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Résumé de l'article

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AND ANNE FITZPATRICK**

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Résumé

Les parcs nationaux et provinciaux sont le point fort du Canada depuis un siècle, dans une conception d'appartenance publique des terres naturelles ou sauvages. Cependant, la propriété publique n'est pas le seul modèle. Il existe un besoin, dans des régions très peuplées du Canada, de conserver des paysages de prédilection, mais ni la théorie, ni la pratique, n'y sont bien développées. Cet article clarifie ce besoin, examine les efforts en cours, souligne les approches des différents candidats, applique un modèle au terroir mennonite de Waterloo et fait quelques recommandations.

Abstract

National and Provincial Parks have been a Canadian strength for a century. The approach has focused on public owned wilderness or natural lands. However, public ownership is not the only model. There is a need in populated areas of Canada to preserve valued landscapes, but neither the theory nor the practice is well developed. This paper clarifies the need, considers current efforts, outlines candidate approaches, applies a model to the Mennonite countryside of Waterloo and makes recommendations.

Canada has long been a world leader in the development and management of National and Provincial Parks. Beginning with Banff and Algonquin in the late 19th century these efforts have provided the country with a rich system of protected areas. The Canadian approach, however, has almost totally focused on crown owned (public) lands. In fact the *National Parks Act* Section 5 (1) (a), states that "Her Majesty in right of Canada has clear title to or an unencumbered right of ownership in the lands to be included in the park..."¹ At the same time, while there are many cultural sites such as the Fortress of Louisbourg and the Rideau Canal, the majority of the managed areas are wilderness or natural in character. There have even been cases where people living within areas to be designated as national or provincial parks have been displaced in order to render the areas more "pristine." In fact, expropriation is a key theme addressed by Alan

MacEachern (2001) in his book on the history of the first four national parks in Atlantic Canada.

Nevertheless, public ownership is not the only model for national park creation and management. In the United Kingdom, for example, national parks are generally areas of privately owned land where a park-like planning regime is in place and where change is subject to a review and approval system. The United States National Parks Service (USNPS) works to assist in the management of significant landscapes outside its formal system of parks.

There is currently a perceived need in Canada to increase the level of change management in order to preserve valued landscapes that are increasingly under pressure from various forms of development, and especially in the more populated parts of the country. Clearly the traditional large scale acquisition of land by the government for park management purposes is not an option in such

areas where land values are high. Some success with change management has been experienced in cases such as the Niagara Escarpment Plan where a physical feature can be clearly defined, but both identification and suitable planning for the preservation of more amorphous collections of valued elements such as rural agricultural landscapes are more problematic.

In 2005, the Ontario provincial government issued a provincial Policy Statement under their *Planning Act* directing municipalities to conserve “cultural heritage landscapes” that are “significant” and “valued by the community.”² How, it might be asked, is such a directive to be implemented? Even prior to the 2005 Policy Statement some Ontario municipalities—Mississauga and London, for example—had begun to identify significant Cultural Heritage Landscapes (CHLs) but to date few have progressed to the implementation stage.

At this point, neither the theory nor the practice related to cultural heritage landscape conservation has been developed sufficiently to give decision makers as firm a foundation for their deliberations as might be desired. In the case of Kitchener’s Simms Estate, the designation of a CHL did lead to the modification of a subdivision plan, but this instance is almost unique (Shipley 2008). In more recent cases involving CHLs and the locating of wind farms there has been little influence on decision making.

This study has four goals that address these shortcomings: to clarify the current need for valued landscape management in the Canadian context; to consider the efforts that are already underway; to outline some candidate approaches based on experiences from other jurisdictions; and to apply a suitable composite model to the fragile Mennonite country-side of Ontario’s Waterloo Region as a test case.

Method and Approach

We draw on some of our own recent research into cultural heritage landscape protection and cultural planning in general to set the stage for Ontario’s situation, where conditions are similar to those faced by other provinces and regions—if not now, then at some point in the future. These conditions include urban expansion, the desire of people to move into rural areas and the ever-increasing challenges of earning a living from the agriculture and forestry industries or from other traditional rural enterprises. In addition to considering Ontario

and British Columbia examples, the search for potential management and governance options has taken us beyond Canada’s borders to Europe, the United Kingdom and the United States. Gathering information about alternate approaches to valuable landscape conservation has been done primarily using the Internet. We then took the identified need and the ideas derived from the research and speculated on a new suitable model of management. To ground this speculation we have chosen the case of the northern part of Ontario’s Waterloo Region which remains populated largely by the original European settlers—known as Mennonites—who take a non-conventional approach to life and farming.

