs and National Resources in Ottawa. His report was submitted in February, 1965.¹⁵ It included recommendations for a form of municipal government for Banff Townsite; suggested the manner in which such a form of government could be created by legislation; outlined a suitable relationship between the proposed municipal corporation and the national park administration; reviewed the relationship between the authority contained in the National Parks Act and the authority recommended for the proposed municipal corporation; and suggested methods of financing the municipal corporation as proposed.

Details of the report and the recommendations of Thomas Plunkett and Associates were not made public, and no steps were taken to institute any form of municipal government for park townsites. However, an important recommendation made by Dr. Oberlander and supported by Mr. Plunkett was implemented on August 1, 1966, when a townsite manager for Banff was appointed. A similar appointment was made at Jasper Townsite on January 19, 1970.

Autonomy Movement Revived

Dissatisfaction among residents of Banff and Jasper townsites over departmental policies relating to leasehold tenure, land rentals, land appraisals, and what was considered "taxation without representation", helped generate a revival of interest in self-government. The

pressure was stronger at Jasper, where several influential members of the community took the initiative. In an endeavour to explain policies and procedures, the Minister and senior officers of Parks Canada held meetings with citizens' groups in both townsites at frequent intervals from 1968 to 1973. Efforts also were made by the Minister to have a Citizens Advisory Council re-established in Jasper.

In June, 1969, the Senior Assistant Deputy Minister, J.H. Gordon, accompanied by officers of the National Parks and Historic Sites Branch, held a lengthy meeting in Jasper with a committee composed of members of the Jasper School Board, business men and residents, in which ways and means of greater participation by the townspeople in the administration of the townsite was reviewed.¹⁶ A proposal was made by the Jasper representatives that the operation and maintenance of all municipal and utility services would be operated by the residents. This proposal was unacceptable to the departmental officers, who explained that the National Parks Act would not permit such action, and that responsibility for a visitors services centre such as Jasper could not be divorced from total park responsibility. Agreement, however, was reached on the desirability of having an economic consultant engaged to analyze the viability of business operations in the park.

This meeting led to the engagement of a Canadian firm, Acres Western Limited of Calgary, Alberta, to undertake the study. It was sponsored jointly by the Department and the Jasper Park Chamber of Commerce, with the cost shared evenly by the sponsors. The report was completed in June, 1971. Among the conclusions incorporated in the report was that the long-term projected visitor growth rate favoured business viability, and that, subject to sound management, businesses in Jasper were capable of making an acceptable rate of return on capital invested under the terms of a 42-year terminable lease.¹⁷

Early in 1970, the Minister requested his Parliamentary Secretary to look into park leasehold and townsite matters. In the course of these investigations, officers of the Alberta Department of Municipal Affairs were interviewed. They agreed to prepare a report on the relative merits of autonomy for national park townsites in Alberta. In February, 1971, the Senior Assistant Deputy Minister of Indian Affairs and Northern Development offered his counterpart, the Deputy Minister of Municipal Affairs, full co-operation in any study undertaken to prepare a report. Detailed information, such as the value of certain assets in the park townsites including utility systems, streets, municipal type lands, buildings and equipment, was provided through the Regional Director of National Parks for the Western Region.

Meanwhile, plebiscites held in January, 1970 in the townsites of Banff and Jasper under the auspices of the local school boards indicated that a majority of those voting were in favour of having the townsites operated as municipalities under the Province of Alberta. However, the total number of residents voting in the plebiscites was less than half of those eligible. In April, 1970 the Banff and Jasper School Boards petitioned the Minister of Indian Affairs to arrange with the province for the

transfer of the townsites and a surrounding area to provincial jurisdiction.

The Banff-Jasper Autonomy Report, completed in March, 1972, was tabled in the Provincial Legislature on April 7, 1972. Copies were received by the Honourable Jean Chrétien, Minister of Indian Affairs a few days later.¹⁸ The report concluded with the statement that the communities of Banff and Jasper were capable, financially and otherwise, of operating as autonomous towns. It also outlined the steps necessary to effect a transfer of the townsite areas to provincial jurisdiction, should the governments of Canada and Alberta so agree.

Although no formal action was taken on the Autonomy Report following its receipt, a careful review of the document by officers of Parks Canada disclosed that the report appeared to be oriented toward supporting the need for local autonomy rather than evaluating such need. The report, however, was considered to be a timely contribution to the controversial matter of park townsite status, and its contents should prove useful in the completion of the study undertaken by the Parliamentary Secretary.

Consultation between officers of Parks Canada and representatives of citizens groups eventually led to a better understanding of the problems attending proposals for self-government. In April, 1973, the Assistant Director of National Parks, S.F. Kun, accompanied by senior staff of the Western Region, met with the president and members of the Banff Advisory Council and its solicitor, to explore areas of townsite administration and management in which it was believed the Council might have opportunities for greater involvement in townsite affairs.¹⁹

At the meeting, members of the Council contended that much of the confusion and discontent among community residents lay in the current system of land leasehold and rentals. A solution proposed was a new formula involving a nominal land rental supplemented by a type of municipal tax based on the cost of providing municipal services.

The President of the Banff Council also observed that he did not believe in complete autonomy, but felt that the community should be responsible for solving local problems, including matters such as town traffic, parking, building and zoning, control of domestic animals or pets, and similar matters. Officers of Parks Canada attending the meeting informed Council members that park townsites lands must remain Crown lands, and that the National Parks Act and policies would continue to apply. It was agreed, however, that the Assistant Director of Parks would discuss with his director the proposal for a nominal rental and a municipal tax, and that implications and alternatives could be discussed at a meeting to be held later.

Later, the Minister approved of guide-lines by which park officers would be influenced. Briefly, these guide-lines provided that (a) townsites shall remain a part of the National Parks System; (b) any proposal involving a greater participation in government by the Council must be possible with the existing authority and intent of the National Parks Act; moreover, any proposal or request must be considered in the context of its effect on the

national parks and park communities within the system; (c) the opinion of representative groups in parks communities must be invited and considered.²⁰

The Minister also agreed that the Council should be informed that any well-developed recommendation that developed from a study undertaken by that body would be considered, and that the Council could expect federal assistance for fact-finding studies that might reasonably be required in the development and analysis of various concepts. The Minister, the Honourable Jean Chrétien, met with members of the Banff Advisory Council on June 23, 1973. Those present at the meeting were informed that additional authority which would permit the local council to deal more directly with local problems would be forthcoming.

References

- 1 Department of Northern Affairs and National Resources, Ottawa. National Parks Branch File J.155, Vol. 2, Jan. 14, 1954
- 2 Ibid., 3 July, 1954
- 3 Ibid., 29 Aug. 1957
- 4 Ibid., 8 Oct., 1957
- 5 Department of Northern Affairs and National Resources, Ottawa. National Parks Branch File U.155, Vol. 1, Memorandum Deputy Minister to Director, National Parks Branch, Sept. 27, 1958
- 6 Report of the Institute of Local Government, Queens University, Kingston, respecting certain aspects of the operation of Banff, Jasper and Waterton Lakes National Parks and the townsites therein. National Parks Branch, 1960
- 7 Ibid., page 6
- 8 Ibid., page 5
- 9 Order in Council P.C. 1962-268, March 1, 1962
- 10 Report of the Institute of Local Government, page 99
- 11 Oberlander, Peter. (a) Urban Development Plan for Banff, Alberta. Vancouver, 1961; (b) Urban Development Plan, Jasper, Alberta. Vancouver, 1963.
- 12 Report of the Royal Commission on Government Organization, Volume 2, Queens Printer, Ottawa, 1962. page 38
- 13 Ibid., page 39
- 14 Ibid., page 40
- 15 National Parks Branch File B.172-37, Vol. 2
- 16 Report on meeting held with Jasper Park citizens groups, June 10, 1969. National Parks Branch File 65/5-L2, Vol. 1
- 17 National Parks Branch File 65/5-L2 Vol. 3
- 18 Letter from the Hon. D.R. Getty to the Hon. Jean Chrétien, April 11, 1972. National Parks Branch File 65/5-L2, Vol. 3
- 19 Notes on meeting with Banff Advisory Council, April 10, 1973. National Parks Branch File 62/1-C7, Vol. 5
- 20 Ibid. Memorandum, May 28, 1973, Deputy Minister to Minister

Appendices

Appendix I

Directory of Ministers and Senior Officials of the Department of Indian Affairs and Northern Development and its Predecessors

Departments

Department of Interior,
July 1, 1873 — Nov. 30, 1936
Department of Mines and Resources,
Dec. 1, 1936 — Jan. 17, 1950
Department of Resources and Development,
Jan. 18, 1950 — Dec. 15, 1953
Department of Northern Affairs and National
Resources,
Dec. 16, 1953 — Sept. 30, 1966
Department of Indian Affairs and Northern
Development,
Oct. 1, 1966

Ministers

Department of the Interior

Hon. Alexander Campbell,
July 1, 1873 — Nov. 6, 1873
Hon. David Laird,
Nov. 7, 1873 — Oct. 6, 1876
Hon. Richard W. Scott (acting),
Oct. 7, 1876 — Oct. 23, 1876
Hon. David Mills,
Oct. 24, 1876 — Oct. 8, 1878
Rt. Hon. Sir John A. Macdonald,*
Oct. 17, 1878 — Oct. 16, 1883
Hon. Sir David L. Macpherson,
Oct. 17, 1883 — Aug. 4, 1885
Hon. Thomas White,
Aug. 5, 1885 — April 21, 1888
Rt. Hon. Sir John A. Macdonald (acting),
May 8, 1888 — Sept. 24, 1888
Hon. Edgar Dewdney,
Sept. 25, 1888 — Oct. 16, 1892
Hon. Thomas Mayne Daly,
Oct. 17, 1892 — April 27, 1896
Hon. Hugh J. Macdonald,
May 1, 1896 — July 8, 1896
Hon. Richard W. Scott (acting),
July 17, 1896 — Nov. 16, 1896
Hon. Clifford Sifton,
Nov. 17, 1896 — Feb. 28, 1905

Rt. Hon. Sir Wilfrid Laurier (acting),
March 13, 1905 — April 7, 1905
Hon. Frank Oliver,
April 8, 1905 — Oct. 6, 1911
Hon. Robert Rogers,
Oct. 10, 1911 — Oct. 28, 1912
Hon. William J. Roche,
Oct. 29, 1912 — Oct. 12, 1917
Hon. Arthur Meighen,
Oct. 12, 1917 — July 10, 1920
Hon. Sir James A. Lougheed,
July 10, 1920 — Dec. 29, 1921
Hon. Charles Stewart,
Dec. 29, 1921 — June 28, 1926
Hon. H.H. Stevens (acting),
June 29, 1926 — July 12, 1926
Hon. R.B. Bennett (acting),
July 13, 1926 — Sept. 25, 1926
Hon. Charles Stewart,
Sept. 26, 1926 — Aug. 7, 1930
Hon. Thomas G. Murphy,
Aug. 7, 1930 — Oct. 23, 1935
Hon. Thomas A. Crerar,
Oct. 23, 1935 — Nov. 30, 1936

Department of Mines and Resources

Hon. Thomas A. Crerar,
Dec. 1, 1936 — April 17, 1945
Hon. James A. Glen,
April 18, 1945 — June 10, 1948
Hon. James A. MacKinnon,
June 11, 1948 — March 31, 1949
Hon. Colin W.G. Gibson,
April 1, 1949 — Jan. 17, 1950

*From May 7, 1880 to Nov. 30, 1936, Ministers of the Interior also functioned as Superintendents-General of Indian Affairs.

Department of Resources and Development

Hon. Robert H. Winters,
Jan. 18, 1950 — Sept. 16, 1953
Hon. Jean Lesage,
Sept. 17, 1953 — Dec. 15, 1953

Department of Northern Affairs and National Resources

Hon. Jean Lesage,
Dec. 16, 1953 — June 21, 1957
Hon. Douglas Harkness,
June 21, 1957 — Aug. 18, 1957
Hon. Alvin Hamilton,
Aug. 22, 1957 — Oct. 10, 1960
Hon. Walter G. Dinsdale,
Oct. 11, 1960 — April 21, 1963
Hon. Arthur Laing,
April 22, 1963 — Sept. 30, 1966

Department of Indian Affairs and Northern Development

Hon. Arthur Laing,
Oct. 1, 1966 — July 5, 1968
Hon. Jean Chrétien,
July 6, 1968 — Aug. 7, 1974
Hon. Judd Buchanan,
Aug. 8, 1974 — Sept. 14, 1976
Hon. W. Warren Allmand,
Sept. 15, 1976 — Sept. 16, 1977
Hon. J. Hugh Faulkner
Sept. 16, 1977

Deputy Ministers***Department of the Interior***

E.A. Meredith,
July 1, 1873 — Oct. 8, 1878
William Buckingham,
Oct. 8, 1878 — Nov. 14, 1878
John S. Dennis,
Nov. 14, 1878 — Dec. 31, 1881
Lindsay Russell,
Jan. 1, 1882 — June 30, 1883
Alex. M. Burgess,
July 1, 1883 — March 31, 1897
James Allan Smart,
April 1, 1897 — Dec. 31, 1904
W.W. Cory,
Jan. 1, 1905 — March 31, 1931
H.H. Rowatt,
April 1, 1931 — April 30, 1934
(Vacant)
May 1, 1934 — Aug. 17, 1935
James M. Wardle,
Aug. 18, 1935 — Nov. 30, 1936

Department of Mines and Resources

Charles Camsell,
Dec. 1, 1936 — Dec. 31, 1945
(Vacant)
Jan. 1, 1946 — March 14, 1947
Hugh L. Keenleyside,
March 15, 1947 — Jan. 18, 1950

Department of Resources and Development

Hugh L. Keenleyside,
Jan. 18, 1950 — Sept. 24, 1950
Major-Gen. Hugh A. Young,
Oct. 1, 1950 — Nov. 14, 1953

Department of Northern Affairs and National Resources

R. Gordon Robertson,
Nov. 15, 1953 — June 30, 1963
Ernest A. Côté,
July 1, 1963 — Oct. 1, 1966

Department of Indian Affairs and Northern Development

Ernest A. Côté,
Oct. 1, 1966 — Feb. 29, 1968
John A. MacDonald,
March 1, 1968 — Jan. 15, 1970
H. Basil Robinson,
Jan. 15, 1970 — Dec. 13, 1974
Arthur Kroeger,
Dec. 20, 1974

Assistant Deputy Ministers

(Conservation — Parks Canada Programs)

Department of Resources and Development

C.W. Jackson,
April 1, 1950 — Dec. 15, 1953

Department of Northern Affairs and National Resources

C.W. Jackson,
Dec. 16, 1953 — April, 1957
E.A. Côté,
April, 1957 — June 30, 1963
J.A. MacDonald,
Jan. 13, 1964 — Sept. 30, 1966

Department of Indian Affairs and Northern Development

J.A. MacDonald,
Oct. 1, 1966 — Feb. 29, 1968
J.H. Gordon,
March 1, 1968 — Nov. 14, 1973
A.T. Davidson
Nov. 15, 1973

Appendix II***Senior Officers of Parks Canada and its Predecessors******Department of the Interior******Dominion Parks Branch (Sept. 1911)***

J.B. Harkin, Commissioner of Dominion Parks,
Sept. 1911 — March 1921

Canadian National Parks Branch (April, 1921)

J.B. Harkin, Commissioner of Canadian National
Parks,
April 1921 — March 1926

National Parks Branch (April, 1926)

J.B. Harkin, Commissioner of National Parks,
April 1926 — Nov. 1936

Department of Mines and Resources

Lands, Parks and Forests Branch (Dec. 1, 1936)

R.A. Gibson, Director,
Dec. 1936 – Oct. 1947

Lands and Development Services Branch (Nov. 1, 1947)

R.A. Gibson, Director,
Nov. 1947 – Jan. 1950

Department of Resources and Development

Development Services Branch (Jan. 18, 1950)

R.A. Gibson, Director,
Jan. 1950 – Nov. 1950

National Parks Branch (Dec. 1, 1950)

James Smart, Director,
Dec. 1950 – Feb. 1953
James A. Hutchison, Director,
March 1953 – Dec. 1953

Department of Northern Affairs and National Resources

National Parks Branch (Dec. 16, 1953)

James A. Hutchison, Director,
Dec. 1953 – July 1957
J.R.B. Coleman, Director,
Aug. 1957 – April 1965

National and Historic Resources Branch (May 1, 1965)

J.R.B. Coleman, Director,
May 1965 – July 1966

National and Historic Parks Branch (Aug. 1966)

J.R.B. Coleman, Director,
Aug. 1966 – Oct. 1966

Department of Indian Affairs and Northern Development

National and Historic Parks Branch (Nov. 1966)

J.R.B. Coleman, Director,
Nov. 1966 – April 1968
John I. Nicol, Acting Director,
May 1968 – Dec. 1968
John I. Nicol, Director,
Jan. 1969 – April 1973

Assistant Director (National Parks)

Alex. J. Reeve,
Sept. 1961 – April 1969
Peter B. Lesaux,
July 1969 – May 1972
Ronald P. Malis,
May 1972 – April 1973

Assistant Director (General)

John I. Nicol,
Nov. 1963 – April 1968
J.J.L. Charron,

Jan. 1969 – April 1971
P.A.H. Franche,
April 1971 – April 1973

Assistant Director (Historic Parks)

Peter H. Bennett,
Jan. 1967 – April 1973

Parks Canada (April, 1973)

John I. Nicol, Director-General
April 1973

National Parks Branch

Stephen F. Kun, Director,
April 1973

Policy, Planning and Research Branch*

Pierre A.H. Franche, Director,
April 1973 – April 1974

Historic Parks and Sites Branch

Peter H. Bennett, Director,
April 1973 – Oct. 1974
Henri Têtu, Director,
Nov. 1974

Program Co-ordination Branch

L.H. Robinson, Director,
Oct. 1974 – Dec. 1975
R.G. Glencross, Acting Director,
Sept. 1975 – Jan. 1976
G.A. Yeates, Director,
Jan. 1976

Agreements for Recreation and Conservation Branch

R.W. Maslin, Director,
April 1974

Liaison and Consultation Group

Peter H. Bennett, Co-ordinator,
Nov. 1974

Program Policy Group

H.K. Eidsvik, Senior Policy Advisor,
April 1975

*Functions absorbed in 1974 by other branches

Regional Directors

Western Region (Divided 1973 into Western and Prairie Regions)

B.I.M. Strong,
Jan. 1964 – Sept. 1966
D.B. Coombs,
Oct. 1966 – Feb. 1968
William McKim,
March 1968 – May 1970
R.P. Malis,
June 1970 – May 1972

L.H. Robinson,
May 1972 – Oct. 1974
W.C. Turnbull,
Oct. 1974

Prairie Region

R.P. Malis,
April 1973

Central Region (Divided 1973 into Ontario and Quebec Regions)

D.B. Coombs,
Feb. 1964 – Sept. 1966
G.H.L. Dempster,
Sept. 1966 – April 1969
J.J. Seguin,
April 1969 – April 1973

Ontario Region

D.A.H. Farmer (Acting),
April 1973 – Nov. 1974
J.C. Christakos,
Dec. 1974

Quebec Region

J.J. Seguin,
April 1973 – July 1975
Patrice Dionne,
July 1975

Atlantic Region

G.L. Scott,
June 1964 – June 1965
H.A. Johnson (Acting),
April 1965 – Sept. 1965
R.P. Malis (Acting),
Oct. 1965 – Sept. 1966
B.I.M. Strong,
Sept. 1966 – April 1968
L.H. Robinson,
May 1969 – May 1972
P.A. Thomson (Acting),
May 1972 – April 1973
P.A. Thomson,
April 1973

Appendix III

Division Heads of National Parks Service and Its Predecessors

Department of Mines and Resources

National Parks Bureau (Dec. 1, 1936)

Frank H.H. Williamson, Controller,
1936-1941
James Smart, Controller,
1941-1947

National Parks Service (Nov. 1, 1947)

James Smart, Controller,
1947-1950

Department of Resources and Development

National and Historic Sites Division (Jan. 18, 1950)

James Smart, Chief,
Jan. 1950 – Nov. 1950
J.R.B. Coleman, Chief,
Dec. 1950 – Aug. 1955

Department of Northern Affairs and National Resources

National Parks Service (Sept. 1, 1955)

J.R.B. Coleman, Chief,
Sept. 1955 – July 1957
B.I.M. Strong, Chief,
Oct. 1957 – Nov. 1963
W.W. Mair, Chief,
Dec. 1963 – Aug. 1966 (On Aug. 5, 1966, the National Parks Service was sub-divided into two separate divisions, Operations and Planning)

Operations Division

W.W. Mair, Chief,
Aug. – Sept. 1966

Department of Indian Affairs and Northern Development

J.J.L. Charron, Chief,
June 1967 – Dec. 1968
Louis Lemieux, Chief,
Aug. 1969 – May 1970

Planning Division

Lloyd Brooks, Chief,
Aug. 1966 – May 1968
H.K. Eidsvik, Chief,
Oct. 1968 – Nov. 1974

Note: Between 1969 and 1971, a series of changes in branch organization had the effect of creating several new divisions, which absorbed some of the duties and functions of the National Parks Operations Division, which in 1971 became known as the Operations Policy Division. The foregoing list of former National Parks Service personnel is included for the purpose of record.

