

ATTACHMENT #8

National Parks Act – Section 33 *Parks Communities*

Powers of superintendent and Minister

(2) If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

Expenses of clean-up

(3) A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

PARK COMMUNITIES

Preparation of community plan

***33.** (1) A community plan for each park community shall be tabled in each House of Parliament as soon as possible after this section comes into force, accompanied in the case of the town of Banff by any zoning by-laws made under the agreement referred to in section 35.

* [Note: Section 33 in force February 19, 2001, see SI/2001-29.]

Contents of community plan

(2) A community plan for a park community must

(a) be consistent with the management plan for the park in which the park community is located;

(b) accord with any guidelines established by the Minister for appropriate activities within the park community;

(c) provide a strategy for the management of growth within the park community; and

(d) be consistent with principles of

(i) no net negative environmental impact, and

(ii) responsible environmental stewardship and heritage conservation.

Elements to be included

(3) A community plan, or the zoning by-laws referred to in subsection (1) and tabled with it, must include

(a) a description of the lands comprising the park community;

(b) a description of the lands comprising the commercial zones of the park community; and

(c) a measure of the maximum floor area permitted within the commercial zones of the park community.

Amendment of Schedule 4

(4) Subject to section 34, the Governor in Council may, by order, add the description of a park community, the description of its commercial zones and a measure of their maximum floor area referred to in subsection (3) to columns 2, 3 and 4, respectively, of Schedule 4, opposite the name of the community set out in column 1 of that Schedule, but any description or measure so added is not subject to amendment by the Governor in Council.

Leases, licences, etc.

(5) No lease or licence of occupation may be granted, and no permit, licence or other authorization may be issued, authorizing a commercial use of lands within a commercial zone of a park community if the maximum

floor area for commercial zones specified for that park community in Schedule 4 would be exceeded as a result of that use.

Additions to be tabled and referred

34. (1) Before additions are made to Schedule 4 under subsection 33(4), the proposed additions shall be tabled in each House of Parliament, and on tabling they stand referred to the standing committee of each House that normally considers matters relating to parks or to any other committee that that House may designate for the purposes of this section.

Disapproval by committee

(2) The committee of each House may, within 30 sitting days after the proposed additions to Schedule 4 are tabled, report to the House that it disapproves the additions, in which case a motion to concur in the report shall be put to the House in accordance with its procedures.

Disposition of motion for concurrence

(3) The motion shall be debated for not more than three hours and disposed of in accordance with the procedures of the House.

Additions allowed

(4) Proposed additions to Schedule 4 may be made if 31 sitting days have elapsed after the tabling of the additions in both Houses and no motion referred to in subsection (2) has been proposed in either House.

Additions not allowed

(5) Proposed additions to Schedule 4 may not be made if either House passes a motion referred to in subsection (2).

PROVISIONS FOR PARTICULAR PARKS

Banff local government

35. The Governor in Council, having authorized the Minister to enter into the Town of Banff Incorporation Agreement dated December 12, 1989, being an agreement for the establishment of a local government body for the town of Banff in Banff National Park of Canada, and to entrust to that body the local government functions specified in the Agreement, may authorize the Minister to further amend the Agreement.

Lands for ski facilities

36. (1) No lease or licence of occupation may be granted for the purpose of commercial ski facilities on public lands in a park except within a commercial ski area described in Schedule 5.

Designation of ski areas

(2) The Governor in Council may, by order, add to Schedule 5 the name and a description of a commercial ski area in the vicinity of Sunshine Village in Banff National Park of Canada, but that Schedule is not otherwise subject to amendment by the Governor in Council.

Wildlife Advisory Board

37. (1) The Governor in Council may, by order, constitute a Wildlife Advisory Board for the traditional hunting grounds of Wood Buffalo National Park of Canada.

Hunting, trapping and fishing permits

(2) Notwithstanding any regulations made under section 17, permits for hunting, trapping and fishing by members of the Cree Band of Fort Chipewyan in the traditional hunting grounds of Wood Buffalo National Park of Canada shall be issued in accordance with regulations of the Wildlife Advisory Board.