The Need for Valued Landscape Management in Canada: The Mennonite Country Case

Mennonites first came to Upper Canada from Pennsylvania in the years following the American Revolution. They were attracted by the assurance of religious freedom, with a secondary consideration of reasonably priced, if not free, land (Fretz 1989: 1-2). While there are approximately twenty-five different religious groups in Ontario who identify themselves as Mennonites (Epp 1994: 57), the Regional Municipality of Waterloo is home to one of the largest communities in the country.³ Epp further notes that “[a]s early settlers, Mennonites in the Waterloo Region and surrounding areas have become part of the foundational fabric of the landscape” (13). Mennonites began settling in the Waterloo Region as early as 1800, a trend that continued for more than one hundred years. Calvin Redekop notes in the preface to Fretz (1989): “[f]rom the beginning of settlement ... the Mennonites were included. They continued to arrive through the Amish immigrations of the 1820s, and the Russian Mennonite migrations of the 1870s, 1920s and 1940s” (xvii). While many moved on to other parts of Canada, some from each group stayed in Waterloo prompting J. Winfield Fretz—who spent sixteen years collecting information for his book about the Waterloo Mennonites—to declare “[n]owhere else in the Mennonite world do you find such a variety living in one geographical area” (ibid).

Mennonites practise a form of Christianity with a special focus on peace and non-violence. Within that context, belief systems and ways of life vary from the conservative to the progressive.

The group known as Old Order Mennonites fall into the former category in that they shun many of the trappings of modern life. They are a highly visible part of the Waterloo Region in their simple, non-conventional clothing, their non-motorized means of transport (typically horse and buggy) and their traditional mixed farming approach to working the land—generally without the help of motorized equipment.

It is difficult to precisely determine the Old Order population size, but the last available Census for the Township of Woolwich (located in the northeast section of the Region of Waterloo) indicates there were almost 4,000 people—one-fifth of the population—who listed their first language as “other than English or French.”²⁴ That number would almost certainly be primarily made up of Old Order Mennonites who are mostly German-speaking.

The Mennonite presence in the cultural landscape of Waterloo exists in both tangible and intangible forms. The tangible features of the Old Order Mennonites are easily recognizable and include the strikingly-modest dress of the people themselves, meeting houses, carriage houses, roadside produce stands, horses and buggies and, a skyline dotted with hay barns. Less obvious to the visitor but of profound importance are the farming practices of Old Order Mennonites and the unique

character those practices give to the appearance of the countryside. Many of the tangible elements are the manifestations of intangible qualities that the Mennonite community values—qualities such as practicality and importance of family. With respect to practicality, for example, many of the existing roads in the Region follow natural landforms such as the rivers, in contrast to the rest of Ontario where the surveyed grid tends to ignore such features. Regarding family, it is not uncommon for farmsteads to have two houses to accommodate multi-generational families.

While there are many Mennonite families living in the adjacent counties—Wellington and Perth, for example—the impact of the Old Order practices on the landscape of the Waterloo Region is more dramatic because they live in one of the fastest growing areas in Canada, an area recognized internationally as a leading centre in technology and innovation. This contrast was noted by Epp (1994), who described the landscape in the North of Waterloo Region as, “characterized by pastoral countryside-weathered barns and century old farmhouses—mixed with urban sprawl freeways, strip malls and manufacturing plants. It includes the quiet villages north and west of Kitchener-Waterloo where hand-stocked sheaves of grain are still seen in fields at harvest time” (11). The juxtaposition of the urban areas of the Waterloo Region and the Old Order Mennonite lifestyle highlights the differences between the cultures but also illustrates the possibility of their being able to function together.

The Old Order Mennonites and their unique culture contribute to the landscape of the Waterloo Region and increase the tourism appeal of the area. Tourists come to the Region to glimpse a lifestyle that, in the technology-dependant 21st century, is an anomaly. The importance of Old Order Mennonites to tourism in the Region is easily confirmed by the use of Mennonite images in marketing for the area. To date there has also been an appropriate commercial interface in which products created by the Mennonite community, ranging from quilts and quality food to furniture and wooden windows, are sold to local residents and tourists. There is, on the other hand, a constant threat to the viability of the Old Order life style from exploitation and inappropriate development. McIlwraith (1997) has warned that the Mennonite landscape is threatened. He pointed out that in 1994 a meeting house had been closed because suburban traffic was too dangerous and that Mennonites were beginning to move away because of such encroachment. There

Fig. 1
The Waterloo countryside that is home to a largely Mennonite population is still typified by mixed farming practices and the family-based settlement pattern that supports that form of agriculture.



are many other unique and wonderful cultural landscapes in Ontario, and indeed across Canada, that are threatened and where appropriate change management is vital to protect cherished community values. However, as a test case the countryside of north Waterloo with its visible Mennonite character will be used.

Considering Efforts Already Underway

There are two main undertakings already underway in Canada that relate directly to the topic of area protection. One is the Historic Places Initiative (HPI) and the other is municipal cultural planning. The second of these will be described in some detail below, but the HPI can be more succinctly summarized and will be dealt with first. In response to the dramatic deterioration of Canada's built heritage assets over the last thirty years the HPI arose in the late 1990s as a federal, provincial and local movement aimed at accomplishing four goals: providing the tools and information for citizens to take action and conserve the historic places that they value; creating an online, public resource to share information about the value and history of Canada's historic places; providing guidance for decision-making when planning for, intervening in and using historic places; and supporting the continued use of historic places so that they remain an integral part of our dynamic towns and cities.⁵

Despite insecure and intermittent government funding, one of the main contributions of the HPI has been the establishment of The Standards and Guidelines for the Conservation of Historic Places in Canada. It is described as "the first-ever pan-Canadian benchmark for heritage conservation practice in this country. It offers results-oriented guidance for sound decision making when planning for, intervening in and using historic places."⁶ This means that whatever efforts are made to explore new ways of protecting heritage resources there is a standard approach to documentation and decision making that has been embraced by all provinces and the federal government.