Appendix IV

Legislation Relating to the National Parks of Canada

- 1 *Dominion Lands Act, 1883* – 46 Victoria, Chapter 17
As amended 1884 by 47 Victoria, Chapter 25
Dominion Lands Act, R.S.C. 1886 Chapter 54
Dominion Lands Act, R.S.C. 1906 Chapter 55
- 2 *Rocky Mountains Park Act, 1887* – 50-51 Victoria, Chapter 32

- As amended 1902 by 2 Edward VII, Chapter 31
- As amended 1906 by 6 Edward VII, Chapter 44
- 3 *Dominion Forest Reserves Act 1906* — 6 Edward VII, Chapter 14
- 4 *Dominion Forest Reserves and Parks Act, 1911* — 1-2 George V, Chapter 10
 - As amended 1913 by 3-4 George V, Chapter 18
 - As amended 1914 by 4-5 George V, Chapter 32
 - As amended 1916 by 6-7 George V, Chapter 15
 - As amended 1918 by 8-9 George V, Chapter 4
 - As amended 1919 by 9-10 George V, Chapter 17
 - As amended 1919 by 9-10 George V, Chapter 49
 - As amended 1923 by 13-14 George V, Chapter 13
- 5 *Dominion Forest Reserves and Parks Act, R.S.C. 1927* Chapter 78
 - As amended 1928 by 18-19 George V, Chapter 20
- 6 *An Act relating to the submission to Parliament of certain Regulations and Orders in Council, 1928* — 18-19 George V, Chapter 44
- 7 *National Parks Act, 1930* — 20-21 George V, Chapter 33
- 8 *An Act respecting the Waterton-Glacier International Peace Park 1932* — 22-23 George V, Chapter 55
- 9 *Nova Scotia and Prince Edward Island National Parks Act, 1936* - 1 Edward VIII, Chapter 43
- 10 *National Parks Act, 1937* — 1 George VI, Chapter 35
 - An Act respecting the establishment of a national park in the Province of New Brunswick and to amend the Nova Scotia and Prince Edward Island National Parks Act, 1936.
- 11 *National Parks (Amendment) Act, 1938* — 2 George VI, Chapter 35. Abolished Wawaskesy Park and amended boundaries of Elk Island and Prince Edward Island National Parks
- 12 *National Parks Boundaries (Amendment) Act, 1946* — 10 George VI, Chapter 9
- 13 *National Parks (Amendment) Act, 1947* 11 George VI, Chapter 66. Abolished Nemiskam and Buffalo Parks, amended the boundaries of several other parks, and amended Section 7 of the Act
- 14 *National Parks (Amendment) Act, 1948* — 11-12 George VI, Chapter 18. Repealed the schedule to the Act and substituted therefor a new schedule
- 15 *National Parks (Amendment) Act, 1949* — 13 George VI, Chapter 5
- 16 *National Parks (Amendment) Act, 1950* — 14 George VI, Chapter 45
- 17 *National Parks Act, R.S.C. 1952* — Chapter 189
- 18 *National Parks (Amendment) Act, 1953* — 2-3 Elizabeth II, Chapter 6
- 19 *National Parks (Amendment) Act, 1955* — 3-4 Elizabeth II, Chapter 37. Provided authority for the establishment of a national park in Newfoundland
- 20 *National Parks (Amendment) Act, 1956* — 4-5 Elizabeth II, Chapter 31. Amended the boundaries of Cape Breton Highlands National Park
- 21 *National Parks (Amendment) Act, 1958* — 7 Elizabeth II, Chapter 8. Amended the boundaries of Cape Breton Highlands National Park
- 22 *National Parks Act, R.S.C. 1970* — Chapter N — 13
- 23 *National Parks (Amendment) Act, 1974* — 23 Elizabeth II, Chapter 11. Repealed the descriptions of

Fort Anne and Fort Beauséjour Parks, amended the description of Terra Nova Park, established Kejimikujik and Forillon National Parks, and made provision for the creation of Pacific Rim, Pukaskwa, La Mauricie, Kouchibouguac and Gros Morne National Parks by proclamation.

Chapter 5

Land and Lease Problems

~ 1885 TO 1973 ~

Introduction

Land use, with its attendant problems, forms a very interesting phase of national park administration. When the first national park in Canada was created at Banff in 1887, the Park Superintendent became involved in a controversy over the disposition of townsite lots required by entrepreneurs and residents. Land use policy had been changed at Ottawa almost overnight, and prospective purchasers of townsite lots found themselves occupying the role of lessees. The form of lease first offered by the Crown was almost totally rejected by the lessees. An acceptable lease vested in the leaseholders, rights comparable to those contained in a freehold title.

During ensuing years, the form of lease authorizing occupation of park lands has undergone many changes, particularly those which affected the review and payment of rental. The terms of the early leases provided for payment of an annual rental fixed for the entire term of 42 years. The rate of rental originally was based on a percentage of the value of the land occupied. A "fixed" rental favoured the lessee, because the annual payment failed to reflect the increasing value of the leasehold. The opening of townsites in other parks, notably in Jasper and Waterton Lakes, led to changes in the form of lease granted to applicants, including a decennial review of rental. Lessees at Banff, however, enjoyed the advantages of the original lease form for many years.

Early attempts by senior park administrators to invoke increases in land rentals met with little success. The recommendations of a commission on which the park residents were represented were rejected by the leaseholders. Eventually, moderate increases in land rental rates were achieved by negotiation.

In 1958, the provision in park leases of a right to perpetual renewal, inherent since 1887, was deleted from new leases. A major revision in leasehold policy, announced in 1965 by the federal minister responsible for national parks, was bitterly opposed by leaseholders. A major cause for protest was a decision to ignore the right to perpetual renewal contained in expiring leases. Redress was sought in the courts, which sustained the appeals of two leaseholders, and led to the restoration by the minister of the rights to renewal previously held.

Plans announced in 1961 to review park rentals in 1970 and apply a rental formula recommended by a team of consultants also met with opposition. The rental formula adopted provided for a rental rate based on a percentage of the market value of the land as determined by independent appraisers. A review board, established to hear appeals of leaseholders from the valuation placed on lands occupied, recommended many adjustments which were made. A small minority decided to exercise a right contained in their leases whereby the rental could be determined in a court of law.

Early Leasing Policy

When the founding fathers of Canada's national park system made provision in the Rocky Mountains Park Act of 1887 for the disposal of land by lease for the purposes of trade, industry and ordinary habitation, they initiated a phase of administration that would bother park officials for many years to come. The terms for which leases

were drawn, the rates of rental to be charged, and the right to perpetual renewal would, collectively and separately, produce problems requiring extended negotiation, frequent legislation and considerable pacification.

While the survey of Banff Townsite was under way in 1886, George Stewart, the surveyor and later the park superintendent, was advised by the Departmental Secretary, John Hall, that lots in the townsite north of the Bow River would be sold, and that leases would be issued for villa lots in the park reservation south of the river.¹ In his letter of October 20, Mr. Hall also asked Mr. Stewart for an opinion on the value which should be placed on the townsite lots. Stewart was informed that the minister considered that the prevailing price for lots in Calgary — \$75 for corner lots and \$50 for inside lots — "would probably be about right".

In reply, Stewart agreed that these figures were fair and reasonable as average prices, provided the location of lots should determine the final price. On November 24, Stewart forwarded to the Deputy Minister a copy of his preliminary plan for the "town plot", together with a list of the lots he had sold. A list of villa lots for which applications had been received was also included, for which an annual rental of \$30 was suggested.² Valuations on the lots sold ranged from a high of \$200 for a corner lot on Banff Avenue to \$50 for an inside lot on Bear or Beaver Streets. Further sales were suspended by the Deputy Minister pending a decision on what lands would be required by the Canadian Pacific Railway Company, if its divisional point was moved from Canmore to Banff. Meanwhile, execution of deeds or leases of lots at Banff was not possible until statutory authority had been provided and survey plans had been approved by the Surveyor General.

By April, 1887, the Hon. Thomas White, Minister of the Interior, was in a position to introduce in Parliament a bill to establish Banff National Park and authorize regulations for its administration. As originally drawn, the draft bill provided for the lease or sale of lands within the park, but before it received final reading on May 6, Section 4 of the proposed act had been altered to restrict disposal of land only by lease. Concurrently, Park Superintendent Stewart was advised by telegram that "lots within Park Reservation including townsite can only be leased, not sold".³

The new act, which established Rocky Mountains Park, came into force on June 23, 1887, when it received royal assent. It made provision for the establishment of regulations by the Governor in Council for:

"The lease for any term of years of such parcels of land in the park as he deems advisable in the public interest for the construction of buildings for ordinary habitation and purposes of trade and industry, and for the accommodation of persons resorting to the park".

On June 24, the day after the act received assent, Deputy Minister Burgess informed Superintendent Stewart that regulations would be framed governing the class of buildings that might be erected in the townsite and in the park, and that he should arrange with those

who had made deposits on purchases of lots to convert such purchases into leases. The rental for each lot was to be calculated on the basis of 10 per cent of the price which had been fixed by the superintendent, together with \$2 additional per annum to cover the expenses of administration.⁴ The percentage of land value was to remain, for the next 40 years, the basic formula for fixing lot rentals in the parks.

First Lease Form

In December, 1887, T.G. Rothwell, Legal Adviser of the Department of the Interior, was requested by the Departmental Secretary to prepare a form of lease for park lands under the authority of the new Rocky Mountains Park Act. The completed draft lease provided for a term of 21 years at a fixed rental per year, and with no privilege of renewal. It was approved by the Minister and at his request, referred to the Minister of Justice for comment. On its return to the Deputy Minister of the Interior, second thoughts on the matter of renewal led to amendments. On request, the Department of Justice drafted additional clauses providing for a renewal of the original term of 21 years, further renewals, "and so on forever", subject to a review of the rental by the Minister at the end of each renewal term.⁵

The evolution of the so-called "perpetual renewal lease" no doubt had its beginning six months earlier when the bill to establish Rocky Mountains Park was debated in Parliament. In the closing hours of the debate on May 3, 1887, the leader of the opposition, Sir Richard Cartwright, suggested a time limit be established for leases of park lands. The Prime Minister, Sir John A. Macdonald, replied in part:

"There is an objection to fixing a limit . . . we cannot say what length of time we can get people to take leases for in order to induce them to put up handsome buildings. Twenty-one years are suggested as sufficient, but people will not build handsome houses on 21-year leases. If there is to be a limit at all, there must be the right of renewal. I think the honourable gentleman and the House may trust any government with the settlement of that question in the interest of the property".⁶

Although the first park regulations which authorized the Minister to issue leases for terms of 21 years were not established until November, 1889, the new lease form was used in 1888. The first lease, dated April 30 of that year, was issued to Dr. R.H. Brett covering the site of the Sanitarium Hotel. The new lease form, however, was not acceptable to most of the citizens of Banff, particularly those who had made deposits on lots for which they had expected a title in fee simple. Mr. Rothwell was sent to the park late in 1889 to report on the matter. Following consideration of his report, the park regulations were amended effective July 1, 1890, to provide for the issue of leases for a term of 42 years with a right to subsequent renewals for terms of 42 years.⁷

Mr. Rothwell's investigation had led him to believe that lots in Banff Township should be sold. His original report of January 3, 1890, is not available, but almost

sixteen years later to the day, when an amendment to the Rocky Mountains Park Act permitting the sale of lots was under consideration, he reviewed his earlier findings in a memorandum to the Deputy Minister dated January 4, 1906.⁸

"Before the above-mentioned Act became law, a number of lots (in Banff) had actually been sold, and after the Act became law the purchasers were refused any title but a leasehold title, and the lease which was then submitted was for a very short term only, 21 years with the right of renewal. It was also objectionable in other respects to not only those who had expected a fee simple title; but to those who were willing to accept a lease

"My views did not however, meet with approval. On the contrary, the then Minister and Deputy Minister and the then Secretary and Superintendent of the Park and the then Superintendent of Mines (Mr. Pearce) who were present in the Minister's room when I pressed the views set out in the report referred to, all disagreed with me. The lands in the Yellowstone and other parks of the United States were only disposed of by lease — it had been agreed with the Canadian Pacific Railway Company not to sell any lands in the park — a large amount of money has been and would have to be expended in the Banff townsite — and other reasons were considered sufficient for adhering to the decision not to sell any lands within the boundaries of the Rocky Mountains Park".

"I then submitted the present form of lease, which was satisfactory to all who were willing to accept a leasehold title, and it was approved and has since been used. Its term, though only one of forty-two years, is virtually forever, as under its renewal conditions the term may be renewed for a term of similar length and so on forever

"A change in the policy of disposal of lots in Banff will not only call for an amendment of the Park Act. It may also entail the consideration of some old claims, and will certainly call for the sale of all lots in Banff now under lease. It would be most unfair to allow all new applicants a better title than those who have accepted the Department's policy and taken leases. It will also result in placing Banff under the municipal laws of the Province of Alberta".

By July, 1890, the revised lease form (202 X) providing for terms of 42 years, and perpetual renewals for similar periods, was available for use. Leaseholders who had accepted the original 21-year lease form were permitted to exchange them for leases having the longer term. The Department also issued leases to Banff residents who had declined to accept the original form. In some cases, the long-deferred leases, although executed in 1891 or later, were back-dated to 1887. This arrangement permitted acceptance of assignments of leasehold interest made by holders of lots before the lease-form controversy was settled.

The lease authorized by the 1890 park regulations actually was printed in two forms. One, designed for use in the Townsite of Banff, permitted use of the lot for any purpose other than those enumerated in a special restrictive clause, except with written permission of the Minister. These exceptions included use of the lot for the purposes of an hotel, saloon, drug store, abattoir, butcher or fish shop. The other form of lease for lands outside the townsite or for villa lots in the townsite, restricted the use of the land to the purpose specified. The use of these lease forms in Banff park was continued for many years, subject to minor amendments. An additional clause inserted in the lease forms in 1913, made the leases and any renewals thereof subject to all park regulations then in force or enacted in future.⁹

Under prevailing practice, each prospective lessee was required to complete an agreement to lease. The terms of the agreement gave the applicant possession of the land for one year; required payment of one year's rental in advance; and, prior to the expiration of the term, required the erection of a building or dwelling satisfactory to the Superintendent. On fulfilment of all conditions of the agreement, the lessee was entitled to a lease, issued over the signature of the Minister or his deputy. When circumstances warranted, an extension of the agreement was authorized. Periodically, vacant lots in the townsite were made available for entry, subject to completion of an application form and payment of the first year's rental.

Prior to 1920, residents of Banff had the privilege of leasing two adjoining lots, subject to the condition that the building erected on one of them had a value equal to that stipulated by the building requirements for two separate lots. This concession was made as an inducement to residents to help improve the appearance of the townsite by erecting superior dwellings and developing attractive lawns and gardens. The practice, however, also generated the existence of numerous long-term leases of unimproved or vacant lots in the townsite. All leases issued contained a clause requiring the written consent of the Minister to any transfer or assignment of leasehold interest. Consequently, the Department in March, 1920, instituted a rule whereby consent to the transfer of a lease conveying a vacant lot was withheld unless a building was erected thereon.¹⁰

Renewal of Leases

In 1929, officers of the National Parks Branch were faced with the prospect of renewing the early leases for lots in Banff which were dated from 1887 onward. Under the terms of their leases, lessees had the option of renewing them for a further term of 42 years. Provided the lessee had complied with all the terms of the lease, the Minister of the Interior was obligated to issue renewal. The Minister, however had the authority to review the rental payable for the new term of 42 years. In the event that the lessee failed to concur in the new rate of rental, the lease form provided for the appointment of a board of arbitrators to fix and determine the rent.

In March, 1929, Parks Commissioner Harkin called to the attention of Deputy Minister Cory, the desirability of increasing the prevailing rates of lot rentals which had

been in force since 1888. These ranged from \$8 to \$20 for business lots on Banff Avenue, and \$8 for inside lots and \$9.50 for corner lots elsewhere in the townsite. Exceptions were large residential lots along the Bow River and in the Villa Lot section of the townsite south of the river where the average rental was \$15 per lot. Mr. Harkin cited the increase in property values over the past 40 years and to the conveniences and services supplied by the Department to residents for which neither tax or other assessment was payable. Generally, it was considered that the Department was entitled to a fair return on the present value of properties under lease.

Vigorous resistance by Banff citizens to any increase in rental was foreseen and, in order to avoid special arbitration as each lease came up for renewal, it was recommended that the Department appoint a commission of three members to review the matter. As proposed, the members of the commission, consisting of a federal judge, a representative of the Banff citizens appointed by the Advisory Council, and a representative of the Department, would investigate conditions on the ground. After consultation with the property owners, they would then recommend what was considered to be a fair and equitable rental for the various classes of property in Banff.¹¹

The proposal was submitted to the Banff Advisory Council and accepted. The Minister appointed as Chairman of the Commission, His Honour Judge William A. Macdonald of Calgary. The Banff citizens group named S.A. Armstrong, a former councillor as its representative, and Arthur L. Ford, the Park Superintendent was selected to represent the Department of the Interior. Following an interview with Commissioner Harkin and a preliminary meeting in Calgary in September, the Commission held a public hearing at Banff on October 7 and 8, 1929. Citizens who voiced opinions were almost unanimous in their opposition to any increase in rentals. It was persistently urged by leaseholders that any enhancement in land values was due largely to the efforts of the citizens, and to those of other agencies including the Canadian Pacific Railway Company. On the other hand, submissions on behalf of the Department contended that the Federal Government, as owner of the land, was entitled to receive a fair return based on the actual value of the land regardless of the agency that may have contributed to the enhanced valuations. The report of the Commissioners concluded with the following paragraph:

"Having surveyed the whole situation and having made mutual concessions where necessary, the Commissioners by unanimous agreement recommend the rentals set forth in the following schedule as fair and reasonable and a proper charge to exact on the renewal of leases in the townsite".¹²

The increases proposed by the Commission were, with a few exceptions, about 50 per cent in advance of current rates for residential properties. In the four business blocks facing on Banff Avenue, where stores and hotels occupied the choicest sites, rates of rental recommended ranged from \$47 to a high of \$114 for a corner lot. Elsewhere in the townsite, rates of \$12 and \$14 were

recommended in lieu of \$8 for inside lots and \$9.50 for corner lots. Rentals for villa lots in Blocks A and B of the townsite and in the section south of the Bow River which contained large lots reserved for superior dwellings, were rated at \$22.50 instead of the prevailing rental of \$15 per year.

Although the report of the Commission on rentals was received from Judge Macdonald by the Minister in November, 1929, consideration of its recommendations was deferred. Bills were being introduced in Parliament at the current session providing respectively for the transfer of the natural resources in Alberta to the province, and for the establishment of a new Act governing the administration of national parks. The Transfer of Resources bill, when approved, would give the Federal Government legislative jurisdiction within the parks, and the National Parks Act, as contemplated, would authorize the levying of taxes on park residents for all municipal improvements.

At the request of its president, James Brewster, the Banff Advisory Council had been provided in June, 1930, with a copy of the Commission's report. Later it was published in the local newspaper. On October 15, the recommendations contained in the report were rejected by a resolution of Council. The resolution affirmed that sufficient reasons had not been advanced by the Department's representative to warrant any increase in lot rentals, and that the lease holders had been largely responsible for any development that may have occurred.¹³

With the Natural Resources Acts and the National Parks Act incorporated in the Statutes of Canada, the Deputy Commissioner of Parks on December 18, 1930, wrote the Deputy Minister requesting a decision on the rentals recommended by the Macdonald Commission. It was suggested that two courses were open to the Department, (a) to increase rentals upon the renewal of leases or (b) continue the present rentals and impose a tax on lease-holders to recover the cost of municipal services not covered by lot rentals.