Regulations

(3) The Wildlife Advisory Board may, subject to the approval of the Governor in Council, make regulations

ATTACHMENT #9

Banff National Park of Canada Management Plan
(2010) – Section 6.2.2 *The Town of Banff*

6.2.2 The Town of Banff

The **Town of Banff Community Plan**, developed by residents of the community and approved in 2008 by the Mayor and Council of Banff and in 2009 by Canada's Minister of Environment, sets priorities both for Parks Canada and for the municipal administration of the town. The Community Plan establishes the following **vision** and **priorities**:

The Town of Banff is set in a glorious mountain landscape, creating a sense of place that has a powerful effect on those who live and visit here. People come here to be inspired – and often, it's why they come back. We will cultivate Banff's uniqueness while embracing opportunities to enhance our economic health, diversity of lifestyles, and ecosystem. And above all, we will continue to build on our town's rich heritage as a place of enchantment and renewal for others ... always; and

The Town of Banff has an opportunity and obligation to be a sustainable national park community, which means we want to encourage exploration while preserving the park for future generations. We want to be a model for environmental management, sustainable development and tourism.

Community

As residents, we share a common desire to live in a mountain community. We value our safe and caring town and want businesses and organizations to flourish while respecting our limits to growth.

Heritage

We respect that others have lived before us and honour them by preserving and celebrating their memory and legacy. We value our unique culture and will forever find ways to engage residents and visitors in education and interpretation opportunities that reinforce our community's authentic heritage.

Stewardship

It is a privilege to live in this wondrous mountain community and we take this privilege seriously. We value our natural environment and will demonstrate global leadership by living in harmony with this precious landscape.

Partnerships

We rely on our relationships with partners within the town of Banff, regionally, provincially and internationally, to achieve mutual goals. We value these partnerships and the opportunity they present for mutual consultation and information-sharing.

Inspiration

The primary purpose of the town is to welcome visitors to Banff National Park. We are inspired by our home environment and, in turn, hope to inspire others about theirs.

6.2.2.1 Current Situation

- The Town of Banff Incorporation Agreement sets out the purposes and objectives for the town:
 - To maintain the townsite as part of a World Heritage Site;
 - To serve, as its primary function, as a centre for visitors to the park and to provide such visitors with accommodation and other goods and services;
 - To provide the widest range of interpretive and orientation services to park visitors;
 - To maintain a community character that is consistent with and reflects the surrounding environment; and
 - To provide a comfortable living community for those who need to reside in the townsite in order to achieve its primary function.
- There are three national historic sites in or immediately adjacent to the town: the Cave and Basin National Historic Site and the Banff Park Museum National Historic Site, both operated by Parks Canada, and the Fairmont Banff Springs Hotel;
- Situated between the Spray River and Vermilion Lakes, the town of Banff is home to roughly 7,000 permanent residents. The town is a visitor service centre for Banff National Park, with an economy based primarily on tourism and park administration;

- The town is the most visited part of the park, with at least 80% of park visitors spending some time in the community. A wide range of visitor services is available, and at peak periods there are thousands of visitors at any one time;
- Residential leases in the town require that all occupants be eligible residents;
- To manage the town's impact on surrounding park lands, Schedule 4 of the *Canada National Parks Act* sets the municipal boundary in legislation and limits commercial space to a maximum of 361,390 square metres, which is the total of actual and approved commercial development as of June 1998, plus an additional 32,516 square metres (350,000 sq. ft.). Some of the additional potential has yet to be allocated. The town's permanent population is intended not to exceed 8,000 (Federal Census estimates the 2006 permanent population at 6,700);
- There is little tangible connection between Banff Avenue and the rest of the national park. The Parks Canada visitor centre was not designed for the number of visitors it receives during peak season and most visitors in town cannot readily locate park staff;
- Elk using the townsite area have higher calf recruitment than those in areas distant from the townsite. This suggests that the elk are successfully using the town as a refuge from predators and/or are benefiting from improved browse. While elk numbers have been reduced, highly habituated individual elk can become aggressive towards people. Elk calving and rutting seasons are times when the potential for conflict is particularly acute;
- Wastewater from the town and many outlying facilities is treated at the municipal wastewater treatment plant, which discharges into the Bow River. Stormwater from the community also runs into the river. The quality of wastewater discharge from the town's treatment plant is far higher than the Parks Canada standards for all parameters except phosphorus;

- The Banff Community Plan and Land Use Bylaw provide detailed guidance for implementation of the Incorporation Agreement and provide the administrative tools to implement the commercial space, building height and other land-use controls prescribed in this park management plan, which help to ensure that the town remains in harmony with its national park setting; and
- The adjacent community of Canmore also provides a full-range of visitor and resident services and provides an alternative for additional visitor and resident needs that cannot be accommodated within the town of Banff.