The second important initiative proceeding across Canada is cultural planning. Ever since the first of nearly a dozen provincially-funded information forums were held across the province in 2005, cultural planning has become an increasingly common development exercise in Ontario municipalities. Although largely an urban initiative, with over half of all mid-size cities now possessing or



in the process of developing cultural plans (Kovacs 2010), rural municipalities are also encouraged to adopt such initiatives that are intended to help identify and nurture local cultural resources for social and economic development purposes. For the Ontario Ministry of Culture, writes Hume (2009: 5) "[c]ulture is increasingly being recognized as essential to prosperous, liveable and sustainable cities and communities in the 21st century." He further maintains that cultural planning in Canada "is now firmly entrenched as the fourth pillar of good local government. It joins the economic, social, and environmental pillars of sustainable communities" (ibid.).

However, several scholars in more well-established cultural planning contexts like Australia have critiqued what they see to be an overly arts-focused strategy. That is, rather than addressing culture in the broader sense, many cultural plans are almost entirely centred on addressing "high" culture concerns (e.g., galleries and museums, arts funding). Put simply, many of these plans are little more than fairly traditional arts policy documents with a new name (Stevenson 2005). This is a problem given that cultural planning was conceived as a cultural approach to planning, a cross-sectoral and cross-departmental approach to planning that addresses a wide-range of initiatives and concerns to help foster the creative economy. As it was conceptualized, cultural planning would necessarily

Fig. 2
Some of the Old Order Mennonites of the Waterloo region continue to use traditional farming methods such as horse-drawn cultivation equipment.



Fig. 3
The traditional pack barn is disappearing in much of Ontario, but Mennonite mixed farming practices mean they are still very much needed in rural Waterloo. Many farmsteads also have ancillary facilities to support small industries such as woodworking shops and metal fabricators.

include methods for not only identifying valuable, character-defining landscapes, but also for offering them a measure of protection from unsympathetic change in the land-use planning regime.

The current “municipal cultural planning” initiative, as it is often officially known in Canada, has so far avoided many of the pitfalls that have hindered similar initiatives in other national contexts. Many of the strategic recommendations outlined within municipal cultural plans concern a broad range of cultural development-related issues, and the implementation of strategic goals is not confined to departments traditionally assigned to dealing with local arts policy. These planning documents are clearly guided by the Ontario Ministry of Culture’s answer to the question “What is municipal cultural planning?” As stated in the Ministry’s Cultural Planning Inventory Project, “[w]hen considering the field of municipal cultural planning, it is important to recognize the changing political landscape and the emerging priority of the ‘culture and cities’ agenda in Canada” (Brooks-Joiner and Stasiuk 2004: 6). Accordingly when communities develop their municipal plans, they are encouraged to include culture as part of public planning and to **consider culture when planning for other municipal priorities**, such as land use, tourism, youth engagement, economic development, transportation projects and downtown revitalization projects.

In addition, the practice of cultural planning is explained as involving the identification—by the municipality and the community—of local cultural resources that are not confined to the arts. These assets may include: performing arts, visual arts, media arts; libraries and archives; local folklore and heroes; festivals and events; historic districts

and museums; commercial arts, such as architecture and graphic design; and waterfalls, ancient trees and natural assets.

In a similar vein, Municipal Cultural Planning Incorporated, which is at the forefront of promoting the initiative in Ontario, states that the preliminary community assessment or “cultural mapping” process may also involve an analysis of a range of existing policy documents, thus confirming the seemingly all-encompassing policy scope of municipal cultural planning. The documents listed for review include: Municipal Visions and Strategic Plans; Official Plans; Economic Development Strategies; Capital Infrastructure Plans and Budgets; Environmental Strategies; and Heritage plans and bylaws. In fact, Hume (2009: 70) claims that “a municipality through its Cultural Planning report can offer strong leadership in several key planning areas,” which include the official plan, zoning by-laws and heritage designations. He later states that “Canadian cities and towns are starting to push for better quality urban design, environmental sensitivity, community and neighbourhood consultation, creative thinking, and healthier communities. These are desirable and attainable outcomes for good civic Cultural Planning” (80).

Greg Baeker offers two case examples of cultural planning in Hume’s book. Aside from giving a mid-size city example, Baeker introduces the processes and results of Prince Edward County’s cultural plan. He claims that this rural township “is emerging as a leading region in Ontario and nationally in developing a ‘new rural economy’ based on creativity and quality of place” (qtd. in Hume 2009: 111). Many defining characteristics that are tied to the unique landscape and heritage of the county are identified upfront in Prince Edward County’s cultural plan. These include: the unique island character; proud Loyalist traditions and history; rural landscapes, family farms and agricultural heritage; the many villages and hamlets, small town ambience; historic homes, farmsteads and heritage streetscapes; and, among additional characteristics, the long history renown for agriculture and food production (qtd. in Hume 2009: 113). Some of the strategic priorities within the plan are related to growth management and development, the improvement of cultural places and venues and the strengthening of cultural tourism.