Meanwhile, a change of government had occurred in August, 1930, and a new minister headed the Department. The country was also entering the early phases of a period later known as "the depression years". A reluctance on the part of the Department to impose either increased rentals or new taxation on park residents appeared evident, as the Commissioner of Parks was called on to supply voluminous statistics on park administrative matters. These related to the cost of providing various services in the townsite, the revenue accruing from various sources in the parks, and the amounts that would be required to meet the cost of services provided, should taxation be imposed. One resident, who held several expired leases, offered to accept an increase of 100 per cent over his current rental, but as the figures suggested fell far short of those recommended for business properties in Banff, the offer was not accepted. Finally, after the current lease form in use was revised by the Department of Justice, the Commissioner of Parks was notified by the Deputy Minister on March 12, 1934, that the Banff leases were to be renewed on the pre-

scribed form at the same rental as that charged in the original leases.¹⁴

Decennial Review Inaugurated

By the terms of the original leases for lands in Banff and Yoho Parks, the Minister of the Interior was obliged not only to renew such leases on expiry, but also to determine the rental for the entire term of renewal at the beginning of such term. By happy circumstance, however, a different procedure had been in effect in other parks after 1914. Following the survey of the first townsite lots in Waterton Lakes Park in 1910, Howard Douglas, then Commissioner of Dominion Parks at Edmonton, suggested in a letter to the Secretary of the Interior that, when establishing the annual rentals for these lots, the leases should contain a provision whereby the rental payable would be subject to review every ten years.¹⁵ This recommendation, although radical at the time, was referred to R.H. Campbell, Superintendent of Forestry, who was then responsible for the administration of the national parks. Campbell endorsed the proposal in a submission to the Deputy Minister, observing that if it was adopted, the Department would be free to share to some extent the natural increase in land values, and be able to adjust the rental more frequently than every 42 years. The recommendation was accepted by the Deputy Minister and approved by the Minister, the Honourable Frank Oliver.¹⁶

Before the first leases were issued in Waterton Park Townsite, the matter of an appropriate lease form for the Townsite of Jasper, surveyed in 1912, also arose. The ruling made for Waterton Lakes Park was made applicable to Jasper Park and on request, the Deputy Minister of Justice prepared a revised *habendum clause* for the lease form then in use.¹⁷ The new lease form created was known as No. 2. It provided for an initial term of 42 years, renewable in perpetuity for additional terms of 42 years, but subject to a provision that on the first day of January, 1920, and at intervals of 10 years thereafter, the rental would be subject to review by the lessor. Should any lessee not agree to the rental so determined at the beginning of each period of 10 years or fraction thereof, he could, by the terms of the lease, have the rental determined by a judge of the Exchequer Court, rather than by a board of arbitrators as authorized by the earlier leases.

Following the adoption of a scale of rentals for lots in Waterton Park and Jasper Townsites, the new lease form was put into use. It was later adopted, with minor modifications, for use in all other parks except Banff. The use of the older form, which provided for review of rental only at the end of each term of 42 years, was continued for all lots in Banff until about 1925, when the lease form providing for a review of rental every ten years, was issued for new leases.

Revival of Lot Rental Review

Early in 1936, Commissioner Harkin revived the previous attempt to have rentals increased when expiring leases issued for lots in Banff Townsite and in the Townsite of Field in Yoho Park were renewed. In a submission to Deputy Minister Wardle, it was observed

that since the decision had been made two years earlier to renew leases at the same rental that had governed the original leases, fewer than 30 leases had been renewed between 1930 and 1936. Consequently it was thought that the Department (under a new ministry since 1935) might wish to consider the matter of providing for reasonable increases in the rental rate for future leases. The current practice was to provide for an adjustment of rental every 10 years, beginning in 1940, except in the cases of the Banff leases issued prior to 1925 which contained no provision for rental review. A further consideration was the fact that action taken on renewal of old leases had a bearing on the adjustment of rental in the new leases every 10 years. It was believed that the Department could not reasonably increase the rental in new leases issued if a definite policy was not decided on whereby old leases were renewed at new rentals.¹⁸

Departmental action on these recommendations was deferred for some time, and pending a decision, the National Parks Branch withheld the issuing of renewal leases. By May, 1939, the Minister, the Honourable T.A. Crerar, had decided that the rentals on renewal leases in Banff should be increased, and that no more leases should be issued unless the lease form provided for a review and revision of rental. On August 18, the Superintendent was authorized to discuss rental with those whose leases had expired, and try to arrive at a fair rate. By mid-September, the Superintendent was able to report that holders of leases in commercial zones were willing to accept increases in rentals, provided the new rate was applicable for the full term of 42 years.

Bargaining between the Department and the lessees continued and in October 1939, the Minister authorized the offer of a lease for a term of 21 years, at a rental agreed upon by the lessees and the Superintendent as fair and reasonable.¹⁹ This proposal was rejected by the leaseholders. Finally, after receiving a strong recommendation from Manley Edwards, M.P. for Calgary South, the Minister in August, 1940, approved the renewal of expired leases for a term of 42 years. This approval was contingent on the rental for the first 21 years, — reached by agreement between the lessee and the Superintendent, being — substantially higher than the former rental. At the end of 21 years, the rental would be subject to revision. A further condition was that at the end of the second renewal term of 42 years, the third renewal lease would be in a form providing for review of rental every 10 years.²⁰ Two months later, the Superintendent reported that increases in rental for business properties were acceptable to the lessees in Banff, but that he was not disposed to recommend increases in the rentals for residential properties. Out of the prolonged lease and rental controversy came a new lease form (178 A) approved by the Department of Justice, which incorporated the proposals approved by the Minister for lessees desiring renewals of leases issued on the early forms. The back log of unrenewed leases was cleared, and three individuals who had accepted the 21-year lease were permitted to exchange them for the new form providing for a 42 year tenure. Increases in rentals for business lots were made applicable. Although the increase was based on the Superintendent's recommendation and the les-

see's acceptance, the formula evolved worked out to an annual rental of \$50 for hotel sites and \$20 to \$40 a year for other lots, depending on location.

Rentals in Parks Other Than Banff

Under the terms of the general lease form used in national parks since 1914, the *habendum clause*, which defined the extent of the estate enjoyed by the lessee, provided for annual review of lot rentals every 10 years, viz, 1920, 1930, 1940. No increases had been recommended in 1920 and 1930, but in November 1939, action was taken to review rentals in parks other than Banff. In most of these parks, the rates of rental had not changed since lots in townsites were first made available for lease. Moreover, the rentals assessed reflected no distinction in the purpose for which the lots were leased, i.e. business or ordinary residence. Any variation in the rental payable in a townsite depended on the location of the lot.

The decision not to increase the rates of rental for residential properties in Banff led to a consensus that similar action was desirable in other parks. Alternatively, the increase in rentals for business lots in Banff required consideration of similar action in townsites such as Jasper, Radium Hot Spring, Field, Waterton Park, Waskesiu and Wasagamung.

Following consultation with the park superintendents, the Director of the Lands, Parks and Forests Branch recommended to the Deputy Minister on March 18, 1940 that business rentals be increased only in the Townsite of Jasper. Here again the increases were based on the superintendent's recommendation, subject to agreement by the lessee concerned. Increases of approximately 250 per cent were recommended. The revised rates, approved by the Minister, required lessees who had been paying \$8 and \$9.50 per year for business sites to pay \$20 and \$25 per year. Two large, prominent lots were rated at \$30 per year.²¹

Housing for Veterans

An interesting development in the closing years of World War 2 was the action taken to facilitate the re-establishment of veterans who, prior to their enlistment, were permanent residents of the national parks. An amendment made to the Veterans Land Act in 1945, authorized the Minister of Veterans Affairs, with the approval of the Governor in Council, to enter into an agreement with the Minister of Mines and Resources for the settlement of veterans on any Dominion Lands that the Minister of Mines and Resources might recommend as specially suitable for this purpose. On April 7, 1946, the ministers of the two departments completed an agreement that would enable veterans to obtain a grant of \$2,320 from the Department of Veterans Affairs to assist them in erecting a building on lands within national parks for the purposes of a residence.²² A number of lots in Banff were made available without charge, and agreements to lease were issued to qualified veterans.

Arrangements were later made whereby a veteran who held an agreement to lease a lot and had a dwelling well under way, might obtain under the terms of the National

Housing Act, a loan to be secured by mortgage. On approval of a loan by the Director of the Veterans' Land Administration and by the Central Mortgage and Housing Corporation, the Department of Mines and Resources agreed to issue a long term lease for the lot concerned prior to the completion of the building.²³ The issue of the lease, however, was subject to the condition that the company advancing the loan would furnish an undertaking completed by its signing officers to the effect that the funds being disbursed would be used to complete the building in accordance with plans and specifications approved by the lending agency and by the Department of Mines and Resources. The lease, duly completed by the lessee and the Minister, was then delivered to the lending agency on the written request of the lessee.²⁴ The lease contained special covenants providing for the completion, within a stated period of a building having a stipulated value, and an undertaking by the lessee that he would not sell or dispose of the lease within a period of 10 years of the date of issue, without the prior consent of the Minister of Veterans Affairs. The Minister of Mines and Resources in turn agreed to notify the lending agency of any breach of the terms or covenants of the lease and to allow a reasonable period within which to remedy the breach.

The practice of issuing leases for lots in park townsites to war veterans prior to the completion of the proposed improvements, led to an extension of the arrangement to other park residents wishing to obtain housing and building improvement loans on the security of a mortgage. As in the case of veterans, the leases contained covenants providing for the completion of the improvements proposed within a stipulated period. The lending agency supplied a written undertaking over its corporate seal that funds provided would be disbursed for the completion of a building in accordance with approved plans, and the Department of Mines and Resources in turn agreed to provide due notice of any breach of covenants in the lease.

Review of Land Rentals

1950 Rental Review

Before the close of 1949, another task relating to the administration of land faced the National Parks Bureau at Ottawa. The 10-year period for the review of lot rentals as required by the majority of park leases fell due in 1950. Following the procedure employed in 1939, park superintendents were requested to assess the situation and submit recommendations for any revisions of rental which they considered desirable in the park under their supervision. As the decisions reached would chart the course for the next 10 years, the superintendents were asked to consider especially, the increase in the cost of maintaining the townsites and in extending public services, to which lease-holders made little or no contribution.²⁵

Replies from all superintendents concerned indicated their belief that prevailing rentals were low. This opinion stemmed not only from the cost of providing public services in townsites, but also from the enhanced valuations placed on improved leaseholds by lessees offering

them for sale. Increases suggested for Banff ranged from 20 to 30 per cent, and for Jasper from 35 to 90 per cent. Recommendations for rental increases in other parks followed this pattern.

A statement of existing and suggested rentals for the various park townsites was submitted to the Director of the Development Services Branch by the Controller of the National Parks Bureau, with the recommendation that the proposals be confirmed. The Director forwarded the submission to the Deputy Minister with the comment that the recommendations were fair, but that any recommendation of a departmental officer was bound to be met with opposition from the leaseholders. The Director expressed the view that in order to make any upward revision of leasehold rent acceptable to park residents, it would be necessary to have an investigation made by an independent authority. It was recalled that an Alberta judge headed a rental inquiry at Banff in 1929.

This recommendation was approved by the Deputy Minister, H.L. Keenleyside. The Minister, the Honourable R.H. Winters, asked his Parliamentary Secretary, George Prudham, M.P. to suggest the names of several individuals whom he considered were qualified to undertake a study of rentals at some of the larger parks. Eventually, Harry O. Patriquin, a chartered accountant from Edmonton was selected to undertake an investigation under the Inquiries Act, and his appointment as a commissioner was authorized by the Governor in Council.²⁶

Mr. Patriquin's terms of reference confined his studies to Banff and Jasper Townsites. He was provided with details of existing rentals and those recommended by the park superintendents; copies of the various forms of lease in use; comparative statements of appropriations and revenue pertaining to public services in national park townsites; townsite plans; and a copy of the report of the Macdonald Commission which looked into the rental question at Banff in 1929.

Commissioner Patriquin visited Ottawa for discussions with officers of the National Parks Branch and spent several days in Banff and Jasper where the superintendents were interviewed. His report was received in Ottawa in late December, 1950.²⁷ Its recommendations for rentals followed closely those suggested by the park superintendents. The report was submitted to the Deputy Minister with a recommendation that the proposals be implemented. The Deputy Minister, General Hugh Young, however, had some misgivings over two features of the report. One concerned the suggested rentals for business lots which he considered too low. General Young's other point centred on the fact that many of the leases in Banff Townsite would not come up for review in 1950, as the form approved in 1940 for lease renewals in Banff provided for review of rentals at intervals of 21 years only. As a result of this anomaly, any increases adopted would be 100 per cent effective in Jasper but only about 20 per cent effective in Banff.

Following a consultation at Edmonton in March, 1951 with James Smart, Director of National Parks, Mr. Patriquin in April submitted a revised report. It incorporated a revised schedule of rentals for business lots in Banff and Jasper together with a proposal whereby leases

for residential lots in Banff coming up for renewal between the years 1951 and 1955 would be subject to a progressive annual increase of 10 per cent.²⁸ This would result in five years in a 50 per cent increase over the basic rental recommendation for 1950. With minor amendments the new rental proposals were submitted to the Department for approval. In passing on the report to the Minister, Deputy Minister Young recommended that in place of a progressive increase of 10 per cent over a five-year period, that rentals coming up for review in 1951 be 20 per cent over the 1950 recommendation, and that no further change be made until 1955, when a further assessment of residential rentals in Banff would be made. The amended rental formula was approved by the Minister in May, 1951.²⁹

The adoption of the Patriquin report increased rentals in Banff and Jasper substantially. The rate for business lots in Banff now had a ceiling of \$75 per year and a minimum of \$30 per year. The rate for residential lots ranged from \$14.40 to \$18, and for villa lots it was \$24. The new scale for Jasper required lessees of business lots to pay \$45 to \$55 a year. For residential lots the new rates were \$12 to \$15 per year.

Using the rental schedule adopted for Banff and Jasper Parks as a basis of comparison, the Director of National Parks in May, 1951, submitted to the Deputy Minister for approval, recommendations for increases in the rentals for Kootenay, Yoho, Waterton Lakes, Prince Albert and Riding Mountain Parks. As proposed for the period from 1950 to 1960, the increases ranged from 25 to 75 per cent for business lots and from 20 to 25 per cent for residential lots. The rates, as approved on May 24 were not considered excessive, for up to that time no differential existed between the rental rates for business lots and those for residential lots in Yoho, Kootenay, Waterton Lakes and Prince Albert National Parks.

The 1950 rental review for Banff leases actually was not concluded until 1955, when further consideration of rates for residential lots was necessary to conform with the decision of the Minister in 1951. The latest review was accomplished at departmental level following consultation between the Director of the Parks and the Park Superintendent. On the premise that lease holders should contribute, through lot rentals, to the increasing cost of providing municipal services, a recommendation was made that existing rentals of \$14.40 and \$18 for lots in Banff north of the Bow River be increased to \$16 and \$20. For villa lots, a rate of \$30 instead of the prevailing rate of \$24 was proposed. These recommendations were approved by the Deputy Minister and had the effect of doubling the rate of rental for residential lots in Banff over those which existed in 1949.³⁰

Disposal of Townsite Lots

The right to lease lots for business or residential purposes in Banff Townsite had from the earliest days, been subject to public competition. Periodically, lists of cancelled or undeveloped lots were posted in public places or advertised in the daily newspapers of the nearest cities and lots were then disposed of to the highest bidder. Eventually all choice business lots in Banff were leased and prospective business men were forced to obtain

suitable sites by the purchase of an existing leasehold. This transaction required assignment of the lease with the consent of the Minister. Extensions to the townsite had the effect of maintaining sufficient residential lots to meet the demand until after World War 2.

The method of leasing lots in Banff Townsite was not followed in other park townsites. In Jasper, Waterton Lakes, Yoho, Prince Albert and Riding Mountain Parks, lots had been disposed of following a public call for applications. Successful applicants were required to deposit a year's rental in advance and execute an agreement to lease. On completion of the terms of the agreement, a lease for a term of 42 years was issued by the Department. An exception to this practice was made in 1949, when a number of choice lots at Lake Edith in Jasper National Park were disposed of by tender for the purposes of summer residence in the park.

By 1949, the number of available lots in park townsites and subdivisions had declined, and to the cost of surveying extensions was added substantial outlays for the installation of streets, water and sewer services. The disposal of lots in several recently surveyed blocks in Banff Townsite and in an extension to the Lakeview summer cottage subdivision in Prince Albert National Park was under consideration. The successful sale of lots at Lake Edith in Jasper Park, subject to an upset price, and the fact that the existing method of disposal weighed heavily in favour of the lessee, led the Controller of the National Parks Bureau to recommend to the Director that in future all townsite lots, whether business or residential, be disposed of by public competition subject to payment of an upset price. All park superintendents, with one exception, concurred in the proposal. A recommendation to the Deputy Minister that the new procedure be adopted, was approved on January 14, 1950.³¹ Under the policy adopted, lots remaining undisposed of following a competition were available for disposal later to qualified applicants on payment of the upset price previously determined.

Lodge and Bungalow Camp Leases

Prior to 1921, visitor accommodation in the national parks outside townsites was limited to a few mountain hotels owned by the Canadian Pacific Railway Company. That year, the company built the first of a chain of 'summer tourist camps' at Wapta Lake in Yoho National Park. The site was on the route of the proposed motor road from Lake Louise to Field. The camp consisted of a central lodge containing dining facilities, and a group of cabins heated by stoves. Similar developments were erected by the company at Lake O'Hara and in the Yoho Valley in 1922, and at Moraine Lake and Radium Hot Springs in 1923. Occupation of the land except that at Radium, was authorized by an 'odd parcel lease'. This document, issued for terms of from five to 10 years, closely resembled the townsite lease. The rental was fixed for the term of the lease, renewal of the lease was at the option of the Minister, and the Crown retained the right to enter upon and utilize any portion of the premises for a public purpose.

In 1928, the odd-parcel lease was supplanted by a new document known as a licence of occupation. It contained

many of the clauses incorporated in the former document. It limited the operation of the camps to the summer months, contained the optional provision for renewal, and normally provided for rental calculated at a rate of \$10 for each acre of land occupied.

The improvement and extension of park highways influenced applications from private individuals for the right to construct and operate what were known as "auto bungalow camps". The cabin units provided overnight accommodation and light housekeeping facilities. A number of sites for these camps were made available by the Department through public competition in Kootenay, Yoho, Jasper, Waterton Lakes, Prince Albert and Riding Mountain National Parks. Successful applicants were issued licences of occupation for terms of 21 years. In 1934, two very desirable sites, each containing about three acres, were disposed of in Banff National Park. Each licence provided for a rental of \$50 per year for the entire term.

New Basis for Rental

In February, 1937, the Minister of Mines and Resources, the Honourable T.A. Crerar, expressed the view that in disposing of bungalow concessions in future, the Department should share in the gross revenues derived from the rental of accommodation.³² This opinion was formed following an inspection of the national parks in 1936, during which the Minister observed that existing camps were enjoying a very substantial turnover, while paying very little for the use of facilities provided by the Department. This directive was implemented when additional bungalow camp sites were disposed of in Banff, Jasper, Elk Island and Riding Mountain National Parks. In approving a call for applications for the areas designated, the Minister directed that each applicant should indicate the percentage of gross receipts that he was prepared to pay as rental. The successful applicants later were granted licences of occupation that provided, according to tenders made, for payment of rental at rates ranging from six to 25 per cent of the gross receipts from rental of cabins.

Two years later, one of the licensees, W.F. Becker, who had bid 25 per cent for a site at Banff, made representations that it was not possible to operate at a profit on this basis and requested that an adjustment be made in the rate. In April, 1940, the fee structure for all automobile bungalow camp concessions was reviewed by the Department. The Controller, National Parks Bureau, suggested that the practice of charging one operator 25 per cent of gross receipts while others paid lower percentages, was unfair. Eventually, the Minister agreed to a uniform rate of five per cent of gross receipts for all concessions subject to the condition that the concessionaires would be responsible for maintaining the grounds surrounding their concession, and that they would accept new licences providing for payment of the new rate, which, after a period of five years, would be subject to review.³³

The licence fee was reviewed in January, 1946 and on the recommendation of the Controller of National Parks, the five per cent rate was approved for a further 10-year period. Three years later, a further reduction was made.