6.2.2.2 Objectives

- The town of Banff serves, as its primary function, as a thriving centre for visitors to Banff National Park and the Canadian Rocky Mountain Parks World Heritage Site;
- The town provides an inspiring environment from which visitors can safely enjoy the surrounding natural areas of the park;
- The town is a global model of sustainable development and an example of living harmoniously in a natural environment;
- Commercial development is proactively managed within legislated limits to minimize population growth pressures;
- Parks Canada and the Town of Banff work closely together to achieve these objectives;
- Visitors are very satisfied with all aspects of their visit; and
- Visits to national historic sites and cultural heritage features increase.

6.2.2.3 Key Actions

- Enhance interpretive and educational opportunities in the town, in co-operation with the Town of Banff and heritage tourism partners, by:
 - Continuing the assembly of lands on the east side of the 200 block of Banff Avenue for national park purposes, specifically the development of facilities that enhance the connection of visitors in downtown Banff to the rest of the national park, and that foster knowledge and understanding of the ecology and human history of Banff National Park and the larger regional ecosystem. Parks Canada will work with the Town of Banff to ensure that redevelopment enhances the streetscape and sense of place in downtown Banff;
 - Bringing more remote areas of the park and seldom-seen wildlife into town via webcams, interactive technology, interpretive media and events;
 - Providing integrated trails between the town, the Tunnel Mountain campground and adjacent areas of montane habitat;
 - Developing a ring trail around the town that is fully wheelchair-accessible;
 - Periodically refreshing interpretive media in the existing transit buses and including such material in the expanded transit system; and
 - Increasing the profile of the World Heritage Site, the national historic sites and the many cultural heritage features throughout the town, so that visitors stay longer and include them in their itineraries.
- Assist in making the town a hub for a regional mass transit system that serves both park visitors and residents and enhances options for visitor experience;

- It is anticipated that the permanent population (Federal Census) will not exceed 8,000; all decisions of Parks Canada and the Town of Banff, including business licensing, shall proactively take into account this policy objective;
- In order to reflect the town's setting and to blend with surrounding natural landscapes, existing green space within the town will retain its designation as public park and environmental protection land;
- Development in the commercial downtown districts will retain sightlines to the surrounding landscape and will not include new commercial development above the second storey;
- Commercial development in the town of Banff is limited to development that already existed in the commercial districts of the town of Banff as of June 1998, or that Parks Canada had approved prior to that date, plus an additional 32,516 square metres (350,000 sq. ft.) of commercial floor space in the town. Developed commercial space, when it is removed from the 200 block of Banff Avenue, may be added to the unallocated pool for future commercial development in the commercial zones of the town of Banff;
- The use of lands within the Public Service (PS) district shall be limited to non-commercial uses of an institutional, government, educational or community service nature that are required to meet the needs of eligible residents of the town. Commercial uses will be limited to the commercial districts, except as they may be ancillary to the primary PS district uses listed above. Non-conforming land uses in the PS district that existed as of June 1998 are grandfathered;
- The Town of Banff shall require that all new development and redevelopment incorporate high-quality environmental design (which may include building standards that exceed the minimum construction requirements otherwise applicable) and be complementary to the town's unique location and surrounding context;
- In anticipation of the town approaching both the permanent commercial floor area cap and the intended limit to its permanent resident population, Parks Canada and the Town of Banff will jointly develop proactive strategies to guide



the town's future as both a sustainable community and an authentic national park visitor service centre that welcomes Canadian and international visitors and provides them with memorable experiences;

- Work with the Town of Banff to ensure that stormwater, potable water and wastewater treatment infrastructure is monitored, maintained and improved as necessary to accommodate future demand while maintaining the leadership standards that the town currently achieves; and
- Parks Canada facilities and activities in the town and in adjacent areas that use the town's services will be models of stewardship and will meet or exceed the town's leadership standard for environmental stewardship.