It is clear that the Mennonite countryside of North Waterloo possesses qualities that are similar to those of Prince Edward County. Nevertheless, in spite of the recognition of the significance of

such regions and the methods that cultural planning provides for mapping and acknowledging those values, the current land-use planning system in Canada does not adequately equip us to manage these areas effectively. The national park approach, while effective in protecting “natural” or “wilderness” areas through public ownership of land, is neither conceptually nor legally positioned to help in this regard. Something new is needed.

Outlining Some Candidate Approaches

UNESCO Convention on the Intangible Cultural Heritage

While Canada is not yet a signatory to this Convention it is an important international movement to which, it could be argued, Canada ought to be subscribing. In terms of conservation, Canada’s efforts in the past have focused on military walls and buildings on the one hand and on wilderness and watercourses on the other. The significance of customs, practices, memories and patterns of use, some of the elements generally referred to as intangible heritage, have not been front and centre. The case of the Mennonite landscape of Waterloo, which we offer as an example for applying new ideas, might serve as a test for how the Convention on the Intangible Cultural Heritage could be applied in Canada.

The European Union Cultural Landscape Convention

One of the great unifying impulses of the European Union is a shared understanding of the importance of the environment. That finds expression in their strong standards and regulations regarding water, air and other components of the natural environment. That shared appreciation is also reflected through international agreements that recognize the importance of social values such as the European Landscape Convention.⁷ In the preamble to the Convention, which was negotiated in the 1990s, it is recognised that “landscape contributes to the formation of local cultures and that it is a basic component of the European natural and cultural heritage,” that it contributes to “human well-being and consolidation of the European identity,” that landscape is “an important part of the quality of life” and not least of all that it contributes to “job creation.”

In reviewing the literature on Western European approaches to landscape management, Elizabeth

Hamin (2002) explained how their concept of protected areas had developed:

Currently, the site of the most intense European landscape activities are in officially designated protected landscapes, often called national or regional parks. These tend not to resemble what North Americans expect—rather than undomesticated nature areas, they often are landscapes of traditional agriculture and small settlement ... Ownership of the land is typically largely private, with some small federal or state holdings. (340)

Hamin went on to explain that the European approach was in line with the ideas of the International Union for Conservation of Nature (IUCN), the United Nations agency that promotes conservation worldwide. It might be pointed out that the European idea of landscape also resonates with the tenets of the World Heritage Convention. Since most of the land considered important in Europe is in private ownership, different practices for managements have evolved. These include both voluntary measures that encourage good stewardship and regulatory measures that require those actions. One of the key understandings that the Europeans have grasped is that “protected landscapes are lived-in, working landscapes, subject to a particular conservation regime” (Beresford and Phillips 2000: 23).

In the end, the actual implication of the European Cultural Landscape Convention rests with individual member nations. What we can learn from Europe is that there is a clear international understanding that cultural landscapes are important, that principles for their conservation can be articulated and that there is a responsibility on the part of developed countries to undertake their protection.

The United Kingdom National Park Concept

The application of the European Convention has taken numerous forms across the continent including the widespread concept of what has come to be called the ecomuseum (Corsane et al. 2007). The term *écomusée* was coined in France and Belgium in the 1970s to describe the concept of treating a whole community as a living museum and the idea spread rapidly. However, as a specific example of how the Convention is put into practice we will look at the national parks system in the United Kingdom.

It is first important to know something of the history of Britain’s national park system. Notwithstanding the United Kingdom’s long-standing, venerable and traditional institutions, the United States, Canada and South Africa all boasted

national parks well ahead of Britain. Yellowstone National Park in the United States dates to 1872; Banff National Park in Canada was created in 1885 and South Africa's Kruger National Park was established in 1926. That is not to say that the U.K. had no interest in protecting heritage and national sites. The concept of managing and conserving larger landscapes first surfaced in 1884 when Member of Parliament, James Bryce introduced the first freedom-to-roam bill (which was voted down at the time). While there had been protected heritage and national sites since the founding of the National Trust in 1895 and its first acquisition of a small area of the Welsh coast, it was not until 1928, however, that a site even of such significance as Stonehenge came under protected status. After a campaign that had seen the mass trespass in part of the Peak District in 1932 and the imprisonment of five activists, a 1945 White Paper finally established a new national parks principle. The idea was that "areas of characteristic landscape beauty" be strictly protected, "access and facilities for open-air enjoyment" be provided, "wildlife and buildings and places of architectural and historic interest" be preserved and that "established farming" and other economic uses be "effectively maintained."⁸ It was, however, in 1951 that the campaign started by James Bryce for freedom to roam the countryside finally resulted in the creation of the first national parks in the United Kingdom.