In January, 1949, C.R. Kiefer, who operated a high-class cabin development a mile south of Jasper Townsite, applied to the Department for a reduction in his licence fee of five per cent of receipts from cabin rentals. This rate, he claimed, was high and unjust, and to substantiate his application, enclosed copies of financial statements which indicated a loss on his operations. Discussions involving the Branch Financial Adviser disclosed that some operators were experiencing financial difficulties because of reconstruction of highways within and outside the national parks. Consequently it was recommended that the licence fee be reduced from five to three per cent of gross receipts. The proposal was approved by the Minister, the Honourable James MacKinnon, on the condition that the rate would be subject to review following each period of three years.³⁴ On December 21, 1951, the Deputy Minister concurred in a recommendation made by the Director of National Parks that the rate of three per cent be confirmed until 1955.

Further representations to the Minister were made by Mr. Kiefer and the operators of four other bungalow camps in Jasper National Park in December, 1952. A brief, submitted through the local Member of Parliament, objected to the basing of rental on a percentage of receipts, while hotels and other business enterprises in Jasper Townsite were charged a flat annual rate on lots. The Department took the stand that on the basis of land actually occupied, and because of other assessments made on business premises within townsites, the rental for bungalow camps was not excessive. The operators, however, were advised by the Minister that the Department would be glad to review the matter when the existing rate came up for review in 1955.

Although the three per cent formula for rental on bungalow camp developments was approved by the Department for the three years commencing April 1, 1955, changes were in the offing. The operators of five camps in Jasper National Park, through their solicitor, continued their objections to the *status quo*, and in 1956, the Deputy Minister's office, with the assistance of the Department's Economic Adviser, developed for the consideration of the Minister alternative proposals for amending the rental. These involved (a) charging rental on a basis of a percentage of the operator's profit; (b) allowing a basic deduction to cover interest on investment before applying a percentage charge; (c) applying a sliding scale of rentals depending on tourist occupancy, and (d) allowing a tax-free period of three years for all new motels and bungalow camps erected outside a townsite.

On February 20, 1956, the Minister approved the offering of a new formula to the operators of bungalow camps.³⁵ Under the proposal, concessionaires accepting the offer would pay a rental based on two per cent of gross revenue accruing from rental of accommodation at full occupancy for 60 days, and four per cent of gross revenue from rental accommodation, less the amount paid under the two per cent formula. These payments were offset by rebates based on (a) an amount equal to three per cent of the operator's investment in buildings and equipment and (b) an amount equal to six per cent

for depreciation on the yearly depreciated value of the premises.

The new formula was accepted by the majority of bungalow camp operators, who surrendered their licences of occupation for documents containing the new rental provisions. Valuations of visitor accommodation developments were undertaken for the Department of Resources and Development by the Central Mortgage and Housing Corporation. To qualify for refunds of overpaid rental, licensees were required to submit financial statements certified by a public accountant, including balance sheet, a statement of revenues and expenditures, and a statement of profit and loss for the calendar year ended December 31.

Lease Renewal Privileges Withdrawn

The establishment within the National Parks Branch in 1957 of a Planning Section resulted in a review of basic administrative policies including those governing the occupation and use of park land. A matter of concern to the Guidance Committee on Planning was the possibility of restricting the issue of leases for dwellings to persons whose residence in the parks was necessary for their proper operation. Similarly, it was considered desirable that businesses operated in the park be restricted to those necessary or desirable for park development, and for the accommodation or convenience of visitors or residents.

The existence within the parks of summer cottage subdivisions was also regarded as inconsistent with the uses and purposes of the parks. By memorandum of February 12, 1958, the Director of National Parks requested the Legal Adviser of the Department for suggestions on ways and means of extinguishing leases containing provision for perpetual renewal, and for the elimination from the parks of private cottages or summer homes.

On April 14, 1958, the Legal Adviser, E.R. Olson, replied stating that as far as existing leases were concerned, no unilateral changes were possible. In other words, the extinguishment of leases could be effected only by expropriation or by legislation. It was suggested, however that the deletion of the renewal clause from new leases would be in order, but that a clause permitting Her Majesty as lessor to renew a lease as she saw fit, did not appear either necessary or desirable.³⁶

In September, 1958, a number of recommendations concerning the use and disposal of park lands were made to the Deputy Minister. Included was a proposal that the provision for perpetual renewal be deleted from all forms of leases. This recommendation was approved early in 1959, and for two years thereafter, leases issued for lands within or outside park townsites contained no right of renewal.³⁷ An additional change in lease policy was approved in 1959 by the Deputy Minister when provision for periodical review of rental was deleted from lease and licence forms. This action followed a recommendation made by the Director, National Parks Branch, on the suggestion of the Departmental Legal Adviser.³⁸

Leasing of Cottage Sites Ended

The recommendations of the Guidance Committee on Planning that the leasing of lots in summer cottage subdivisions be discontinued was implemented in July, 1959. In the course of an inspection of national parks in western Canada that summer, Deputy Minister R.G. Robertson advised an officer of the Clear Lake Cottage Owners' Association in Riding Mountain National Park that no further leases for summer cottage sites were being granted. This announcement was given a wide coverage in western Canada by the daily press, especially in Manitoba and Saskatchewan, and was brought to the attention of the Minister, the Honourable Alvin Hamilton at Saskatoon during the following month. According to a press report, Mr. Hamilton confirmed the ban on the leasing of cottage sites, but stated that it was a temporary measure, and would be subject to review following the completion of studies which had been undertaken by a special parks planning group.³⁹

The Deputy Minister's announcement actually was an extension of a departmental ruling which had been made more than three years earlier. In April, 1956, the Director, National Parks Branch was informed by memorandum from the Assistant Deputy Minister, C.W. Jackson, that no further applications for leases of lots in summer subdivisions should be accepted in blocks in which no summer cottage development had yet occurred. The policy announced in 1959, although then termed 'temporary' became in reality, a permanent one, as no lots in park townsites and subdivisions have since been disposed of for the purposes of a summer home.

Longer Leases Wanted

Meanwhile, the operators of bungalow camps and motel accommodation in the western parks continued to press the Minister of Northern Affairs for changes in policy affecting the leasing of land for tourist accommodation developments. Regulations enacted in June, 1930, shortly after the National Parks Act came into force, restricted the issue of leases for the purposes of residence and trade to lots in park townsites, and the issue of licences to lands located outside townsites for the purposes of visitor accommodation. New regulations made in December, 1947, restricted the maximum terms for a licence of occupation to 21 years.⁴⁰ An amendment made to the General Regulations of the National Parks in December, 1954, authorized the Minister, or an officer of the Department acting on behalf of the Minister, to issue leases for lots in townsites for a term of 42 years, provided the lot had a value of less than \$5,000. The regulations also authorized the issue of leases for a parcel of land outside a townsite, having a value of less than \$5,000, provided the land had been surveyed in accordance with the provisions of the Canada Lands Surveys Act.⁴¹ In cases where the value of a lot or a parcel had a value of \$5,000 or more, the authority of the Governor in Council for the issue of a lease was required.

Agitation for Lease and Rental Changes

Early in 1959, the owners of some 41 motels and bungalow camps in Banff, Jasper, Kootenay, Yoho and Waterton Lakes National Parks formed the Mountain

Parks Motel Association. In its application to the Government of Alberta under the Societies Act, the association set out its objectives, which included the following:

- (e) to unite the motel and bungalow camp operators in the National Parks of Canada in the Canadian Rockies, for the purpose of determining and expressing effectively views of those engaged in the business on matters affecting such business;
- (l) to make representations to relevant government bodies with view to obtaining an equitable system of taxation, assessment and rental fees, and to secure the enactment and enforcement of laws and ordinances for the further protection, convenience and welfare of motel and bungalow camp operators.

By arrangement, the officers of the Association met with the Minister of Northern Affairs, the Honourable Alvin Hamilton, on April 22, 1959 to submit a brief on matters affecting the operation of visitor accommodation in the parks. The brief was critical of the maximum term (21 years) for which leases were drawn; the lack of security on which to finance developments or extensions; and the basis of rental charges and business licence fees levied against operators of visitor accommodation. Particular objection was taken to the form of lease providing for rental on the basis of two and four per cent of gross receipts, which required submitting to the Department audited financial statements. Following the interview, the Minister promised that a copy of the brief would be submitted to the Institute of Local Government and that officers of the institute would be requested to interview the Association's solicitor in order that its views might be given full attention.

Crawford Report Recommendations

As reported in Chapter 4, the Institute of Local Government, Queen's University, was engaged in May, 1959, to study and report on various matters including self-government for park residents, control of business activities, and the basis of rentals or fees payable under the terms of leases and licences of park lands. The institute was also requested to recommend the maximum periods for which leases and licences should be issued.

The recommendations of Professor K.G. Crawford, who was responsible for the study, were to have a profound influence on future lease policy. Probably the most important recommendation concerning the use of park lands was that respecting the basis of rental. Professor Crawford suggested that in future, rentals be fixed at six per cent of the assessed value of the land, regardless of whether or not it was located within or outside townships.

Although it involved a radical departure from previous rental formulas, the recommendation had one feature to commend it. It would place all lessees or licensees on a uniform basis of rental thereby removing one of the main grievances of bungalow camp and motel operators. This was the anomaly of having to pay rental on a basis of gross receipts, while operators of hotels, motels or other businesses within townships were charged on a flat rate.

Professor Crawford's comment on the number of years for which leases should be drawn stressed the fact that no lease should extend for a period longer than the economic life of the improvements. Conversely, the lease should be of sufficient duration to permit the lessee to recover his investment. Although remarking that a 50-year term sounded better and looked neater, he considered that a change from the prevailing maximum term of 42 years within a township and 21 years outside a township would be difficult to justify. Accordingly, he recommended retention of 42 and 21 year terms for leases, with provision for appropriate renewals commensurate with the physical state of the properties concerned. A maximum of three consecutive renewals, one of 21 years one of 11 years and one of 10 years, was suggested as a reasonable compromise.⁴²

A detailed study of the recommendations contained in the "Crawford Report" was undertaken by officers of the National Parks Branch following its receipt in March, 1960. Copies of the report were forwarded to the Superintendents of Banff, Jasper and Waterton Lakes National Parks, to the Advisory Council or Chamber of Commerce in these parks, and to members of parliament for the ridings in which the parks were situated.

As already mentioned, some of the recommendations of the report dealing with self-government, grants to advisory councils, public relations, and the advertising of concessions for tourist accommodation received early attention and approval in principle. On the other hand, those dealing with the contentious matters of leases, land rentals and business licences required more intensive study.

The suggested change in the method of calculating rental for park land on the basis of a percentage of the assessed value of the property found favour with the Mountain Parks Motel Association and the Jasper Chamber of Commerce. The Banff Advisory Council, however objected to any change in the existing basis of rentals. The Department favoured a change, but found implementation complicated by two major factors. In order to make the new system workable throughout the national park system, up-to-date and equalized assessments of all properties were required. A review of assessment rolls available, disclosed that they would require equalization, owing to wide discrepancies in the methods of assessment of lands in each province.

Another complication arose from the fact that the majority of park leases provided for rental review in 1960, either on January 1, or April 1. Over the years, the rental review clause in successive lease forms had been subject to revision. Consultation with the Department's legal advisers revealed that although some 650 leases contained a rental clause that would permit adjustment of the rental following the first day of the review period, nearly 1,000 leases contained a rental clause that required determination of the rent, by the Minister, prior to the first day of the review period. Consequently, any attempt to adjust arbitrary rentals between 1960 and the next review period in 1970 was bound to result in a situation prejudicial to the interest of a great many lessees.

New Rental Proposals

After a number of conferences involving the Deputy Minister, the Director of National Parks, and members of his staff were held, in which submissions, charts and other supporting material were analyzed, the Director of Parks submitted to the Deputy Minister what proved to be acceptable proposals in two lengthy memoranda dated May 4, and 5, 1961.⁴³ The principal recommendations respecting rentals were:

- (a) rentals approved in 1950 for leasehold properties in park townsites continue in effect until the 1970 review date;
- (b) lessees be informed that commencing in 1970, land rentals would be based on a percentage of the assessed value of the land;
- (c) that following the equalization of assessments of lands throughout the national park system, approval would be given to a percentage of assessed value that would produce a fair economic rental.
- (d) lessees of motel and bungalow camp sites be offered, for the interim period from 1960 to 1970, an alternative formula for land rental, based on the average rental paid on a percentage basis during 1959 and 1960.
- (e) National Parks Businesses Regulations be amended to provide for an annual licence fee of \$5 for each motel or bungalow camp development that is placed on a fixed fee basis of rental after April 1, 1961.
- (f) officers of the Department meet with officers of the Mountain Parks Motel Association and discuss the proposals for the basis of determining land rental for motel and bungalow camp developments.

Recommendations respecting leases and licences included the following:

- (1) future leases covering lots in townsites and subdivisions, and lands outside townsites surveyed under the provisions of the Canada Lands Surveys Act, be granted for terms of 42 years, with provision for renewal for 21 years if the Minister considered such renewal to be in the public interest;
- (2) licences covering parcels of land outside townsites and subdivisions, which were not surveyed, be confined to terms of 10 years.
- (3) in cases where a lessee was entitled to a renewal in perpetuity under the terms of his lease, and was not prepared to accept a new lease providing for a 21-year renewal, that a lease containing provision for a renewal of 42 years be granted.
- (4) the effective date of any renewal lease or licence involving a change in rental formula, which had been withheld pending consideration of the Crawford Report, be made effective in January, 1961.

The recommendations were accepted by the Deputy Minister and the Minister, the Honourable Walter Dinsdale, as a basis of negotiation. The Minister requested that discussions be held with the motel operators and

with the representatives of citizen groups at which the recommendations would be advanced as proposals and not on the basis of decisions already taken.

Accordingly, meetings were arranged for June 8 and 9, 1961 at Banff by the Regional Supervisor of Western Parks, at which the proposals were outlined by him to representatives of the Motel Association, and to representatives of the Banff and Waterton Park Advisory Councils and the Jasper Park Chamber of Commerce. The Regional Supervisor was supported in the discussions by two officers from the National Parks Branch at Ottawa, who had a wide knowledge of lease and land rental matters.

The immediate reaction of the groups to which the Minister's offer was conveyed was equivocal. The proposed moratorium of the review on rental until 1970 was favourably received but the Chairman of the Banff Advisory Council registered strong opposition to the proposed implementation of a rental formula based on a percentage of the assessed value of the property concerned. The Motel Association, through its president, C.R. Kiefer, and its solicitor, E.E. Bishop, expressed the opinion that the interim rental arrangement offered operators of motels and bungalow camps for the period 1961-1969 fell far short of placing them on a footing equal to that of lessees of townsite lots who paid rental on a flat rate basis. It was agreed at the meeting that the Motel Association, the Banff and Waterton Townsite Advisory Councils, and the Jasper Chamber of Commerce, all would forward submissions incorporating their views and counter recommendations.

The first group to respond was the Mountain Parks Motel Association. Its brief indicated acceptance of the Department's proposals including those providing for 42-year leases and 21-year renewals. The principle of a land rental based on a percentage of the assessed value of land occupied also was endorsed, and review of rentals at intervals of 10 years accepted.

On the other hand, objection was taken to the basis of rental proposed for the interim period 1961 to 1969 inclusive. The Association argued that, having regard to the seasonal character of its members' operations, the fixed rental as proposed (the average amount paid in 1959 and 1960 under the formula), should be reduced by five-twelfths for the non-operative period of November to March inclusive. It also requested an additional rebate of three-twelfths as compensation for the cost of providing sewer, water and other services which, in townsites, were available to lessees. The Association also suggested that all fixed fee land rentals in effect prior to the adoption of the proposed new rental formula should be adjusted retroactively to January 1, 1961.

The reply of the Waterton Townsite Advisory Council to the Minister's proposals was prompt and positive. Its chairman, Frank Goble, advised the Honourable Mr. Dinsdale that the moratorium on rental review, the proposed new basis of rental and the revised terms for leases with 21-year renewals, were all acceptable. The Jasper Chamber of Commerce indicated its support for the stand taken by the Motel Association on land rental, and made no adverse comment on other items. No reply was received from the Banff Advisory Council.

Analyses of correspondence and submissions received from citizen groups and the Motel Association indicated that the main obstacle in reaching agreement with the Minister's proposals on land and rental matters revolved around the rental to be paid by operators of visitor accommodation outside townsites during the period from 1961 to 1969. During a study of the Motel Association's brief, officers of the National Parks Branch prepared exhaustive data and tabulations including statements of current receipts of rental from visitor accommodation developments within and outside townsites, and estimated receipts under alternative rental formulas. These studies disclosed that concessionaires operating within townsites and paying rental on a flat rate enjoyed a preferential position financially, compared with operators located outside townsites who paid rental on the basis of a percentage of gross receipts.

Thomas Plunkett, an authority on municipal government matters, who had been engaged in studies undertaken by the Glassco Commission, was consulted. Mr. Plunkett supported the contention of the Motel Association that concessionaires providing visitor accommodation outside townsites and paying rent on a percentage basis had been subject to discrimination, as compared to concessionaires within townsites who were charged rental on a flat rate.

Following an exhaustive review of all the circumstances, and the submission of several explanatory memoranda, the Director of National Parks recommended to the Deputy Minister on October 10, 1961, that:

- (1) land rentals for motels and bungalow camps in all parks — previously paid on a percentage of gross receipts from rental of accommodation — be based for the period January 1, 1961 to December 31, 1969, at a rate of one third the net rental actually paid in 1959 and 1960, subject to a minimum annual rental of \$25.⁴⁴
- (2) the basis of land rental, both in and outside townsites, effective January 1, 1970, be a percentage (to be determined) of the assessed value of the land occupied.
- (3) rentals be subject to review at intervals of 10 years from January 1, 1970.
- (4) the assessment of land for rental purposes be based on methods of assessment developed by the Province of Alberta.
- (5) lessees holding short term leases of lands utilized for visitor accommodation developments and located outside surveyed townsites be permitted, following a legal survey of their sites, to exchange their leases for documents providing for a term of 42 years with the right of renewal for 21 years.

An earlier recommendation that lease terms for lots in townsites and subdivisions, currently restricted to 42 years, be extended by provision for a renewal term of 21 years, had already been accepted.

The Director's recommendations also included a proposal for standardizing the basis on which various forms of visitor accommodation were licensed. Instead of calculating the business licence fee on the number of rooms, suites, cabin or motel units available, it was

recommended that in future the fee be related to the number of guests that normally could be accommodated on a "per pillow" basis. As proposed, operators restricted to seasonal operation would enjoy a reduced rate for each guest accommodated as compared with operators who carried on a business the year-round. If adopted, the change would require motel and bungalow camp operators and owners who exchanged leases providing for payment of rental on a percentage of receipts for leases requiring rental payment on a flat rate basis, to pay a higher business licence fee. On the other hand, operators who chose to continue rental payments on a percentage basis, would enjoy the nominal business licence fee of \$5 for each accommodation development.

New Rental Formula Adopted

All recommendations were concurred in by the Deputy Minister and approved by the Minister, the Honourable Walter Dinsdale.⁴⁵ The decisions reached were conveyed personally from the Honourable Mr. Dinsdale to the Mountain Parks Motel Association, the Waterton Townsite and Banff Advisory Councils, and the Jasper Chamber of Commerce. Members of Parliament representing Banff, Jasper, and Waterton Lakes National Parks were also recipients of letters from the Minister.

Individual lessees of bungalow and motel sites were notified by letter from the relevant park superintendents of the new rental and lease policies. This letter made it clear that acceptance of the new interim rental formula for the period 1961-1969 was optional. Concurrently the lessees of lots in townsites and subdivisions, whose rental was subject to review in 1960 and 1961, were advised by letter from the superintendents of the decision to postpone review of existing rentals until 1970. Lessees were also advised of the impending change in the rental formula in 1970 to a percentage of the assessed value of the land.⁴⁶

New Policies Implemented

Implementation of the leasehold and land rental policies announced by the Honourable Walter Dinsdale was undertaken promptly. New lease forms were developed and approved for the leasing of lots in the townsites and subdivisions (179-62) and for motels and bungalow camps elsewhere (224-62). This action permitted the reduction of a backlog of leases which had been withheld for renewal pending a settlement of the issues involved. Owners of the motels and bungalow camps were issued with the new leases at the revised rate of rental, following the surrender of leases which had provided for rental payments based on a percentage of gross receipts.

The newly-extended terms of leases, which included the right of renewal were given legal status by an amendment to the General Regulations of the National Parks. The amendment was approved by the Governor in Council on March 1, 1962.⁴⁷ An extensive revision of the Businesses Regulations of the National Parks, which standardized the licence fees for various types of visitor accommodation, was approved on April 12, 1962.⁴⁸ The change reduced the number of categories of accommodation from five to one, which provided for licensing on the basis of the number of guests that normally could be

accommodated in the establishment concerned. The amendment also made provision for a reduced fee in cases where the lease limited operations to the summer visitor season.