6.2.3 Lands Adjacent to the Town of Banff

6.2.3.1 Current Situation

- The area surrounding the community of Banff is a primary platform through which visitors interact with and experience the park and its wildlife; approximately 80% of park visitors visit the town of Banff and the area immediately surrounding it. Residents of the community also use this area intensively for recreation;
- Adjacent to the town are campgrounds, historic visitor attractions – such as the Upper Hot Springs pool and spa, Mount Norquay ski area and the Fairmont Banff Springs Hotel Golf Course – and many kilometres of hiking, horse-riding and mountain-biking trails as well as low-speed scenic drives such as Vermilion Lakes Drive and the Minnewanka Loop;
- The Cave and Basin hot springs are the birthplace of Canada's national park system and a national historic site;
- The Vermilion Lakes wetlands are the park's largest and most diverse; hot springs along the base of Sulphur Mountain provide specialized habitat for numerous species, including the endemic Banff Springs snail, and the water flowing from the springs has created a unique warm water marsh;

- The clear, turquoise Bow River bisects the area; it provides important riparian wildlife habitat, especially for waterfowl, as well as aquatic habitat for a number of fish species. It is also a focal scenic and recreation feature for visitors, especially in the section through the town;
- Given its location in the montane (the most ecologically productive ecoregion in the park) and at the intersection of several major valleys, the area is important for a variety of wildlife. Many species of amphibians, birds and mammals are found only in the montane. The montane is critically important for wintering ungulates and their predators. In addition, its major east-west and north-south wildlife movement corridors are essential for the long-term genetic diversity and migration of many species, as well as for the ability of the larger Rocky Mountain ecosystem to adjust to climate changes through dispersal of various species;
- Two major national transportation corridors, the TCH and the CP Railway, bisect the area. They also create ecological challenges – posing obstacles to wildlife movement, fragmenting terrestrial and aquatic habitats and contributing directly to wildlife mortality and habituation. Significant progress has been made in recent decades both in reducing road mortalities and in improving the ability of wildlife to cross the highway safely;
- A grass airstrip located north of the community and adjacent to the TCH, had been identified for closure and decommissioning. For reasons of aviation safety, the Government of Canada determined in 2008 that the Banff airstrip will be re-listed, for emergency and diversionary use only, in the National Parks Air Access Regulations;
- Congestion is an issue at some locations during peak season. There are opportunities to redevelop existing facilities in order to better meet the needs of visitors seeking sightseeing, strolling, picnicking and nature-study opportunities and to address new opportunities and needs;
- Fire is a natural force of renewal and disturbance. Its suppression over more than a century has altered the structure and composition of forests and grasslands, contributing to the loss of landscape biodiversity and wildlife habitat, resulting in forests that are more susceptible to forest insect and



disease, and increasing the threat of high-severity, difficult-to-control wildfires. These changes have implications for public safety, property risk and the health of terrestrial and aquatic ecosystems;

- Forest thinning in and around the community and prescribed burning, are restoring vegetation communities to a more natural state and reducing the risk of uncontrolled wildfire losses;
- Non-native plants pose a significant threat in this area of the park due both to the amount of disturbed land, which is readily colonized by weeds, and to the numerous motor vehicles, trains and other vectors by which weed seeds can be carried into the park; and
- Initiatives to address disturbed sites, contaminated sites, solid-waste disposal and wastewater treatment have been implemented since the previous plan was approved and have resulted in improvements; however, more work is required to restore natural vegetation structure and patterns and to reclaim previously disturbed areas such as the Cascade Pit (gravel pit, aggregate storage area and overflow camping area).

6.2.3.2 Objectives

- The area showcases all aspects of the park's natural and cultural heritage;
- Through a wide array of services and facilities provided by Parks Canada and commercial businesses, the area introduces many visitors to safe enjoyment of the outdoors and to the park's natural and cultural heritage;
- Visitors enjoy a wide variety of recreational opportunities that enrich their connection to Canada's mountain heritage;
- The vegetation diversity and predator-prey dynamics of the montane ecoregion surrounding the town, including wetland and riparian areas, are effectively restored; and
- Grizzly bears, wolves and cougars move freely throughout the area, including identified wildlife movement corridors.