When the U.K. negotiated with other European countries in the 1990s to establish continent-wide standards, these principles were well established at home and none so much as the final point—that the parks be places where a working economy continues to flourish. Michael Dower (1995) expressed the reasoning for this with clarity when he said:

... most of the land in the national parks is privately owned and is used for farming, grazing, or forestry. The landscape beauty that the Park Authorities seek to protect has been created by farmers and others and is maintained by them. If farming falters, the landscape deteriorates. Similarly, maintenance of the charm of the small towns, villages, and farmsteads depends on a lively community and local economy. (217)

The task is to find ways in which the recreational users and local people who use the land for their livelihood can mutually support the maintenance of the landscape. It would be naive in the extreme to imagine that being a simple job, but it is not impossible. Adrian Phillips (1997) suggests that at a time when we are all being encouraged to move

to more sustainable types of living and working arrangements, continuing to maintain landscapes that have worked and been productive through past ages is arguably a very good idea. She continues by pointing out the following:

It is often assumed that there are only two choices open to traditional land users, the architects of many valued landscapes. These are to stick to the traditional way of life; or to adopt those of the dominant society and abandon all tradition. In fact there is a third option: to modify subsistence systems, combining the old and new in ways that maintain and enhance distinctive cultural identity, while allowing the society and the economy to evolve. (41)

Over the past fifty years Britain's family of national parks has grown to include fifteen relatively extensive areas covering parts of England, Wales and Scotland. Each park administration acts essentially as the planning authority in their respective territory, working with other local, regional and national agencies but maintaining control over most land use decisions and being guided in those decisions by a park plan. The website for the United Kingdom's Association for National Park Authorities (U.K. ANPA referenced in note 8) advises that the national park authorities are created by an act of parliament and by law they must operate to carry out the three primary principles set out in the 1945 White Paper. In this way they align with the European Union Cultural Landscape Convention, Article 5 (d), which urges member countries "to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies...."⁹

Yorkshire Dales National Park is a good example of the British system and how it works. The Dales Park covers 1,762 square kilometres and includes eight local authorities (districts) in two counties (North Yorkshire and Cumbria). The governing park authority has a twenty-two-member board with twelve members appointed by the local authorities and ten appointed by The Secretary of State at the Department for Environment, Food and Rural Affairs (Defra). Six of these are there to represent the "national interest" and four are appointed to represent the interests of the local parishes which are sub-sections of the districts as indicated on the U.K. ANPA's website.

While this governing board does exercise control over land use, the system is not without problems. Agricultural activity, as distinct from land use, is outside the park authority's control

and there can be conflicts between opposing views when it comes to such activities. New farming techniques may require buildings that are not as scenically-appealing as the older, more traditional ones, but are considered necessary by farmers still attempting to make a living. There are two important considerations here: one is that whatever the conflicts, the park's governing authority provides a forum for discussion and decision making and second, some of the conflicts may require financial remedies in order to be solved. The latter approach must always be evaluated to ensure that as much as possible mutual benefit is derived. An example will serve to demonstrate this point.

The distinctive field barns and dry-laid stone fences of the Yorkshire Dales are their most defining features. As agricultural methods change, however, these features which evolved over centuries are not always seen to be of continued practical use to farmers regardless of their charm to visitors. In order to balance the needs of farmers, whose incentive to maintain the walls and barns decreases over time, and the desire of visitors, whose local spending drives the equally important tourist industry, some solution for dry-stone wall repair had to be found. One approach was to create a grant program for farmers for barn and wall repair with funds coming from the senior level of government—in this case, The Secretary of State at the Department for Environment, Food and Rural Affairs. A follow-up study of this program, which ran from 1998 to 2004 and cost £6.71 million, found that 517 stone barns and 191 kilometres of stone walls had been restored. Those outcomes, however, were not necessarily the most important ones. In addition to the appearance of the countryside being retained, most of the near derelict barns were brought back into agricultural use. At the same time, seventy-four jobs were created and large amounts of additional investment was leveraged by the grant stimulus. The evaluators calculated that for every £1 of government expenditure on barn and wall repair work £2.48 was generated in the broader economy. Clearly here there were winners all round.¹⁰

What the U.K. experience tells us is that large areas of privately owned land, which is designated as being of national cultural significance, can be successfully conserved while retaining a viable local economy. The keys are resolute senior government legislation, good planning and fair land use control based on clearly defined goals and adequate financial assistance where needed.

The United State National Park Service Protected Area Model

The United States National Parks Service (U.S. NPS) approach is similar to Canada's in that the designated parks themselves are in public ownership and can therefore be comprehensively managed. In addition, however, the National Parks Service has been given a mandate beyond management: to assist other agencies in developing ways of conserving important lands that fall outside its primary responsibility. These are called National Heritage Areas (NHA) and National Historic Reserves (NHR). This concept stresses that "preservation maintenance is the practice of monitoring and controlling change in the landscape to ensure that its historic integrity is not altered and features are not lost."¹¹ The National Parks Service website reports that advice and financial assistance help partner agencies at the local, regional and state level to identify and save historic places such as rivers, trails, greenways and cultural landscapes.¹² This goes well beyond the traditional ideas of stewardship to enable community initiatives and approaches to conservation. NHAs and NHRs are created by Acts of the Federal Congress in the United States but in the American model the NPS gives technical advice while the decision making remains in citizen control.