More Changes Ahead

Lessees in the national parks were destined to enjoy their newly-acquired rights and privileges in respect of lease terms and renewals for a comparatively short period. A general election held in April, 1963 resulted in a change of government, and the Honourable Arthur Laing replaced the Honourable Walter Dinsdale as Minister of Northern Affairs and National Resources. In June, 1963, R. Gordon Robertson was appointed Clerk of the Privy Council and Secretary of the Cabinet and his assistant, Ernest A. Côté was appointed Deputy Minister.

It soon became apparent that neither the new minister nor his deputy concurred in the prevailing leasehold structure. A matter of early concern was the prevailing practice of granting consent to the transfer or assignment of leasehold interest in park lands as a matter of routine. From the earliest days of park administration, leases of lands in parks had included a clause requiring the consent, in writing, of the Minister to any transfer or assignment of interest. Records indicated that over the years, leasehold title to park lands had passed from one party to another with attendant accruals in value of both lands and buildings, without any portion of the accrued profit being received by the Crown. Annual rentals, originally based on the value of the land, were extremely low, and bore no relation to rentals or to the tax structure to be found in areas outside the parks.

In cases where it became necessary for the Crown to acquire or extinguish certain leaseholds to meet the need for more visitor facilities or for the accommodation of those serving the public, the prices asked for a surrender of leasehold interest were exorbitant. Considering the fact that the Crown was attempting to buy back its own property, it became evident that some individuals held a favoured position in perpetuity, in parks belonging to and supported by Canadian citizens.

Effects of New National Park Policy

Studies undertaken on behalf of the Department by consultants had indicated the need for a more positive position with respect to the qualifications of those desiring to obtain leaseholds within townsites for residential purposes. The continued assignment of interest in lands used for residential purposes to individuals other than those required to live in a park by reason of their livelihood or terms of employment appeared questionable. Although these assignments produced growing evidence of accelerating real estate values with each change of ownership, the Crown continued to receive no share of the profits, while land rentals remained frozen until 1970. Consequently, the new Minister, the Honourable Arthur Laing, directed that a review of current leasehold practices be undertaken.

National Parks Policy Statement

On September 18, 1964, Mr. Laing announced in the House of Commons that a Statement of National Parks

Policy had been approved by the Cabinet and adopted to provide guide lines for the administration, development, use and purposes of the national parks. This statement of policy was a positive step towards the development of more specific and detailed planning on many aspects of administration including leasehold matters. The policy adopted for leasehold matters was supported by reports of consultants which pointed out deficiencies in existing leasehold practices, and by the findings of the Glassco Commission which also had looked into the matter.

Policy adopted in respect of townsites, subdivisions and residence in the parks would in future exert a profound influence on leasehold administration. Consequently we find in the policy statement that "a townsite is an intrusion and should be permitted to develop in a park only if, by reason of the services it provides, the visitor is better able to enjoy the park for what it is". Similarly, "The development of park townsites should be governed by the present and future needs of visitors to the parks. A townsite if required should be developed to provide the necessary visitor services and recreations in accordance with the purposes of the park. It should not provide the extra entertainments and services common to urban living throughout Canada Channelling of townsite growth and redevelopment toward the best and most appropriate land use from a parks standpoint should be done in such a way as to avoid economic hardship to the residents. *The control of lease transfers is one means of achieving this objective*".

On the subject of park residence, the approved policy is outlined: "Only persons engaged in the administration of the park or the supply of necessary visitor services and their dependents, should be permitted permanent residence in a park, and then only if residence outside the park is not practicable". Similarly, "Permanent residence in a national park should be looked upon, not as a right for those providing services, but as a privilege to be extended only if it is not feasible to commute from residential areas outside the park".

Summer cottage development in parks no longer is permitted. Leasing of lots in cottage subdivisions was discontinued in 1959, and the policy adopted prohibits the issue of further leases for this purpose. A long term objective is the acquisition of all existing summer home sites within national parks.

Study Committee Appointed

By December, 1963, a fact-finding committee headed by the Department's Economic Adviser had been appointed to review leasehold policies, and gradually, changes in existing practices were instituted. A draft policy statement had been prepared by October, 1964, but its adoption was deferred pending the consideration of some related items. However, proposed assignments of leases submitted for the consent of the Minister were closely examined, and park superintendents received instructions from the Director of National Parks that assignments sent forward should be accompanied by a clear statement of the prospective assignee's intended use of the property concerned.

In February, 1965, an interim policy governing the renewal of leases containing clauses providing for per-

petual renewal was approved by the Deputy Minister. A new lease form provided for a term of 42 years, and on expiry, renewal for an additional term of 21 years. Under the terms of the lease, the rental, set at the existing rate, would be subject to review annually until 1970.⁴⁹

In March, 1965, policy respecting assignments was confirmed. Park superintendents received advice that requests for the assignment of leases, covering both residential and commercial properties, would be considered for consent only if the lessee was prepared to surrender his existing lease for a 42-year non-renewable lease. In cases where the assignment of residential property was contemplated, consent was forthcoming only if the prospective assignee was obliged to live in a park by reason of the nature of his employment.⁵⁰

Commercial Leaseholds

Changes in the terms of existing commercial leases were not proposed unless a transfer of leasehold title was considered. Where a change in ownership was proposed, the Minister might refuse consent to an assignment of interest in an existing lease, but would not unreasonably withhold consent to a renegotiated lease, which would contain no provision for renewal. Property-holders were cautioned against undertaking commitments until details of the terms and conditions under which an assignment would receive consent by the Minister were obtained.

The allocation or disposition of previously unencumbered lands for the establishment of commercial enterprises would be under a system of bidding. The terms of the commercial lease would vary according to the nature and economics of the commercial enterprise concerned. In all cases, the new lease issued would be for a fixed term with no provision for renewal. On expiry, the improvements on the land would revert to the Crown.

Residents in Protest

As the implications of the new leasing policy became known, residents of the western parks united in protest. A newly-formed Jasper Residents Association, together with the Jasper Chamber of Commerce and the Banff-Lake Louise Chamber of Commerce, submitted to the Minister briefs or letters setting out their objections to the revised terms and forms of leases, consents to assignments and related procedures. Criticism centred on the terms of new leases for residential property which provided for the absolute loss of leasehold interest on the expiry of the lease, which no longer provided for renewal. Senator Donald Cameron, a resident and property-holder in Banff, Alberta, wrote to the Prime Minister, calling for a Royal Commission to investigate the entire national park leasing policy. The Chairman of the Waterton Townsite Advisory Council suggested in a letter to Mr. Laing that the latter submit his resignation.

A slight modification of policy affecting residential leases was contained in a press release authorized by the Minister in August, 1965 in conjunction with the disposal of 24 residential lots in the Townsite of Jasper. The item contained the information that although the terms of leases for these lots would be restricted to 42 years, with the improvements reverting to the Crown at the end

of that period, lessees would receive compensation on the expiry of their leases, based on a fair market value of the dwelling or other improvements erected on the lot. Alternatively, if at the end of the term, the property was not required by the Crown for other purposes, the dwelling would become a Crown rental unit and the occupant would have the right of first refusal for rental or a further lease term under conditions to be agreed on at that time.⁵¹

High Level Meeting

A rising hostility among park residents to the new leasing arrangements led to a meeting between representatives of various organizations in the parks and a sub-committee of the Cabinet. The Honourable Arthur Laing, Minister of Northern Affairs and National Resources, accompanied by the Honourable Harry Hays, Minister of Agriculture, and the Honourable Mitchell Sharp, Minister of Trade and Commerce, met with the delegation in Ottawa on August 10, 1965. Senator Cameron introduced the members of the delegation, who individually presented condensed versions of briefs which were submitted for consideration.

Mr. Laing defended his policies respecting leases and assignments, and provided the delegates with details of some of the transactions which had helped to focus attention on a situation which he considered to be prejudicial to the public interest. Several of these involved sales of leasehold interest with profits accruing to the successive vendors, although the Crown received only a small nominal rental and shared no part of the increased value or gain. A more complicated "deal" was that involving a service station lot in Banff where the lessee, who paid the Crown an annual rental of \$30 per year, sublet the property at a rental of \$1,200 per year for a term of 15 years, renewable for another five years. The sub-lessee had agreed to construct on the lot a new service station at a cost of \$30,000, which at the end of the 20-year sub-lease, would revert to the original lessee.⁵²

Mr. Laing assured the delegates that persons required, by reasons of business or employment, to live in the park, would be able on retirement to remain in the park, provided they had established residence at least five years before such retirement. The delegates also received confirmation of the provision in future residential leases that, on their expiry, lessees would receive compensation at a fair market value of improvements placed on their property. Insofar as commercial properties were concerned, the Minister stated that lessees would be expected to write off the capital cost of the business during the term of the lease, and on expiry of the lease, the property, with improvements, would revert to the Crown.

An outcome of the meeting between the delegation and the cabinet ministers was the release of a policy statement by the Honourable Mr. Laing. This took the form of a letter dated August 25, 1965, sent by the Minister to all leaseholders of lands used for year-round residence in the national parks. In his letter, Mr. Laing stressed the need for park lands to be under control in order to ensure their long-range use in accordance with

fundamental objectives inherent in the creation of national parks.⁵³

Leases for residential properties in future would be drawn for terms of 42 years without provision for renewal. On termination of the 42-year term, compensation would be paid to the lessee, based on fair-market value. The lease also would contain a provision that occupants of dwellings on residential properties must be required to live in a park by reason of their business and employment. If the land was not required for other purposes at the end of the lease term, the dwelling units would become Crown rental units, and the occupants at that time would have the right of first refusal to rent the premises, provided they proved to be satisfactory tenants.

The Minister reaffirmed that with respect to residential leases subject to rental review, there would be no increase in existing rents until 1970. In cases where consent to the assignment of residential leases was sought, any lease having an unexpired term in excess of 42 years, including any renewal feature, would be replaced by the standard lease containing provision for a 42-year term. Consents to assignment also would be granted only when assurance was received that the prospective occupant of the property met the park residence requirement.

In cases of involuntary assignment, necessitated by the devolution of property through the operation of a will, the Minister said that no changes in the lease terms were contemplated. He also gave assurance that the park residence rule would not apply to leases covering the seasonal occupancy of park lands. At the same time, notice was given that the long-term objective, as set out in the statement of National Parks Policy, was to acquire gradually, all existing summer-home or cottage sites.

The Minister's statement of leasehold policy, as outlined in the letter sent to lessees of park residential properties, was made available a few months later to interested inquirers in the form of printed folders. These publications set out clearly and concisely, the essential features of the National Parks Residential Leasehold Policy and the Commercial Leasehold Policy.

Proposed Leasehold Corporation

Meanwhile, the adoption of a statement of National Park Policy, and the increasing complexities of administering public lands in the national parks had led to a new and radical proposal. In April 1965, the Minister of Northern Affairs and National Resources obtained from the Cabinet, approval of a proposal whereby the administration of public lands in the national parks would be delegated to a Crown Corporation to be established by Act of Parliament. As proposed, the National Parks Leasehold Corporation would have the power to (1) administer all leases in the national parks; (2) buy, or with the approval of the Minister, expropriate leasehold interests and freehold land in the parks, construct, let contracts, hire persons and (3) enjoy such other corporate powers as might be appropriate.

The proposal stemmed from a realization that the current administration of park lands held under leases and licences failed to protect the interest of the public of

Canada, and that commercial leases in particular failed to reflect a return to the Crown which in any way related to the enormous expenditures which the public of Canada had contributed to the development of parks. As proposed, a revised policy relating to residential leases, effective from 1970, would provide for a rental related to the current market value of the leasehold interest. Concurrently, each leasehold involving the use of public land for commercial purposes would be handled as an individual transaction on commercial principles, which would take into account the economic worth of the site and the nature of the proposed commercial operation.

In the implementation of a new leasehold policy which anticipated the expropriation of some leases and the extinguishing of undesirable conditions in others, it was considered that a larger and better-trained staff would be required. The possibility of distorting the structure of national park administration by a growth of staff and the problems of leasing administration, which properly should be oriented toward park planning, development and preservation, also was anticipated. Additionally, direct departmental administration of leases on more exacting terms, pointed to additional pressure on senior administrators as concessionnaires and others pressed for more favourable terms. Consequently, it was concluded that the separation of leasehold affairs from normal park administration was desirable.

By March, 1967, legislation for the creation of the proposed Leasehold Corporation was ready for submission to Parliament in the form of an amendment to the National Parks Act. Although the bill appeared on the order paper in May, 1967, it was not introduced for debate during the 1966-1967 session. Proposed amendments to the National Parks Act suffered a similar fate during the following session of Parliament. It was not until the session of 1969-70 that the bill was debated in the House of Commons, and received second reading.⁵⁴ Although referred to the Standing Committee on Indian Affairs and Northern Development, the bill failed to receive third reading before the session ended. In October, 1970, the amendments providing for the establishment of a Crown Leasehold Corporation were dropped from the Department's Legislative program.

More Agitation for Lease Changes

Legal Advice Engaged

Mr. Laing's letter sent on August 25, 1965, to leaseholders of park lands in the western national parks failed to silence critics of his leasehold policies. The Chambers of Commerce of Banff and Jasper engaged the services and support of George H. Steer, Q.C., a prominent lawyer of Edmonton, to plead their case with the Government at Ottawa. Mr. Steer wrote the Prime Minister On August 30, 1965, suggesting the appointment of a Royal Commission to look into what he considered a repudiation by the Government of its contracts with the lessees as exemplified in leases issued under the authority of the Dominion Forest Reserves and Parks Act. Mr. Steer's letter also reviewed quite exhaustively, federal and provincial legislation which he believed applicable to

leaseholders and their rights to perpetual renewal of leases.⁵⁵

In a subsequent communication, Mr. Steer brought to the attention of the Prime Minister, sections of the Alberta Lands Titles Act which authorized registration in Land Titles Offices of leases of lands in the parks, plans of which were deposited with the provincial Registrars of Lands. Mr. Steer offered his opinion that the registration of a leasehold interest entitled the lessee to the full protection of his leasehold title so as to make it indefeasible.

The Prime Minister advised Mr. Steer that his representations would be brought to the attention of the Minister of Northern Affairs and National Resources. He also expressed the view that there seemed to be no adequate cause for a Royal Commission or a formal board of enquiry, but promised to have the matter looked into at the official level.

Alberta Government Enlisted

Representatives of citizens' groups in Banff, Jasper and Waterton Lakes National Parks, including the Lake Louise area, presented a brief to Premier E.S. Manning of Alberta on October 28, 1965. This brief took issue with the leasehold policies instituted by the Minister of Northern Affairs and National Resources for Canada, and solicited the support of the provincial authorities in having the park leasing controversy reviewed by a federal commission.⁵⁶

In turn, Mr. Manning wrote to the Prime Minister about his discussions with members of the delegation. He mentioned specifically the policy of the federal department in substituting for current leases, a new standard form granting a lease for a term of 42 years without privilege of renewal, and of the use of the "consent" clause to force the relinquishment of leases having perpetual rights of renewal. He also suggested that lessees who had registered their leases and received a certificate of title under the Provincial Lands Title Act had an indefeasible title to rights granted under the terms of the lease. The proposed policy, Mr. Manning stated, would detrimentally affect the development of the tourist industry of Alberta.⁵⁷

The legal implications of these submissions were examined by law officers of the Crown at Ottawa who held that the Minister of Northern Affairs and National Resources had the power to refuse to consent to any legal voluntary assignment of a lease and that any lease assigned by a lessee without the Minister's consent would be subject to forfeiture by the Minister. The opinion was also expressed that leasehold interest to lands in national parks was governed by the National Parks Act, by other federal legislation, by the lease that was issued thereunder, and by the Crown's right of expropriation.

In his reply of February 4, 1966 to Premier Manning, the Right Honourable L.B. Pearson advised that the law officers of the Crown had disclaimed any knowledge that would make the Crown in right of Canada subject to the Alberta Lands Titles Act. He also stated there appeared to be no evidence that the substitution of a term of at least 42 years from the present time in lieu of the so-called

perpetual renewal of leases had any significant effect on the present day worth of the leasehold interests concerned. Reference was made to new legislation that the Government proposed to introduce concerning the administration of leasehold matters in the national parks. Full opportunity, he promised, would be afforded park residents and others to make their views known before any final decision was taken by the Government. The Prime Minister's letter was tabled in the House of Commons on February 16, 1966.⁵⁸

A sequel to Mr. Pearson's exchange of correspondence with Premier Manning of Alberta was the distribution by the Government of Alberta of a brief entitled "The Detrimental Effect of the National Park Policy on the Tourist Industry of Alberta". A copy of the brief, prepared in January, 1966 by an Alberta advertising agency and an Alberta public relations firm, was received by the Honourable Arthur Laing, Minister of Northern Affairs and National Resources, in February, 1966, from the Honourable A. Russell Patrick, Minister of Industry and Development for Alberta. The brief criticised many aspects of national park administration, including its leasehold policy, the control of business expansion, lack of accommodation for residents, and the policy adopted on winter recreation and associated development.

Mr. Laing's rebuttal also took the form of a brief, which examined and reviewed in detail, each phase of park administration to which exception had been taken. In a foreword to his brief, Mr. Laing observed that "the statements in the (Alberta) brief are based, in my opinion, on the incorrect and unsupported assumption that the policies which govern the administration of the national parks are detrimental to the tourist industry of Alberta". The Minister also expressed the hope that everyone who had received a copy of the Alberta brief would be provided with a copy of his comments. In concluding his remarks, Mr. Laing stated "In my view, the National Parks in Alberta are a boon not only to Albertans but to citizens of Canada as a whole, and further, rather than being a serious detriment to Alberta's tourist industry, they are probably the greatest tourist attraction that Alberta has".⁵⁹

Commons Committee Reviews Policy

An opportunity for further discussion of national park leasehold policy followed the appointment of the Standing Committee on Northern Affairs and National Resources of the House of Commons in February, 1966. The committee, whose primary function was a discussion of the Departmental estimates for the coming fiscal year, included several members of Parliament representing constituencies which enclosed national parks. At the opening session of the committee held on March 31, the Honourable Arthur Laing, Minister of the Department, introduced his Parliamentary Assistant, Dr. S. Haidasz; his Deputy Minister, E.A. Côté, and his Assistant Deputy Ministers, J.A. MacDonald and R.F. Battle. The Minister then followed with a statement relating to the administration of his department and its varied activities in the Northwest Territories, National Parks, National Historic Parks and Sites. During his introduction, Mr. Laing

observed that considerable criticism had occurred over leaseholds in the parks, and that in the next several months "we can arrange a debate to bring out the facts".⁶⁰

As the various votes or items in the estimates came up for discussion, the Minister, his deputy or his assistants, undertook the necessary answers or explanations. During a review of the program for Jasper National Park, Dr. Hugh Horner, M.P. for Jasper-Edson, proposed to the Committee Chairman, Hubert Badanai, M.P., that consideration be given to the appearance before the committee of representatives of the ratepayers' associations in Jasper, Banff and Waterton Lakes National Parks. The proposal was accepted by the Committee, on the understanding that the Minister of Northern Affairs would make the necessary arrangements for their appearance.

The first invited witness from a national park to appear before the Committee was John A. Clark, Chairman of the Jasper Residents' Association, who was present on May 26, 1966. Mr. Clark expressed appreciation for the opportunity to appear before the Committee and reviewed the contents of a telegram he previously had sent the Chairman. This message had extended an invitation of the Committee to hold meetings and discuss park problems in townsites in the western national parks. The witness then reviewed with the members of the committee several items of concern to his association which had been brought to the attention of the Minister by letter earlier in the year. These 'gripes' included the termination of the 'lessees' right to perpetual renewal of their leases through the medium of the Minister's power of consent to assignments of leasehold title. Such action, the witness affirmed, was "legal blackmail". Mr. Clark also was critical of the land rental charged on lots which recently had been made available to bona fide residents of Jasper Townsite.⁶¹

H.C. Craig, President of the Waterton Park Chamber of Commerce, appeared before the Committee on June 7, 1966. A local businessman in Waterton Park Townsite, Mr. Craig reviewed some of the problems experienced in the operation of visitor accommodation. He too, was critical of the new park leasehold policy, and especially of the reduction in the terms of leases brought about by the abolition of the perpetual renewal clause. The witness observed that in Waterton Lakes Park, due to its situation, little transient business was available, and that practically all business activities were restricted to four months of the year. Consequently it took three years to complete a normal year of full business. It was his opinion that a 42-year lease gave the holder only 14 years of actual occupation for business purposes, and that it would be impossible to write off an investment in a business enterprise during a lease term of 42 years.⁶²

Between May 31 and June 23, the Committee also heard representations from officers of the National and Provincial Parks Association of Canada; the Canadian Wildlife Association, Inc.; and the Canadian Audubon Society.