6.2.3.3 Key Actions

- Continue to implement the Lands Adjacent to the Town of Banff action plan (Annex 3). Priority actions include:
 - Redevelop the Vermilion Lakes area as a premier destination close to town for introducing visitors to wetland and riparian ecosystems, providing opportunities for the quiet enjoyment of nature and mountain scenery;
 - Redesign the trail system and provide:
 - Safe crossings of the TCH and the CP Railway;
 - Loop trails around the town and the Tunnel Mountain campground;
 - Decommissioning of unsanctioned trails that create environmental impacts;
 - Reduced fragmentation of wildlife habitat; and
 - A range of bicycling opportunities.
 - Upgrade all day-use areas to improve visitor experiences, provide more interpretive media and eliminate localized environmental impacts; and
 - Collaborate with the towns of Banff and Canmore, Alberta Tourism, Parks and Recreation and the business communities to ensure seamlessness of experience for visitors to the park and the Bow Valley, to minimize human-wildlife conflicts and to protect sensitive wildlife areas.
- Collaborate with Aboriginal groups to restore cultural connections to montane landscapes and to showcase Aboriginal culture and traditions to the large number of visitors to the area;
- Explore options for helping expand a municipally led regional mass transit system to parkways and day-use areas outside the communities;
- Create a dedicated lane for bicycles and other non-motorized transportation on the Minnewanka Loop by restricting motorized traffic to one-way travel during the portion of the year when the loop is open;



- Explore the feasibility of an aerial tramway system from the vicinity of the town of Banff to the Mt. Norquay ski area to provide new visitor experience opportunities while reducing human activity in the Cascade wildlife corridor.
- In conjunction with redevelopment of the Cave and Basin National Historic Site, tell the story of the origin and current extent of the national system of protected areas and the evolution of the protected-heritage idea in Canada; enhance protection of the endangered Banff Springs snail;
- Restore the previously-disturbed area at the Cascade Pit to functioning montane ecosystem types. Consider the feasibility of developing a portion of the area for enhanced visitor experience and education opportunities;
- Manage the elk population to re-establish more natural predator-prey dynamics near the community, restore impacted vegetation communities and reduce human-elk conflicts. Experiment with fencing and other techniques to limit elk access to areas in the town of Banff;
- Implement a comprehensive program of monitoring, remediation and treatment to:
 - Prevent the spread of invasive non-native plants into more pristine park areas;
 - Control or eliminate the most aggressive species;
 - Re-establish healthy native plant communities less susceptible to invasion; and
 - Prevent further introductions of alien species.
- Work with the Town of Banff to restore Forty Mile Creek through a decommissioning plan for the aging dam between Stoney Squaw and Cascade mountains;
- Revise the National Park Aircraft Access Regulations to re-list and maintain the airstrip at its current size for emergency and diversionary purposes only, while managing the area to optimize the effectiveness of the Cascade movement corridor for wildlife:

- No commercial or recreational aircraft use is permitted;
 - Private aircraft and associated facilities, including hangars and fuel tanks, shall be removed; and
 - Strolling and other off-trail recreational uses will be directed to other nearby areas such as Cascade Ponds.
- Ensure that use of the Bow River and adjacent wetlands is managed conservatively to protect important riparian values such as nesting and rearing habitat for waterfowl and to provide uncrowded opportunities for quiet enjoyment and reflection; only non-motorized uses will be permitted, and commercial use will be managed to minimize the number of disturbance events;
 - Parks Canada's Ski Area Management Guidelines will guide all future ski area development at Mount Norquay ski area, including summer use. Work with ski area operators to complete the development of site guidelines and negotiated growth limits;
 - Make the town of Banff and existing day-use areas primary hubs for hosting new events and festivals that promote awareness of the cultural and natural heritage of the park; and
 - Change the eastern part of Johnson Lake from Zone 3 to Zone 2, to align with the boundary of the Declared Wilderness Area.