Ebey's Landing on Washington State's Central Whidbey Island is a good example. Created in 1978, it was the first National Historic Reserve. It covers "17,500 acres [approx. 7,083 ha], 18 working farms, 400 historical structures, native prairies, two state parks, miles of shoreline, a network of trails and the second oldest town in Washington."¹³ Because it consists primarily of private land, conservation approaches "include purchase of scenic easements, land donations, tax incentives, zoning, local design review, and purchase or exchange of development rights."¹⁴ This approach reduces protection expenses, ensures that the land keeps producing and provides for sustainable private ownership. The Ebey's Landing NHR is managed by a nine member board of trustees, seven local volunteer residents appointed by the County plus a National Parks representative and one State Parks member. This Trust Board is responsible for the management of the Reserve but it is in fact a unit of the local government, the Island County. The Ebey's Landing Reserve occupies only part of the island. The trustees' decisions are guided by a comprehensive plan that was adopted by the County government



Fig. 4
The Grand River and its tributaries traverse the Waterloo countryside and a considerable portion of the land is occupied by woodlots that supply a sustainable yield of lumber and heating fuel.

in 1992 but which has undergone a number of modifications since that time.

As with the Yorkshire Dales management body, the Ebey's Landing Board must also deal with contentious issues. The Board Minutes document numerous discussions about extending timber cutting privileges and revisiting development applications.¹⁵ While it has less statutory power than its English counterpart the American model does provide an accessible forum for public discourse and transparent decision making and considerable financial incentives to encourage compliance particularly in the form of tax relief. What can be learned in particular from the American model is the value of technical assistance from park professionals and the importance of public consultation.

The British Columbia Islands Trust Approach
 Perhaps the model that most resembles the European approach to cultural landscape conservation that currently exists in Canada is British Columbia's Islands Trust. Designated by the British Columbia government in 1974 (four years before Ebey's Landing) the Trust encompasses thirteen major islands and more than 450 smaller ones that stretch along the Straights of Georgia from Comox in the north to the southern tip of Vancouver Island. The area involved is over 5,000 square kilometres, as big as the Canadian province of Prince Edward Island, with a population of 25,000 people.¹⁶

The Islands Trust Council acts as the land use planning commission for the islands within the Trust. Local governments and services such as fire protection, policing, waste disposal and the like are the responsibility of other agencies, but decisions about the use of land come under the jurisdiction

of the twenty-four-member Council. There are two trustees from each local area or municipality and they are elected for three-year terms. Their mandate is to create and apply policies that ensure the goals of the Trust which are: "to preserve and protect the area and its environment for the benefit of residents and the province." All local by-laws and community plans and amendments must comply with the Trust's policies. The Trust hires and supervises the staff it needs to carry out its mandate. While the revenue to operate the Island Trust comes in part from a property tax levee and partly from provincial grants, it is unlike other municipal planning bodies in that its decisions must comply with the conservation mandate. Since it is not also responsible for service provision it is not encumbered, as most local governing bodies are, by the need to constantly increase the tax base to pay for those services. In fact there are even tax advantages for conservation. Through the Islands Trust Fund, a separate body that administers what is called the Natural Area Protection Tax Exemption Program, "landowners who want to preserve natural habitat on their property can register a conservation covenant and benefit from reduced property taxes on the protected portion of land" as noted on the website for Islands Trust.

In British Columbia, therefore, Canada has an existing land conservation management institution that has operated successfully for a generation. The Islands Trust website notes that a poll conducted in 2004 found that ninety per cent of British Columbians approve of the conservation regime in place in the Gulf Islands. This is the case even though other tax payers in the province eventually pick up the bill for the difference between the cost of local services and the local tax levee.

The Niagara Escarpment Commission and Other Ontario Examples

In the 1970s, about the same time as the passage of the *Islands Trust Act* in British Columbia, the Ontario government enacted the *Niagara Escarpment Planning and Development Act*. In response to public outcry over the impending destruction through aggregate extraction of parts of the iconic ridge of land that defines much of Southern Ontario, it was clear something had to be done in the name of conservation.¹⁷ It was not until 1985, however, that a final version of the Niagara Escarpment Plan (NEP) was endorsed. That plan excluded over sixty per cent of the land originally designated. More than ninety per

cent of the land within the NEP area is privately owned. By the 1990s the Niagara Escarpment had gained the additional distinction of being declared a UNESCO World Biosphere Reserve. As well, the Commission's mandate as a planning review agency and its system of development control has allowed much success in conserving the unique scenic, biological and cultural significance of the Escarpment.

While the Niagara Escarpment Plan does stand as somewhat of a model for land conservation management in Ontario, it is far from an ideal model. For one thing the Commission still operates under the mandate of the Provincial Ministry of Natural Resources and is not independent. Furthermore, it took the concerted efforts of thousands of activists struggling for a generation to finally get a suitable form of land use control in place to protect the Escarpment. Unfortunately, it is impossible to engage in such battles for every landscape of significance in the province.