The Standing Committee was empowered on November 1, 1966, to adjourn from place to place and to obtain further information relating to National and Historic

Parks and Sites. An itinerary adopted on November 22 involved visits to Banff and Jasper National Parks for public hearings, and a side trip to Elk Island National Park.⁶³ On November 30, the Committee opened its sessions in the Townsite of Banff where a number of witnesses were interviewed between that date and noon of December 2. On the day following, December 3, the Committee reconvened in the Townsite of Jasper. The Committee later visited Edmonton, Elk Island National Park and Calgary before returning to Ottawa.

During its sessions in Banff and Jasper, the Committee heard 38 witnesses in formal proceedings, including officers of the Banff Advisory Council and the Chambers of Commerce of Banff-Lake Louise, Waterton Park, and Jasper. Other groups and individuals appearing before the Committee represented the Canadian Youth Hostels Association, Jasper Residents Association, Mountain Parks Motel Association, Calgary Chamber of Commerce, and various other organizations interested in the provision of visitor services and accommodation, recreation and wildlife conservation.

In Calgary the members of the Committee were addressed at an informal gathering by the Honourable A.R. Patrick, Minister of Industry and Development for Alberta. The Committee received, during its visits to western Canada or supplementary to its sessions there, a total of 19 briefs, statements and communications. The Senior Assistant Deputy Minister of Indian Affairs and Northern Development — the new name of the Department from October 1, 1966 — attended all sessions in Banff and Jasper, and took an active part in the discussions.

A sequel to the hearings held in Banff and Jasper National Parks was the adoption on January 12, 1967 of a resolution by the Standing Committee that John A. MacDonald, Senior Assistant Deputy Minister of Indian Affairs and Northern Development, be invited to brief the Committee on the major issues of National Park policy. One week later, on January 19, the Committee approved a motion that Mr. George H. Steer, Q.C., of Edmonton, be invited to be present when Mr. MacDonald gave evidence.

Accompanied by Mr. Laing, Mr. MacDonald appeared before the Committee on February 16, 1967.⁶⁴ Mr. Steer was present in the role of an observer. Mr. MacDonald came to the meeting with a printed document of 46 pages entitled "Statement of the National Parks of Canada to the Standing Committee on Northern Affairs and National Resources from the Department of Indian Affairs and Northern Development". He commenced his testimony by stating that he welcomed the opportunity to appear and offer some comments on the wide variety of matters that were raised in briefs and in verbal testimony given before the Committee in Ottawa and in western Canada. This, of necessity, had produced a lengthy presentation which he proposed to review, skipping, for purposes of brevity, sections constituting reaffirmations of policy. Mr. MacDonald then proceeded with a summary of the factual material in his brief, under general headings of (1) National Parks purpose, planning and development; (2) Land Tenure System; (3) Administration Problems in the National

Parks; and (4) National Parks Goals. Mr. MacDonald stressed the primary purposes of national parks, emphasizing the need for advance planning, including the creation of wilderness and transition zones in the parks, the relation of tourism to the parks, and the development of trails and facilities for the enjoyment of natural areas.

Considerable explanation was devoted to the National Park Leasehold Policy which was set out in a 12-page section of the brief. This part of the statement actually was the first complete printed statement of national parks leasehold policy to be made available since Mr. Laing assumed responsibility for the administration of the Department. It reviewed the past history of the lease problem, explained the need for changes which had been made, and set out the latest rules for the leasing of park lands for commercial development, for residence in the parks, and for the occupation of land for summer residence (cottage) purposes.

Mr. MacDonald then proceeded with a review of policy concerned with the preservation of natural resources within parks — the management of forests, protection of mineral resources from exploitation, the control of pollution and the conservation of wild animal life. An explanation of the role of townsites in national parks was made, and attention was called to the measures which had been taken to improve financial and management services.

The review of national park activities required a second appearance of the Senior Assistant Deputy Minister before the Committee. This occurred on February 28. After concluding his statement on leaseholds in the park townsites, Mr. MacDonald called attention to the portion of his brief which summarized directions and goals of the national parks system which were inherent in the National Parks Policy statement of 1964.

Throughout his discourse Mr. MacDonald was questioned extensively by the members of the Committee. At the conclusion of his testimony, he informed the Chairman that supplementary to the brief, he had information dealing with cases in which hardship appeared to have been sustained by park residents and concessionnaires. It was agreed that this statement would be tabled and referred to the sub-committee on agenda and procedure. The statement later appeared as Appendix (XI) to the Report of the Committee.⁶⁵

In its Sixth Report dated March 21, 1967, the Committee recorded its recommendations based on evidence heard in Ottawa, Banff, and Jasper. In summary, the Committee:

- (a) supported the principles set out in the dedication clause (4) of the National Parks Act;
- (b) favoured the concept of organization of the parks into areas incorporating wilderness, semi-wilderness, including recreation areas; and visitor service centres.
- (c) endorsed long range planning and decentralization of authority by the establishment of regional offices;
- (d) called attention to a serious problem of communication between the Department on one hand, and residents and operators in the parks on the other.

- (e) recommended the testing in the courts of the validity of Departmental policy in not renewing perpetual leases.
- (f) recommended that with respect to residential leaseholds, immediate action be taken to provide for boards of arbitration to determine compensation due lessees on expiry of their leases.
- (g) endorsed the commercial leasehold policy, subject to the condition that lease terms granted be adequate to ensure an adequate supply of capital for visitor services.
- (h) recommended that the government continue to substitute new-form leases for old-form commercial leases which do not provide for reversion of assets on termination.
- (i) with respect to compensation at the end of commercial lease terms, the Committee expressed satisfaction that the period for recovery of investment, which in most cases is 42 years or longer, is sufficient for recovery of investment without compensation, except on the recommendation of the proposed National Parks Leasehold Corporation.
- (j) noted the Minister's statement to the Committee that legislation would be introduced to establish a National Parks Leasehold Corporation to administer leases.
- (k) recommended that additional national parks be established throughout the nation in co-operation and consultation with provincial governments.⁶⁶

Crown Involved in Court Action

Court Decision Requested

Less than a month after the report of the Standing Committee was published, George H. Steer, Q.C., wrote to the Minister from Edmonton calling attention to a recommendation of the Committee that the validity of the Government's policy in not renewing perpetually-renewable leases be tested in the courts. In his letter of April 19, 1967, Mr. Steer suggested that Mr. Laing might now be willing to have the matter of the Minister's power to grant leases with provision for renewal referred to the Supreme Court of Canada. Mr. Laing's reply avoided both acceptance or refusal, but stated that the opinion of the Deputy Attorney General of Canada had been secured, and that the course being pursued was legal and indeed to do otherwise would be contrary to the law. Mr. Laing reaffirmed that the current policy was a reasonable compromise of the public and private interest, and no specific hardship directly related to the policy had been imposed on any leaseholder.

The legal opinion referred to by Mr. Laing had been obtained from the Deputy Attorney General on December 2, 1966. Advice had been requested by the Legal Adviser of the Department of Indian Affairs on the question of whether or not the Crown was legally liable to renew, on the same terms and conditions other than rent, two leases for lands in Banff and Jasper Parks granted by the Minister of the Interior prior to 1930,

when the National Park Act had come into force. In both cases the leases, which contained provision for perpetual renewal, had expired.

The leases in question had been issued pursuant to regulations made originally in 1909 under the Rocky Mountains Park Act and re-established in 1913 under authority of the Dominion Forest Reserves and Parks Act, 1911. Under those regulations, the Minister of the Interior was empowered to issue leases for building lots for any term not exceeding 42 years at rentals to be fixed from time to time by him. The leases might also contain "the right of renewal". In respect of this legislation, the Attorney General observed,

"The leases in question purport to require the Crown to grant a renewal lease in the same terms and conditions in perpetuity subject to a rent to be as agreed upon, or in the event of no agreement, to be fixed by arbitration."

"In my view, the Minister of the Interior did not have power to grant a right of renewal in those terms, and therefore that portion of the lease was ultra vires his power and authority and cannot therefore be enforced."

"In view of the foregoing, there is no existing authority for the Minister to grant a lease of land in Banff National Park which, in effect, would be renewable in perpetuity."

"Accordingly, it is my view that if an action were brought against the Crown for specific performance of the covenant to grant a renewal lease, renewable in perpetuity, the Crown would have a valid defence to such action for the above reasons."⁶⁷

The recommendations of the Standing Committee on Northern Affairs and National Resources, and the explanations made by the Minister and his departmental staff failed to curb prevailing opposition to the prevailing leasehold policy. Holders of expiring leases that had contained provision for perpetual renewal, on application for renewal leases in the same form, were offered the new standard lease form for a fixed term, usually 42 years, minus any renewal clause. On refusal, lessees were advised by the park superintendent concerned that they would be considered to be overholding tenants.

Among lessees so affected was Mr. George Steer, Q.C., who had been prominently identified as counsel for ratepayers' associations and chambers of commerce in the western national parks. On receipt of advice from the Superintendent of Jasper National Park that he would be considered an overholding tenant of a lot in the Lake Edith Subdivision in that park, Mr. Steer rejoined that he regarded himself as a tenant in possession under the terms of the original lease extended from the date of its expiration for the period of 42 years, and, at the expiry of that term, to be further renewed.⁶⁸

Finally, the objections to the leasehold policy took positive and meaningful form. On November 20, 1967, a Joint Petition of Right was filed in the Exchequer Court

of Canada by George H. Steer, Q.C., on behalf of two lessees in Jasper National Park, petitioning the Court for an order declaring that each of the said lessees was entitled to a renewal of his lease for a further term of 42 years, such lease to contain all of the clauses in his original lease, including perpetual renewal, but excepting the rent to be paid. One of the suppliants, W.A. Walker, held an expired lease for a residential lot in the Lake Edith Subdivision, while the other suppliant, M.E. Clark and Son, Ltd., held a lease for a commercial lot in the Townsite of Jasper.⁶⁹

Responsibility for the Crown's defence of the suit rested with the Federal Department of Justice. With the assistance of officers of the National and Historic Parks Branch of the Department of Indian Affairs and Northern Development, the law officers of the Crown prepared a Statement of Defence which was filed with the Registrar of the Exchequer Court on January 31, 1968. This statement denied the right of the Minister of Indian Affairs to grant a lease in the terms alleged in the Petition of Right. Eventually, the trial was set for November 19-20, 1968, in the Court House at Edmonton, with the Honourable Justice H.F. Gibson presiding.

The Trial

When the Exchequer Court (now the Federal Court) was convened in Edmonton on November 19, a large group of interested spectators occupied the public gallery. Included were officers of citizens' associations in Banff and Jasper, representatives of chambers of commerce in the western parks, and other interested national park residents. George H. Steer Q.C., conducted the case for the suppliants, Walker and Clark. The Crown was presented by Peter M. Troop, Director of the Property Section, Department of Justice, Ottawa. Mr. Troop was assisted by two law officers of the Crown. Observers included the Superintendent of Jasper National Park, the Banff Townsite Manager and two members of the staff of the National and Historic Parks Branch at Ottawa.

Mr. Steer led off for the suppliants, taking up most of the first day with his argument. In the Petition of Right filed by Mr. Steer on behalf of his clients, the suppliants had claimed that each of them was entitled to a renewal of their lease for a further term of 42 years on October 1, 1966 and on October 1, 1967, respectively. The renewals, it was alleged, should contain all the clauses included in the original lease — except as to the rental to be paid. The renewal clauses in the expired leases, which were basically the keystone of the lawsuit, read as follows:

"And it is hereby agreed by and between the parties to these presents that if at the expiration of the said term of forty-two years the lessee shall be desirous of taking a renewal lease of the said demised premises, and shall of such desire prior to such expiration give to the Minister six months' notice in writing, and shall have paid the rent hereby reserved, and observed, performed, fulfilled and abided by the stipulations, terms and conditions herein expressed and contained and on her part, to be observed, performed, fulfilled and abided by, then His Majesty, His successors or assigns shall and will grant unto the lessee the said demised

premises for a second term of forty-two years, by a lease containing the like stipulations, terms and conditions as are in these presents expressed and contained, except as to the rent to be paid by the lessee during such second term, and that the amount of such rent, in case His Majesty, His successors or assigns, and the lessee shall fail to agree thereupon, shall be fixed and determined by the award and arbitrament of three arbitrators, one of whom shall be named by the Minister, another by the lessee, and the third by the two so named, and said arbitrators in fixing the amount of such rent shall calculate the same altogether as ground rent of a parcel of land situated as the said premises shall then be situated, and the value of any buildings, tenements, houses or erections placed thereon by the lessee shall not be taken into account in fixing such rent; and the rent so to be fixed and determined shall be payable half-yearly as is hereinbefore provided with respect to the rent reserved under these presents, and shall commence immediately upon the termination of the term hereby granted.

“And it is further agreed that if at the expiration of such second term the lessee shall be desirous of again renewing such lease, and shall give to the Minister the like notice as is hereinbefore provided with respect to the first renewal thereof, and shall have paid the rent, and observed, performed, fulfilled and abided by the stipulations, terms and conditions in the first renewal lease expressed and contained, then His Majesty, His successors or assigns shall and will grant a further renewal lease to the lessee for a further term of forty-two years, subject to the like stipulations, terms and conditions, as are hereinbefore provided with respect to such first renewal lease, the amount of rent to be payable under such second renewal lease to be fixed and determined in the manner above provided and set forth; and so on at the end of every renewal term; it being the true intent and meaning of these presents that at the end of the hereby granted term of forty-two years and also at the end of every renewal term of forty-two years, so to be granted as aforesaid, and upon the observance and fulfilment of, and compliance with the like requirements as are hereinbefore provided with respect to such first and second renewals, there shall be granted a further renewal term or lease of the said demised premises, containing the like stipulations, terms and conditions, and at a rent fixed and determined, as are hereinbefore respectively provided, and so on forever.”⁷⁰

Mr. Steer's argument in respect of the Minister's right to issue a lease in perpetuity was concentrated mainly on the wording of regulations established on August 8, 1913, for the management of Dominion Forest Reserves. These regulations were made under the authority of the Dominion Forest Reserves and Parks Act, which contained authority for the management and control both of Forest Reserves and Dominion (National) Parks. By way of explanation, one section (17) authorized the Governor in Council to make regulations for the management of Forest Reserves, and another section (18)

authorized the establishment of regulations for the control and management of Dominion Parks. The 1913 regulations, cited by Mr. Steer, authorized the issue of leases by the Minister of the Interior covering building lots in duly established “summer resorts” in Forest Reserves, “for a period of 42 years, renewable in like periods, at a rental to be fixed by the Minister”.

Mr. Steer also based part of his argument on an amendment to the Alberta Lands Titles Act made in 1917, which permitted the acceptance for registration, by the Registrars of Land Titles, of original or certified copies of leases for surveyed lands in the National Parks in Alberta, plans of which were filed in the Land Titles Office concerned. On registration of their leases, lessees received in return, a Certificate of Leasehold Title. Mr. Steer held that through the registration of leases or copies certified by the Deputy Minister of the Interior, and the acceptance of a Certificate of Leasehold Title, the recipient was thereby entitled to a perpetual right to lands for which such certificate had been issued.⁷¹

In his rebuttal for the Crown, Mr. Troop rejected the arguments of counsel for the suppliants. He reviewed early legislation relating to the establishment of national parks, and took the position that the only regulations which could have authorized the granting of leases in Jasper Park in 1924 and 1925 were the Regulations for the National Parks of Canada made on June 21, 1909, by Order in Council P.C. 1340. He emphasized that these regulations could not authorize the Minister of the Interior to grant a lease renewable in perpetuity in any national park of Canada. The power of the Minister to grant a lease pursuant to the 1909 regulations he stated, was limited to a fixed term, not exceeding 42 years, together with one renewal, provided the lease reserved to the Minister and his successors, the power to fix, from time to time, the rent reserved.

The regulations which had been established in 1913, under Section 17 of the Forest Reserves and Parks Act, Mr. Troop argued, were designed only for the administration of forest reserves, and there was no reason whatever to believe that the subdivision of Lake Edith in Jasper National Park could possibly come under Forest Reserve regulations. Conversely, the 1909 regulations established for Rocky Mountains Park and other park reserves had been re-established in 1911 and made applicable to the national parks established that year under the authority of the Dominion Forest Reserves and Parks Act. At no time had the latter act provided for the establishment within national parks of “summer resorts”, and the section relating to “townsites” in forest reserves contained no provision for renewal of leases.

In reviewing the question of whether or not Parliament had taken away any rights the lessees had under the terms of their leases, Mr. Troop held that lessees at all times were dependent on the statutory authority in force at the time of renewal. Both leases in question contained a clause making them subject to the observation of all regulations for national parks in force from time to time. Regulations in force in 1966 and 1967 when renewal of the leases had been applied for, authorized the Minister to issue leases for lots in townsites and subdivisions for

terms not exceeding 42 years, with provision for one renewal for a further term of 21 years.⁷²

Mr. Steer's argument on the application of the Alberta Lands Titles Act on park leases was rejected by Mr. Troop. The registration or filing of plans of survey on park lands in the Provincial Lands Titles offices, he contended, in no way vested title in right of the province to the lands surveyed nor did the Certificate of Leasehold Title issued to a lessee following registration of his lease provide an interest beyond the initial term of 42 years or less.

The presiding judge, the Honourable Hugh F. Gibson, promised a decision within two to three weeks. Actually, his judgement was delivered on December 18, 1968, and it upheld the argument of the suppliants that the Government must renew in similar form, national park leases which contained a clause providing for the right of perpetual renewal. In his Reasons for Judgement, Justice Gibson set out the issues to be resolved by the Court. These were:

"Firstly, what were the applicable regulations under which each of these subject leases was originally granted to the respective predecessors in title of the suppliants?"

"Secondly, whether the applicable regulations authorized the designated Minister at that time to grant leases of the respective lands described in these leases, renewable in perpetuity?"

"Thirdly, whether the Parliament of Canada since the granting of the original leases (in 1924 and 1925) and by the time in 1966 when the original term of 42 years in these leases had expired and the time for requesting the granting or renewals had come, has taken away the right to grant renewals in perpetuity if such right of renewal ever existed?"

"Fourthly, whether the fifth covenant in each of these leases makes applicable the present National Parks Regulations? The relevant paragraph of the leases read:

"That this lease and any renewal thereof, shall be subject to all Regulations for the control and management of Dominion Parks now in force, or which may hereafter be made from time to time in that behalf, by the Governor in Council"

*"Fifthly, whether the Alberta Land Titles Act has any application to the issues herein?"*⁷³

The Judgement

In respect of the first question, Judge Gibson held that the applicable regulations under which the leases were originally granted were the 1909 regulations as re-established by the Governor in Council on June 6, 1911, and made under section 18 (2) of the Dominion Forest Reserves and Parks Act, 1911.

As to the second question, the Judge held that the intention to covenant for perpetual renewal is unequiv-

ocally expressed in the renewal clauses in the subject leases. He also ruled that there was no equivocation in the language employed in the relevant regulations and that those regulations gave the designated Minister, at this time, the power to grant leases containing a covenant giving the right of renewal in perpetuity; and that certain words contained in these covenants for renewal relating to the fixing of rent which the Minister had no power to insert at the time, are severable from the other clauses and can be disregarded, leaving the rest of the renewal clause unaffected.

The decision of Judge Gibson on the third question was that the Parliament has not taken away the right of renewal contained in the subject leases by subsequent legislation and regulations now in force because of the saving provisions of section 36(c) of the Interpretation Act, Statutes of Canada, 1967, C.7.

The fourth question, relating to the applicability of the clause in the lease making it subject to all park regulations, both currently in force and enacted in future, was decided in favour of the suppliants. The judgement given was "That the fifth covenant of the two leases do not make applicable all the regulations in force at the original date of the subject leases or which were made thereafter in that behalf by the Governor in Council, but instead the two leases are subject only to those regulations which are in the nature of policy regulations by reason of such fifth covenant of these leases".

As to the fifth and final question, Judge Gibson ruled that the Alberta Lands Titles Act had no application to the issues therein.