Two other examples of efforts in Ontario are worth mentioning. In 2003, legislation to establish the Kawartha Highlands Signature Site Park was passed.¹⁸ While the park management system has not yet come into effect, the initiative is a step in the direction of a new way of managing natural heritage resources in that at least a small portion of the designated park area is in private ownership. The Kawartha Highlands Park concept shows that the province is willing and able to expand its ideas of land use management.

Another potential mechanism for change management is the provision under Part V of the *Ontario Heritage Act* for the creation of Heritage Conservation Districts. While technically speaking this approach could be applied to a large area, encompassing an entire municipality even, this has not been the traditional use of the Heritage Conservation District—either in Canada or in other jurisdictions such as the United Kingdom or the United States. Typically a Heritage Conservation District is a defined urban area. Because the concept was developed for—and has long been applied to—urban settings, other mechanisms for broad landscape management have evolved and those are the approaches that have been introduced above.

A Suitable Composite Model

With the lessons and models outlined above in mind, we can now consider new ways in which landscape conservation in Canada may be approached. From

the Europeans we can learn the importance of clearly acknowledging that significant landscape recognition and conservation contributes to quality of life, culture, identity and ultimately to sustainable economies. It should not be argued from purely financial premises that conservation is justified, but it is just as important that it be understood that truly sustainable economies must exist within the landscapes that contain and nurture them. While lip service is often paid to such concepts by politicians, bureaucrats and business people there must, in the end, be a recognition that true landscape conservation will mean some restrictions on the future use of land and some constraints of property rights and resource extraction.

From the United Kingdom experience we see that it is possible to manage privately owned land in a way that accommodates both private interests and the greater public good. However, such a balance must include, where appropriate, reasonable financial support from senior levels of government. This approach is not a problem in Canada where publicly owned national parks are considered common treasures, the maintenance of which is supported by all Canadians. In the American examples one of the major lessons is the role the National Parks Service plays in technical, educational and administrative support. The collective skills and experience of a national agency such as Parks Canada, with more than a century of practice, can be a powerful aid in the protection of provincially, regionally and locally significant landscapes.

From examples in United Kingdom, the United States and Canada's British Columbia Islands Trust we see governance mechanisms and structures that facilitate fair decision-making. Unlike the Niagara Escarpment Commission, which is arms-length to a degree, but still ultimately subject to provincial control, the other examples feature agencies that are truly independent and outside the control of government departments. The most important feature of those governing bodies is the decoupling of land use decision-making from the requirement to pay for all services from the local property tax base. The bodies that make land use decisions are guided by the primacy of landscape conservation. Local taxes are paid and most of the local services are covered by the revenue from those levies, but any shortfall or gap is covered by transfers from senior levels of government. The governing bodies of the national parks in the United Kingdom, the United States National Heritage Areas and National Heritage Reserves, and in the British Columbia



Fig. 5
*The land use pattern
 in rural Waterloo
 supports close knit
 communities.*

Island Trust do not have to seek re-election by constantly promising lower taxes achieved by attempts to increase the tax base at the expense of land conservation.

In order to accomplish the management system outlined above, each province would require legislation as it is the provinces that control land use planning. The statute would be enabling legislation similar to Ontario's *Planning Act* and *Heritage Act*. This would encourage the identification of nationally and provincially significant landscape areas and allow for governance arrangements that would give primacy to conservation within those areas and would guarantee the provision of local services through an equitable sharing of costs.

Application

One of the most extensive landscapes in the Region of Waterloo that is occupied primarily by Old Order Mennonite farm families is located in the Township of Woolwich. The cultural significance of this area has already been established by the Regional government.¹⁹ While the current boundaries of that municipality do not absolutely conform to a line which might be calculated to encompass the area characterized as "Mennonite," treating the Township as a significant landscape that warrants special conservation measures would be the simplest way to create not a new kind of national park,

but what we might call a Nationally Significant Cultural Heritage Area (NSCHA). A highly interactive and consultative study could be undertaken to establish three things: the shared values and character-defining aspects of the area which the community would undertake to conserve through change management guidelines (i.e., the NSCHA Plan); the make-up, roles and responsibilities of the revised local governing body and its staff (i.e., the majority locally elected and some representing senior governments) and the formula for meeting the costs of local services and the assignment of responsibilities (e.g., average costs per person could be established at a regional level to determine the shortfall, if any, within the NSCHA while some services might be provided at the regional instead of local level).

In many ways the transition described here could be relatively seamless. In effect the township turned NSCHA would develop a new official plan and the current council structure and number might be augmented by new members appointed by the national, provincial and regional governments. There are governance models among the other Canadian, British and American examples and while the negotiations concerning representation would no doubt be as complex as any Canadian constitutional-related issue, we believe a resolution could be found. One of the key factors in determining representation would be the level of

financial commitment from the different levels of government.