The judgement concluded by declaring that the suppliants were entitled to the relief sought by the Petition of Right together with costs.⁷⁴

Aftermath of Court Decision

Court Decision Appealed

Although the decision of the Exchequer Court in favour of the lessees was hailed with satisfaction by residents of the western parks, the matter was far from settled. Following a consultation involving officers of the Department of Indian Affairs, the National and Historic Parks Branch, and the Department of Justice, a recommendation that the judgement be appealed in the Supreme Court of Canada was approved by the Minister of Indian Affairs. Notice of appeal was filed with the Court on January 8, 1969, and the case was heard in Ottawa on October 27 and 28, 1969.

The case for the Crown was based on the following grounds:

- (a) that the relevant regulations, in effect when the leases were made, did not give the Minister the power to issue leases, renewable at the option of the lessees, for successive terms of 42 years, renewable in perpetuity.
- (b) that at the time the respondents sought renewal of their leases, the Minister was prohibited by the National Parks Act, c. 33, S.C. 1930, and regulations made pursuant to it from issuing leases in the terms of the covenant for renewal.

Counsel for the Crown at the hearing was C.R.O. Munro, Q.C., assisted by A.S. Ross, both of the Department of Justice at Ottawa. The respondents were represented by G.H. Steer, Q.C., and G.A.C. Steer, Q.C., of Edmonton.

A majority judgement written by the Honourable Justice R. Martland and concurred in by five other members of the Court, including the Chief Justice, dismissed the appeal with costs. Three members of the Court dissented from the majority judgement given. The judgement not only held that the regulations in force when the leases were issued authorized such issue, but reversed the judgement of the Exchequer Court in declaring the leases were made under authority of the regulations enacted in 1913 for the protection, care and management of Dominion Forests Reserves.

The second point raised by the appellant was that the National Parks Act, 1930, and regulations made thereunder, prohibited renewal of leases in the terms of the covenant for renewal. On this argument, the Court ruled that the Crown was obligated to perform its contracts, and that the power of the Minister to make any new leases was no less broad than it was when the original leases were made. The judgement went on to state:

*"The National Parks Act and the regulations enacted pursuant thereto are not to be construed as applying retrospectively so as to take away rights already created. They lay down rules applicable from the date of enactment regarding the disposition of property in the National Parks, but in the absence of clear and specific terms to that effect they should not be interpreted so as to divest the respondents of contractual rights and equitable interests already validly granted to them."*⁷⁵

Renewal Leases Issued

An interesting feature of the judgement rendered by the Supreme Court of Canada in the case of Walker and Clark was the fact that it applied only to the right of renewal of leases issued prior to the enactment of the National Parks Act in May 1930. The Court did not deal with the question of leases issued after that date. Consequently, the validity of the right to renewal of leases granted after May 30, 1930, remained undecided.⁷⁶

Faced with the option of implementing the perpetual renewal clauses in leases issued prior to May, 1930, or of extinguishing such rights by legislation or acquisition, the Department decided to proceed with the issue of leases in the form decreed by the Court. By August, 1970, the number of overholding tenants who had held leases for which the original term had expired, had reached 75. These individuals now began to press for the renewal of leases to which they were entitled. A form of lease, incorporating terms and conditions contained in the original leases, was prepared by the Department's legal officer and approved for use. Slight variations in the form of the new leases were found necessary to comply with the wording of the original leases. For example, in some cases the leases to be renewed provided for arbitra-

tion when the lessee and the Minister failed to agree on the rental payable at the expiry of the lease term. In others, the original lease provided for a referral of the disputed rental to the Exchequer (now the Federal) Court of Canada for adjudication.

New Rental Formula

The issue of new leases however, was complicated by the application of a new rental formula which, nearly eight years before, had been forecast for 1970. The new formula, to be based on a percentage of the value of land, had its origin in the report of the Institute of Local Government prepared for the Department in 1960. It recommended a rate of rental calculated on a percentage of the assessed value of the land. Professor Grant Crawford, author of the report, had suggested a rate of six per cent which then was the borrowing rate of the Federal Government.

The application of a new system for fixing land rental in 1970 had been announced by the Minister of Northern Affairs, the Honourable Walter Dinsdale in 1962, although no final decision had been made on the actual percentage to be adopted. In 1966, the Honourable Arthur Laing, then Minister, had confirmed the new approach in fixing rentals on a percentage basis, but on the basis of market rather than the assessed value of the land to be leased. Although assessment rolls prepared by provincial authorities for school and other taxing purposes were available in most of the larger national parks, the basis of assessment varied in different parts of Canada. Rather than try to make the necessary adjustments by a process of equalization, a decision was reached by the Department whereby a percentage, approved at six per cent, would apply to the real or market value of the land.

Appraisal of Lands

In order to establish the market value of the lands under lease in the widely-dispersed national parks, the Department in July, 1968, solicited tenders from professional firms or individuals qualified to carry out the necessary appraisals. The invitations to tender were accompanied by reference material and a schedule of the properties requiring valuation.⁷⁷ Community or advisory groups composed of representative citizens in the national parks were notified by the Regional Directors of the action being taken.

By September, 1968, all interested valuers had submitted proposals, including an estimate of costs of carrying out property valuations. After careful evaluation of the submissions, in consultation with federal government real estate officers and an independent valuator, appraisers were engaged to make the valuations. Contracts, calling for completion of the work by specified dates, were issued following Treasury Board approval in the spring of 1969.

Contracts for the appraisal work in nine of the parks in western Canada were divided among five consulting firms. Similar services required in national parks in Ontario and in the Atlantic Provinces were undertaken by four different appraisers. The target date for completion of the valuations varied in different parks, but all

work was completed by September 30, 1969, at a cost of about \$175,000.

The work of evaluating park lands was carried out under guidelines developed by the National and Historic Parks Branch at Ottawa. The terms of reference included the following statement:

“The purpose of the appraisal is to determine the real value of all Crown-owned leased land and such other land as may be designated in the National Parks, exclusive of improvements placed thereon by the lessees”. Only the land occupied — exclusive of improvements — was appraised. Although existing Zoning Regulations were applicable to properties appraised, where non-conforming use of land existed, the appraisal was based on present-use value. The appraisers were encouraged to discuss relevant factors with lessees, including demand, availability, costs, trends and zoning.

Increase in Rental

The adoption of a rental formula based on a percentage of the market value of the leased land promised greatly increased rental payments by lessees. Rentals established in 1950 had been carried over to 1970. In many cases, these rentals were barely nominal, and had little relation to a rental which, according to the terms of many of the leases, provided for a rate “equal to the full value of the tenement”.

A statistical analysis of revised rentals for Banff, Jasper and Waterton Park Townsites calculated at six per cent of the appraised value of the land revealed changes resulting from the application of the new formula. In Banff, where the residential rentals ranged according to location, from \$16 to \$30 per lot, per annum, the new median rates in residential zones 1 and 2 were \$214 and \$197 respectively. Similarly, in the commercial zone where the highest lot rental was \$75 per year, the new median rate had risen to \$829.

In Jasper, where rentals had been slightly lower, increases also were indicated. Residential rates, which had ranged from \$12 to \$15 per lot, were supplanted by median rates of \$146, \$151, and \$233 in residential zones 1, 2, and 3. Lots zoned for commercial use and formerly rated at \$45 and \$55 per year, were increased to a minimum rental of \$160 and a median rent of \$1,776.

Rates for residential lots in Waterton Park Townsite rose from an average rate of \$15 to a range of from \$75 to \$324. In the commercial zone, where the average rate had been \$20 per lot, rentals were increased to a median of \$295, with a low and high range of from \$60 to \$3,420.⁷⁸

Rental Review Board

On completion of the appraisals, the Regional Director of Western Parks issued a public statement outlining the appeal procedure for lessees having objections to the valuations placed on their leaseholds. This involved application to a Rental Review Board which would convene hearings in various parks at which lessees might appear and present arguments against inequalities of valuation, or have cases of economic hardship reviewed. As contemplated, the Review Board would comprise three members. Of these, the Chairman and a represent-

ative to the National Parks administration, would be appointed by the Minister, and function at all hearings. A third member of the Board representing the lessees, would be named by a citizen's group representing the property-holders in each park or group of parks for which hearings were proposed. Consequently, the third position on the Board was filled by a different person at each hearing.

On December 12, 1969, lessees in each park where leases provided for decennial review of rental, were formally notified by letter, signed by the Acting Director, National and Historic Parks Branch, of the new rental payable by them in 1970. The new rate represented six per cent of the value of the leasehold, exclusive of improvements, as recently appraised. The letter also contained the information that although in some cases leases provided for payment of rental prior to April 7, 1970, the Minister had decided on April 1, as the date for the first payment of rental at the new rate. Attention also was directed to the opportunity of having the appraised valuation of the land reviewed by the Rental Appeal Board.⁷⁹

Rental Increase Deferred

Before the Board commenced its hearings, the Honourable Jean Chrétien announced on February 20, 1970, that the payment of revised land rentals in the parks would be deferred until 1971. This announcement followed a decision of the Cabinet, confirmed by Treasury Board on February 19, as part of the anti-inflationary policy of the Government, to defer certain price and fee increases. Among these were land rentals.⁸⁰ All leaseholders in the parks were notified by letter signed by the Director, National and Historic Parks Branch of the Minister's decision. Recipients of the letter also were advised that the deferment of rental increases would not affect the decision to establish Appeal Boards to hear cases involving leaseholders who considered their revised rentals inequitable.⁸¹

Appeal Board Personnel

Action to appoint the Appraisal Review Board was instituted in January, 1970. Park residents were invited by the superintendents to nominate a member who would represent them at a hearing for that park. Louis Howard, mortgage manager for the Prudential Insurance Company of America at Calgary, was appointed as the representative for the National and Historic Parks Branch. In August, 1970, the Honourable C. Campbell McLaurin of Calgary, formerly Chief Justice, Appellate Division of the Supreme Court of Alberta, accepted the invitation of the Minister to serve as Chairman of the Board.⁸² The Board personnel was completed by a representative for each of the communities in Banff, Jasper, Waterton Lakes, Kootenay, Yoho, Glacier and Prince Albert National Parks. Leaseholders in Riding Mountain National Park nominated two representatives, one on behalf of commercial leaseholders and the other to act for summer residents.

Board Hearings

The Appraisal Appeal Board opened its hearings in Banff on October 26, 1970. Its terms of reference included an examination of the basis, methods and techniques employed in the preparation of the appraisals. It had the responsibility for ensuring that the appraisals established equitable property values. The Board was free to recommend to the Minister such adjustments as it believed to be warranted.⁸³ At its hearings for each park, the Board had in attendance either the appraiser who carried out the valuations, or a representative of the appraisal firm, as well as the local Board representative of the lessees.

The hearings at Banff were carried on into December, 1970, during which about 180 cases were reviewed. The Board then proceeded to Jasper where more than 350 leaseholders had objected to the appraisals made. Appeals from lessees in Yoho and Glacier National Parks were heard at Banff in February, 1971. The hearing for Waterton Lakes National Park was convened at Lethbridge, Alberta, on March 25, when 18 appeals were reviewed. No appeals were received from Elk Island National Park. The hearing of appeals in Riding Mountain National Park generated considerable interest. The Board met at Wasagaming Townsite on August 16, when the leaseholders were supported not only by their representatives, but also by three solicitors and an independent appraiser retained by their solicitors. The final hearing, for Prince Albert National Park, Saskatchewan, was held at Waskesiu Townsite on August 20, 1971, where one appeal and five other cases were reviewed.

The recommendations of the Appraisal Review Board were generally acceptable to the Department at Ottawa. However, an examination of reports covering the hearings at Banff and Jasper disclosed that the Board had, in some cases, overlooked the terms of reference under which the appraisers had operated. These had provided for valuations to be based on the highest and best use of the properties concerned. The Board, instead, had decided that the appraisals in some zones, should be based on the actual improvements located on the property. Following a meeting between officers of the National and Historic Parks Branch and the Department's representative on the Board, the Chairman of the Board was requested by the Senior Assistant Deputy Minister to reconvene the Board in Calgary.

The meeting, held on June 9, 1971 was attended by all members of the Board, the Assistant Director (General) and the Chief of the Property Management Division of the Parks Branch, and two members of the staff of the Regional Director. After recommendations of the Board for Banff and Jasper Parks were reviewed, agreement was reached that assessments for certain properties would be re-examined and re-established according to the highest and best use of the land.⁸⁴ Revised reports subsequently were submitted by the Chairman to the Department at Ottawa.

Rental Reviews Concluded

By September, 1971, the hearings of the Appraisal Review Board had been concluded and their recommendations submitted to Ottawa for consideration by the

Minister. An analysis of the reports relating to the mountain national parks, which included leasehold properties in the Townsites of Banff, Jasper, Waterton Park and Field, was completed by October 1. The Departmental review disclosed that the Board had reduced some valuations by up to 50 per cent of the original appraisals. The reason for this variation was that although the appraisals were based on the highest and best use to which the properties could be developed, the Board's recommendations were based on the actual use of the lands involved, notwithstanding that some properties were zoned for high use. In such cases, the Board had been requested to establish new values reflecting the highest and the best use as indicated in the original appraisals. Consequently, the Department had recourse to three options in determining the values to be used for rental purposes. These were:

- (1) the original appraised values of 1969 based on the highest and best use under existing zoning regulations;
- (2) the Appraisal Review Board's valuation based on the actual use of the land;
- (3) the Appraisal Review Board's valuation on the highest and best use to which properties could be developed under the zoning regulations.

A recommendation was made to the Minister that option No. 2 be confirmed, subject to the reservation that should the use of a property change — for example from residential to commercial — the rental would then be subject to review.⁸⁵

An analysis of recommendations submitted by the Appraisal Review Board following the hearings in Prince Albert Park revealed that very few changes in the original appraisals were recommended. In fact, the Board commended very highly the work of the appraiser engaged by the Department. Conversely, quite significant reductions were recommended by the Board in Riding Mountain National Park, where the appraisers had failed to take into account the levy assessed by the Department against lessees for the cost of installing and maintaining water and sewer services. The Board also recommended that rental be based on current land use rather than the highest and best use. The acceptance of the Board's findings for Prince Albert and Riding Mountain National Parks was recommended to the Minister, with the proviso that, should a change in the use of any property be contemplated, the established rental should be subject to review.⁸⁶

Postponement of Rental Increases

Second Rental Deferment

Meanwhile, a second deferment in the application of new rentals, based on the appraised value of the land occupied, had been sanctioned. On February 10, 1971, the Minister, the Honourable Jean Chrétien, requested the President of the Treasury Board to reconsider its directive of February 26, 1970, which called for the implementation of revised rentals on April 1, 1971. There were sound reasons for deferment. The hearings of the Appraisal Review Board were still in progress, and available information indicated that substantial adjust-

ments in proposed rentals might be recommended by the Board. Moreover, the Minister had requested his Parliamentary Secretary, J. Judd Buchanan, M.P., to undertake a review of leasehold and townsite matters in the western national parks through personal contacts with the residential and business communities in the parks. This was still under way. The Minister's request was approved by Treasury Board and permission to withhold rental increases to April 1, 1972 was granted.⁸⁷ Subsequently, all leaseholders whose land rental was subject to review in 1970 were advised by letter, signed by the Director, National and Historic Parks Branch, of the Minister's decision.

Parliamentary Secretary Involved

Reference has been made to the review of leasehold and townsite matters which had been delegated to the Minister's Parliamentary Secretary. This review, or study, had been initiated by Russell C. Honey, M.P., early in 1970, while Parliamentary Secretary to Mr. Chrétien. Mr. Honey was succeeded on October 1, 1970 by J. Judd Buchanan, M.P. who continued the study. The terms of reference included an examination of the factors and leasehold problems affecting residents and businessmen in the national parks, as well as consideration of ways and means whereby the residents might participate as fully as possible in townsite affairs. Both Mr. Honey and Mr. Buchanan had devoted considerable time to their assignment, and meetings held in various parks permitted discussions with leaseholders, citizens' groups in Banff and Jasper, including the Banff Advisory Council, and the school boards in each park. The Banff and Jasper School Boards in turn, had enlisted the assistance of the Alberta Department of Municipal Affairs in the preparation of a feasibility study on municipal autonomy for the townsites of Banff and Jasper.⁸⁸

Consultant's Study

Another study designed to assess the quality and efficiency of policies, management and practices of land tenure in the national parks, and to recommend any changes necessary to adapt existing policies to sound property management principles, was initiated in November, 1970. The study, recommended by the Director, National and Historic Parks Branch, was approved by the Deputy Minister in January, 1971. Following clearance with the Federal Treasury Board on March 1971, contracts were entered into with two consultant firms experienced in real estate appraisals, North and Leonard, Inc., of Montreal and Vancouver, and Admar, Inc., of Montreal, Quebec.⁸⁹

The terms of reference required the study team to review the principles and methods of existing land tenure in the national parks, the financial aspects of the public and private investment involved, and the economic land return to the Crown; to review and assess past and relevant studies of leasehold policies and townsite administration; and to co-operate and exchange information with the Minister's Parliamentary Assistant conducting an independent review of townsite matters. The consultants were also required to recommend a

leasehold policy consistent with the present philosophy of the National Parks System.

This study was commenced in April, 1971, with the assistance of the Chief, Property Management Division, of the National and Historic Parks Branch at Ottawa. The consultants arranged meetings with various citizen's groups in the western parks, including chambers of commerce, advisory councils and others, with a view to obtaining the opinions and recommendations of the residential and business communities. National Parks personnel were excluded from most of these discussions. A preliminary report was received from North and Leonard, Inc., in November, 1971, but the term of the contract was extended to July 31, 1972, in order to broaden the scope of the study.

The final report, in three sections, was submitted to the Director, National and Historic Parks Branch, on December 29, 1972. Section I, entitled *Leasehold Policy Structure*, represented the suggested composition of the Leasehold Policy Manual, prepared originally in the Branch in 1969, and serves as a summary of the entire study. Background material for major elements of the Leasehold Policy Manual is contained in Sections II and III.

Following its receipt, the report was analyzed by the Property Management Division, and several items in the text were referred to the authors for correction or clarification. After the amended report was received by the Department, copies were forwarded to the Regional Directors and the superintendents of several parks for comment. In addition, a copy of the report, from which matter considered confidential had been deleted, was made available to the Banff Advisory Council, the Jasper Chamber of Commerce, and the Waterton Park Chamber of Commerce. The report was neither accepted nor rejected by the Department, and little reaction was received from any of the organizations which had received a copy.

Increases are Forgiven

By early 1972, the National and Historic Parks Branch was awaiting ministerial authority to inaugurate the new scale of land rentals in the national parks, effective April 1, 1972. A further delay, however, was to occur. In mid-February, 1972, the Minister decided that the implementation of the new rental scale, modified by the recommendations of the Appraisal Review Board, should be deferred until the studies undertaken by his Parliamentary Secretary and by the professional consultants engaged by the Department were completed. Concurrence was obtained from Treasury Board on March 30, 1972.⁹⁰

Details of this latest development in the controversial rental issue were made public in a press release issued by Allen Sulatycky, M.P. for Rocky Mountain, who had succeeded J.J. Buchanan on February 3, 1972. Lessees also were advised by letter from the Director, National and Historic Sites Parks Branch, that the Minister had 'forgiven' the amounts of all rental increases in the national parks until April 1, 1973.⁹¹

Further Lease Policy Changes

Anomalies in Rentals

The successive deferment or forgiveness of rental increases for lands held under lease or licence in the national parks placed many lessees in an anomalous situation. For example, lots in a newly-surveyed residential subdivision in Banff were opened in 1966 for leasing by individuals whose terms of employment required them to live in the park. Rentals were fixed on the basis of a percentage of the market value of the lots and averaged about \$200 a year. Similarly, a group of lots in Jasper Townsite was made available in 1968 for lease to qualified residents. Here the rentals, which averaged about \$150 per year, also were determined on the basis of a percentage of the market value of the land.

Conversely, lessees of residential lots located in comparable residential zones of Banff and Jasper Townsites were required to pay rentals on the much lower scale approved by the Minister between 1951 and 1955. Rental rates for the latter category of lessees represented only 11 to 12 per cent of those payable for the more recently-leased properties. Another group of lessees enjoying a preferred position in respect of rentals payable were operators of bungalow cabin, motel and other visitor accommodation developments who benefited from drastic reductions authorized by the Minister in 1961. These concessionnaires, who, as previously explained, had their rentals adjusted from a percentage basis to a flat rate, remained in a most favourable economic position as compared to those whose leases dated from 1966 onwards.