The result of this new governance structure would be that when the next application for planning permission appeared, the newly formed NSCHA council could refuse it based on their conservation plan without worrying that voters would punish them at the next election because they had passed up potential tax revenue. At the same time, if a farmer approached for permission to expand a food production facility they could allow the application assuming that agricultural viability was one of the stated community values in their plan. The idea is hardly revolutionary or even disruptive. Rather it has the ring of common sense that follows logically from the intent of efforts such as the Historic Places Initiative and the ideas of Municipal Cultural Planning. Finding better ways of conserving heritage resources is also consistent with the general desire of a growing portion of the population who genuinely want to improve our treatment of the environment.

Conclusion

To conclude, we underline the following points in regards to our search for a new way to manage change within the significant, cherished and fragile landscapes of Canada. As a country we need to create the legislative framework to allow for identification of, planning for and governance of significant cultural landscapes; we need to detach

land use decisions from the requirement to generate tax revenue and make them subject instead to conservation principles; we must ensure active, lively public consultation; we must demand senior government leadership in order to create and support Nationally Significant Cultural Heritage Areas; we need to use value-based designations to identify tangible and intangible aspects of the landscape; we must find the balance between incentives and regulations; and we must strive to ensure that the selection/election of local decision-makers should depend on their ability to wisely maintain agreed-upon community values and not on their promises to maintain low taxes.

In Canada the constitutional division of powers place land use regulation in the provincial/territorial sphere. However, we close by pointing to two important considerations. The first is that our federal government—when it feels the national interest is involved—often plays a role in what are otherwise provincial prerogatives, generally by using fiscal levers. When federal money is put on the table government assumes a measure of control, as has been the case with housing and medical care. The other consideration is that some cultural resources are truly national and therefore deserve national recognition. What we are recommending here in terms of a new kind of national park would have to be undertaken in cooperation with provinces and territories but would benefit greatly from national coordination and national financial commitment as has the Historic Places Initiative.

Notes

The images in this paper are the work of Carl Hiebert.

1. Please see *Canada National Parks Act* at Department of Justice, National Parks Act, 2000 c.32. <http://laws.justice.gc.ca/en/ShowDoc/cs/N-14.01//20090720/en?page=1> (accessed March 7, 2011).
2. See <http://www.mah.gov.gov.on.ca/page1485.aspx#2.6> (accessed March 11, 2011).
3. See 2006 report entitled “Cultural Heritage Landscapes in Waterloo Region: A Framework for Inventory, Assessment and Policy Development, prepared for the Regional Municipality of Waterloo” by Heritage Preservation Consultant, André Scheinman.
4. See community profiles on Statistics Canada website at <http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-591/index.cfm?Lang=E> (accessed March 11, 2011).
5. See <http://www.historicplaces.ca/en/home-accueil.aspx> (accessed March 11, 2011). It should be noted that the wording on the Canada Historic Places website has changed somewhat since the inception of the Historic Places Initiative, but the intent appears to be the same. The discontinuing of funding for HPI, however, is disappointing to many.

6. See website at <http://www.historicplaces.ca/en/pages/standards-normes.aspx> (accessed March 11, 2011).
7. See European Landscape Convention (ETS no. 176) at <http://www.pcl-eu.de/project/convention/conv.php> (accessed March 3, 2011).
8. See the United Kingdom’s website for the Association of National Park Authorities <http://www.nationalparks.gov.uk/index> (accessed March 7, 2011).
9. See note 7 above.
10. The 2007 report, “Building Value: Public Benefits of Historic Farm Building and Drystone Wall Repairs in the Yorkshire Dales National Park” can be viewed at www.english-heritage.org.uk and www.helm.org.uk (accessed March 7, 2011).
11. These concepts are discussed in a 1994 Preservation Brief, entitled “Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes” prepared by the US National Park Services and can be found at <http://www.nps.gov/history/hps/tps/briefs/brief36.htm#DEVELOPING%20A%20STRATEGY%20AND%20SEEKING%20ASSISTANCE> (accessed March 7, 2011).
12. See the NPS’s website at <http://www.nps.gov/index.htm> (accessed March 7, 2011).

13. This information is found at <http://www.nps.gov/ebla/> (accessed March 7, 2011).
14. This information comes from the Ebey's Landing National Historic Reserve 2011 website at <http://www.thingstodo.com/states/WA/nationalparks/ebey.htm> (accessed March 16, 2011).
15. See Island County, Washington, Planning Commission Summary Minutes dated June 8, 2004.
16. The information about the Islands Trust in this essay is available on the Islands Trust website at <http://www.islandstrust.bc.ca/> (accessed March 7, 2011).
17. Information about the Niagara Escarpment is from the Niagara Escarpment Commission's website at <http://www.escarpment.org/home/index.php> (accessed March 7, 2011).
18. For an overview of activities that led to the establishment of the KHSSP Act in 2003, see the website for the Kawartha Highlands Signature Site at <http://www.ontarioparks.com/english/kawa.html> (accessed March 7, 2011).
19. See the 2006 background document entitled "Cultural Heritage Landscapes in Waterloo Region: A Framework for Inventory Assessment and Policy Development" prepared by André Scheinman. The report supports the designation of lands in the region as cultural heritage landscapes.

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