Reinstatement of Perpetual Leases

The Supreme Court decision of March 20, 1970, that confirmed the legality of the perpetual renewal clauses in park leases issued prior to May 30, 1930, revealed a confusing situation in respect of two classes of leases. These were (1) perpetual leases which, on expiry, were renewed for a fixed term of 42 years without provision for renewal, and (2) leases containing perpetual renewal clauses issued between 1930 and 1958.

After the Court decision was announced, many lessees who had accepted fixed-term leases in return for their surrendered perpetual leases, considered that they should receive the same consideration being extended to those who were now eligible for a renewal lease with future renewals guaranteed in perpetuity. Applications from this class of lessee were considered carefully by the Department, and consultation with the Department's Legal Adviser revealed that practically all lessees, prior to accepting renewal leases for fixed terms, had not executed formal surrenders of their rights to perpetual renewal. Consequently, notwithstanding the acceptance by a lessee of a fixed term lease, it was the opinion of the Legal Adviser that in those cases, "the original perpetually renewable lease subsists and may be renewed in accordance with its terms upon surrender of the fixed term lease if there is authority to grant such renewal".⁹²

The Legal Adviser also stated that although the Supreme Court decision in the Walker Case probably provided all the authority required to renew perpetual

renewal leases of the same class as those considered in that case, namely, perpetual renewable leases granted prior to the coming into force of the National Parks Act in 1930, the decision did not apply to leases granted after 1930.

On August 22, 1972, problems affecting the renewal of park leases were reviewed by the Director in a lengthy submission to the Deputy Minister. It was recalled that no problem existed in respect of leases issued prior to May 30, 1930, which contained rights of renewal. By virtue of the Supreme Court decision, renewal leases containing a right to perpetual renewal had been issued both to overholding tenants who had refused to accept leases drawn for a fixed term, and to lessees whose leases had expired.

With regard to lessees who, between 1958 and the date of the Supreme Court ruling in March, 1970, had accepted either a renewal lease for a fixed term of 42 years or a lease for 42 years with the option of a 21-year renewal, a revised Government policy appeared desirable. The Legal Adviser had confirmed that, subject to the inclusion in the General Regulations of the National Parks of the necessary authority, it would be possible to implement a "reinstatement" policy covering lease-renewal rights. Consequently, it was recommended to the Deputy Minister that, in keeping with a policy accepted by the Minister on February 11, 1971, lessees be permitted to surrender existing fixed-term replacement leases, for which renewals of original perpetual leases would be substituted. Such reinstatements would, in accordance with the Minister's previously approved policy, be subject to the following conditions:

- 1 that the 42-year or 42-plus-21-year leases which had replaced the perpetually renewable leases had not been assigned;
- 2 that the lessee was not in default of, or in breach of, any covenant or condition of his lease;
- 3 that no conflict in the land use permissible by the former lease was involved.

This recommendation received the approval of the Deputy Minister.⁹³

There remained for consideration, the policy of granting renewals of leases issued after May 30, 1930, which had contained the right of perpetual renewal. Under clause 3 (1) of the General Regulations of the National Parks, approved by Order in Council on March 1, 1962, the term of a lease for lands in a park which had been legally surveyed was restricted to 42 years with the option of renewal for 21 years. Consequent to the opinion of the Legal Adviser that renewal in perpetuity of leases issued after 1930 was possible, provided the necessary authority was included in the General Regulations, and subject to certain stipulated conditions, a recommendation was made to the Deputy Minister that the necessary amendment to the regulations be made. Under the proposed regulation, such renewal leases, containing a right to perpetual renewal, would be granted to a person who;

- (a) was not an assignee of the lease in the course of a transaction that included its surrender to the Crown; and
- (b) who had relinquished the option of renewal in

perpetuity and accepted a lease that did not contain such option.

These recommendations also received the approval of the Deputy Minister.⁹⁴

New Regulations Established

Rather than amend the General Regulations of the National Parks which authorized the granting of leases and licences of park lands, it was decided to revoke the pertinent sections of the existing general regulations and establish new ones to be known as the National Parks Lease and Licence of Occupation Regulations. The new regulations were established on May 8, 1973, when they received approval of the Governor General in Council.⁹⁵

The Lease and Licence of Occupation Regulations contained provision for the granting of leases of townsite lots, subdivision lots, and public lands outside townsites and subdivisions, as authorized by the National Parks Act, for terms not exceeding 42 years, with provision for renewal for further terms of 21 years. The new regulations also provided for the granting of renewal leases of public lands in accordance with the covenant of renewal or perpetual renewal where the previous lease was granted prior to the coming into force of the new regulations, and neither the lease nor the right of renewal had been surrendered to the Crown or otherwise extinguished.

A further provision permitted former holders of perpetual leases, who had accepted renewals of such leases which did not contain provision for further renewal, to regain such right of perpetual renewal. In June, 1973, all lessees eligible for an exchange of such leases received a letter from the Minister, setting out the conditions under which existing leases could be replaced. These conditions stipulated that:

- 1 neither the original lease nor the right of perpetual renewal had been formally surrendered to Her Majesty or otherwise extinguished;
- 2 the present lease has not been assigned except by devolution on the death of a lessee;
- 3 the lessee is not in default or breach of the present lease;
- 4 the leased lands are now being used for a purpose permitted by the original lease; and
- 5 this offer is accepted and the exchange takes place before March 31, 1975.

The Minister's letter suggested to the recipient that any decision to accept the offer should be considered carefully in the light of possible advantages contained in existing leases. If the offer was acceptable it was suggested that the lessee contact the park superintendent concerned.⁹⁶

Rental Increases Implemented

In November, 1972, the Minister of Indian Affairs and Northern Development was requested by Treasury Board to review fee structures and other charges to visitors and users of national parks, in the light of escalating costs of their administration. Subsequently, the Minister decided that further forgiveness of land rental increases should be discontinued and the Presi-

dent of the Treasury Board was asked to concur in the implementation of a new rental schedule effective April 1, 1973. Treasury Board granted approval to this request on January 25, 1973.⁹⁷

A general press release issued by the Director of National Parks, Western Region, confirmed the decision to enforce the rental rates which had been approved following land appraisals and hearings by the Rental Review Board. The press release revealed that the Minister was prepared to review individual cases where the increased land rentals would create financial hardship. Subsequently, each lessee received in February 1973, a communication from the Director, National and Historic Parks Branch, setting out the land rental which had been determined by the Minister, based on a rate of six per cent of the appraised value of the land occupied.

Within a period of one month, approximately 70 communications had been received from lessees by the Minister, requesting reconsideration of the rental as determined, by reason of financial hardship. These cases were given careful consideration following submission by the applicants of pertinent details of their financial situation, and a number of reductions were made by fixing a nominal rental for the remaining years of the period subject to review. It was made clear to successful appellants that rental forgiveness would apply only for so long as the lessee's financial situation remained essentially as represented by him, and that such benefit in no way was assignable or transferable.

Federal Court Appeals

The majority of existing leases of lands in the national parks provide for periodic review of rental, with a large proportion being subject to review every 10 years. The terms of many of the leases in force also permit the lessee, in cases where he is not in agreement with the rental determined by the Minister, to have the matter referred either to the Exchequer (now the Federal) Court or to a board of arbitrators for adjudication. Following the receipt of notice of the implementation of an increase in rental, approximately 125 lessees made applications to have their rents reviewed and determined by the relevant tribunal. A number of appeals were found to be ineligible for such action as the terms of the leases established the Minister as the sole authority to fix the rent. Steps to refer the remaining cases to the Federal Court were initiated in April 1973.⁹⁸

It was determined that the cost of submitting some 80 law suits to the Federal Court would probably be out of all proportion to the revenue generated by increased rentals. Consequently, it was decided to institute court action by selecting from each zoning group in a townsite, two or three properties that would represent as many variables as possible. It was expected that the decision of the Court in these cases would be fairly indicative of the course future decisions would take. At the time this text was written, the necessary preparatory work leading to hearings by the Federal Court was under way.

Conclusion

In retrospect, many of the difficulties experienced in the administration of national park lands might have been

avoided had it been possible to adopt and maintain a consistent lease and rental policy that was fair to entrepreneurs, to residents and to the Canadian taxpayers, who theoretically own the parks. It is interesting to observe that over a period of 85 years, the basis for fixing rentals, after a full cycle, reverted to that originally adopted in 1887. That is, a rental based on a percentage of the value of the land. This principle, discarded for a series of unsatisfactory alternatives dictated mainly by political expediency, was re-affirmed following the adoption of recommendations made by professional consultants after intensive studies.

The outcry over the very substantial rental increases announced in 1970 might have been avoided, had the recommendations made some 40 years earlier by a board of arbitration established by the Government, been heeded by the responsible ministry. The acceptance of recommendations on land rentals, made by the MacDonald Commission of 1929, would have paved the way for periodic, justifiable increases, calculated to reflect both the ever-increasing real value of the lands occupied and the value of public services enjoyed by the lessees at little or no cost. Instead, token rental increases, fixed at lengthy intervals without benefit of a reasoned basis, were imposed. Consequently, the decision made in the mid-1960's to adopt a new rental formula based on the value of land, now greatly enhanced in value, produced resentment from lessees who, perhaps unconsciously, had for many years lived in a taxpayer's paradise.

In fairness to the lessees, some of the measures taken to adjust the imbalance between land values and rentals were disparate. For example, the decision of the Minister in 1937 to charge the operators of bungalow camps a percentage of gross receipts from the rental of visitor accommodation, while permitting operators of lodges and hotels within and outside townsites to pay rental on a flat rate per lot or acre, was indeed questionable. In most cases, the operators of cabins and motels located outside townsites were dependent on their own efforts for the provision of services such as water, sewer, refuse disposal, and, in most cases, electric power. Conversely, their urban competitors had ready access to these services supplied by the national park administration or by private enterprise at authorized rates. Later, however, the percentage-paying entrepreneur came into his own in 1961, when, following a persistent lobby, the Mountain Parks Motel Association secured for its members a new deal. Rentals were adjusted at the rate of one-third of those payable during the previous two years.

The dissatisfaction of lessees over terms of leases, review of rental, and the right to renewal of leases were largely an inheritance from the original administrators of the park system. Early regulations established under the authority of existing legislation provided for the issue of leases for terms of 42 years, *with the right of renewal*. Unfortunately, the right of 'perpetual' renewal was affirmed neither by statute nor regulation, and until 1930, park administrators simply followed the pattern established by the leases issued after 1890, which contained such right. As explained earlier in this chapter, the right of lease renewal was intended to guarantee a security of tenure for a park resident erecting a dwelling

for his own use or conducting a business providing an essential service for park visitors.

A new era began with the enactment of the National Parks Act in 1930, and regulations made under its authority restricted the maximum term of a lease to 42 years, but neither the statute nor the regulation confirmed or implied any right of renewal. Nevertheless, for some unexplained reason, the issue of new leases containing a right to perpetual renewal was continued until 1959, when the privilege was withdrawn.

The abrogation of a long-enjoyed right invariably invites opposition, and demands for longer leases, with enhanced financial security, led to a change. In 1962, the Minister, acceding to the organized protests of citizen groups and the operators of visitor accommodation and other businesses, had the park regulations revised to provide for the renewal of leases on expiry for an additional term of 21 years.

This concession brought temporary peace between lessees and the park leasing authority, and little objection to the modified lease forms was raised. The new situation, however, was rudely disturbed following a change of government in 1963, and the adoption of a new leasing policy announced by the Honourable Arthur Laing in 1964 and 1965. Residence in the national parks was restricted to those who provided essential services to park residents and visitors, and was enforced by strict control of leasehold assignments. New leases were drawn for fixed terms, the right of lease renewal was eliminated, and on expiry of the term of the new form of lease, improvements on the land reverted to the Crown without compensation. Although the policy in respect of residential leases was modified to provide compensation for improvements on expiry of leases, criticism in the form of letters, petitions and resolutions poured in on the Minister.

Holders of expiring leases refused to accept the watered-down documents offered by the Crown, and two residents of Jasper National Park successfully petitioned the Exchequer Court of Canada for the right to contest the new leasing policy of the Department of Indian Affairs and Northern Development. In the ensuing action, the appellants were successful, and an appeal launched by the Minister on behalf of the Crown was rejected by majority decision of the Supreme Court of Canada. The right to perpetual renewal of leases issued prior to 1930 now was confirmed. A later decision of the Minister to recognize renewal rights, under certain conditions, of holders of leases issued after 1930, obviated possible additional litigation, and certainly future embarrassment for officers of the Department charged with the administration of land in the national parks.

The radical change in the land administration policy however, has had compensatory effects. Lands in the parks which, notwithstanding the National Parks Act and regulations, are subject to impairment in order to permit their public use, will in future be subject to much stricter control. The right to live in a park will, quite properly, be restricted to those engaged in essential services. Careful planning and zoning practices should help to preserve, to a greater degree, the principles set out in the National Parks Act. Residents and concession-

naires will contribute in rentals and fees, a more equitable share of the cost of preserving and maintaining the park heritage. On the completion and evaluation of the studies which have been instituted, it should be possible to adopt a firm but equitable policy covering all phases of land use in the national parks.

References

- 1 Department of the Interior. National Parks Branch File B.21, Vol. 1A, (letter Oct. 20, 1886)
- 2 Ibid. Nov. 24, 1886
- 3 Ibid. May 3, 1887
- 4 Ibid. June 24, 1887
- 5 National Parks Branch File B.20, Vol. 1, Feb. 25, 1888
- 6 Hansard, May 3, 1887
- 7 Order in Council P.C. 1694, June 30, 1890
- 8 National Parks Branch File B.2, Vol. 1, Jan. 4, 1906
- 9 National Parks Branch File B.20, Vol. 1, May 7, 1913
- 10 National Parks Branch File B.21, Vol. 3, March 12, 1920
- 11 National Parks Branch File B.21, Vol. 4, March 11, 1929
- 12 Ibid. Oct. 28, 1929
- 13 National Parks Branch File B.21, Vol. 5, (letter Oct. 16, 1930)
- 14 National Parks Branch File B.21, Vol. 6, March 12, 1934
- 15 National Parks Branch File W.20, Vol. 1, Nov. 23, 1910
- 16 Ibid. July 26, 1911
- 17 National Parks Branch File J.20, Vol. 1, April 1, 1914
- 18 National Parks Branch File B.21, Vol. 6, Jan. 22, 1936
- 19 National Parks Branch File B.21, Vol. 11, Oct. 17, 1939
- 20 National Parks Branch File B.21, Vol. 12, Aug. 14, 1940
- 21 National Parks Branch File J.21, Vol. 3, April 9, 1940
- 22 National Parks Branch File U.21, Vol. 2
- 23 Ibid. May 12, 1948
- 24 Ibid. Aug. 19, 1949
- 25 Ibid. Dec. 16, 1949
- 26 Order in Council P.C. 81/5955, Dec. 9, 1950
- 27 National Parks Branch File U.21, Vol. 3, Dec. 14, 1950
- 28 Ibid. April 24, 1951
- 29 Ibid. May 11, 1951
- 30 National Parks Branch File B.21, Feb. 23, 1955
- 31 National Parks Branch File U.21, Vol. 2
- 32 National Parks Branch File U.16-112, Vol. 1, Feb. 12, 1937
- 33 Ibid. April 9, 1940
- 34 Ibid. Jan. 29, 1949
- 35 Ibid. (Vol. 3), Feb. 20, 1956
- 36 National Parks Branch File U.21, Vol. 4
- 37 Ibid. (Vol. 5), Feb. 2, 1959
- 38 National Parks Branch File HO 55-9-2, March 17, 1959
- 39 Ottawa Journal, Aug. 31, 1959, National Parks Branch File U.21, Vol. 5
- 40 Order in Council P.C. 5045, Dec. 8, 1947
- 41 Order in Council P.C. 1954-1918, Dec. 8, 1954
- 42 Supplement to the Report of the Institute of Local Government, 1960 National Parks Branch File U.155-1, Vol. 2
- 43 National Parks Branch File U.21, Vol. 6
- 44 National Parks Branch File U.16-112, Vol. 5, Oct. 10, 1961
- 45 National Parks Branch File U.121-16, Nov. 14, 1961
- 46 National Parks Branch File U.21, Vol. 6, Dec. 22, 1961
- 47 Order in Council P.C. 1962-268, March 1, 1962
- 48 Order in Council P.C. 1962-528, April 12, 1962
- 49 National Parks Branch File U.21, Vol. 8, Feb. 5, 1965
- 50 Ibid. March 26, 1965
- 51 Ibid. Aug. 6, 1965
- 52 Toronto Globe and Mail, Aug. 17, 1965
- 53 National Parks Branch File U.21, Vol. 10, Aug. 25, 1965
- 54 Hansard, March 4, 1970
- 55 National Parks Branch File U.21, Vol. 12
- 56 Ibid.
- 57 The Jasper Gateway, Vol. 2, No. 1, Jan. 13, 1966
- 58 Hansard, Feb. 16, 1966
- 59 National Parks Branch File U.21, Vol. 13, March 1966
- 60 Standing Committee on Northern Affairs and National Resources. Minutes of Proceedings and Evidence, No. 1. Queens Printer, Ottawa, 1966
- 61 Ibid., Minute No. 6
- 62 Ibid., Minute, No. 9
- 63 Ibid., Minute No. 19
- 64 Ibid., Minute No. 23
- 65 Ibid., Minute No. 25
- 66 Ibid., Minute No. 26
- 67 National Parks Branch File 90/5-L2 (Policy) Dec. 2, 1966
- 68 National Parks Branch File U. 21 (Law) Vol. I, Jan. 26, 1967
- 69 Ibid.
- 70 Canada Law Reports — Exchequer Court of Canada, 1969, Vol. 1, P. 419. Queens Printer, Ottawa, 1969
- 71 National Parks Branch File U. 21 (Law) No. 2, Memorandum Nov. 25, 1968
- 72 Ibid.
- 73 Exchequer Court Reports, 1969, Vol. 1
- 74 Ibid.
- 75 Dominion Law Reports, 1970, Vol. 1, P. 173
- 76 National Parks Branch File 90/5-L2 (Law) Letter July 20, 1971
- 77 National Parks Branch File 90/5-L2 (Rental) Vol. 1, July 17, 1968
- 78 National Parks Branch File 90/5-L2 (Rental) Vol. 3, Jan. 30, 1970
- 79 Ibid. Dec. 12, 1969
- 80 Treasury Board Minute 694910, Feb. 26, 1970. National Parks Branch File 90/5-L2, Vol. 3
- 81 National Parks Branch File 90/5-L2 (Rental) Vol. 4, March 17, 1970
- 82 Ibid. Letter from Minister to the Hon. C. Campbell McLaurin, Sept. 2, 1970
- 83 Ibid.
- 84 Ibid. (Vol. 5) June 9, 1971

- 85 Ibid. (Vol. 6) Memorandum Oct. 1, 1971
- 86 National Parks Branch File 90/5-L2 (Policy)
Volume 3, Memorandum Nov. 3, 1971
- 87 Treasury Board Minute 702868, March 24, 1971.
National Parks Branch File 90/5-L2 (Rental)
Volume 5
- 88 Statement of Allen Sulatycky, M.P. on Land Rentals,
March 29, 1972. National Parks Branch File 90/
5-L2 (Rental) Vol. 6
- 89 Treasury Board Minute 703860, June 3, 1971 and
Treasury Board Minute 706832, Sept. 9, 1971.
National Parks Branch File 90/5-L2 (Policy) Vol. 2.
- 90 Treasury Board Minute 711389, Mar. 30, 1972.
National Parks Branch File 90/5-L2 (Policy) Vol. 4
- 91 National Parks Branch File 90/5-L2 (Rental) Vol. 6.
May 1, 1972
- 92 Memorandum from Legal Adviser, June 12, 1972.
National Parks Branch File 90/5-L2 (Policy) Vol. 4
- 93 Memorandum Aug. 22, 1972 Director to Senior
Assistant Deputy Minister. National Parks Branch
File 90/5-L2 (Policy) Vol. 4
- 94 Ibid.
- 95 Order in Council P.C. 1973-1052, May 8, 1973
- 96 Enclosed with letter from Senior Assistant Deputy
Minister to Superintendents of Banff, Jasper, Yoho
and Waterton Lakes National Parks, June 7, 1973.
File 90/5-L2 (Policy) Vol. 6
- 97 Treasury Board Minute 717395, Jan. 25, 1973. File
90/5-L2 (Rental) Vol. 7
- 98 Memorandum from Director, Policy, Planning and
Research, Parks Canada, to Director, Legal Services.
April 17, 1973. File 90/5-L2 (Rental) Vol. 8.

Notes

