LAND LEASING DEBATE IN JASPER AND BANFF NATIONAL PARKS: A CASE STUDY ON PRESSURE GROUP BEHAVIOUR

By

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A thesis submitted in partial fulfillment
of the requirements for the degree of

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ABSTRACT

The general purpose of this study is to examine the initiatives and interactions of local resident groups in Jasper and Banff with the federal government concerning various aspects of the land leasing issue from 1885 to 1982. That issue involves disputes over leasing terms, land rents, and the closely related questions of townsite management and local self-government. The research utilizes an historical-analytical approach and is couched in pressure group theory. More specifically, it utilizes an analytical framework proferred by Paul Pross for analyzing pressure group behaviour in Canada.

The four principal research questions are as follows: 1) who are the local pressure groups that have been involved in the land leasing debate, what have been their objectives, and where do they fit in Pross's typology; 2) what has been the locus of their lobbying activity . . . has it been primarily the executive, the bureaucracy or the legislature; 3) what has been the nature of their lobbying activity . . . has it been primarily access-oriented or media-oriented, and accommodative or confrontationist; and 4) does their behaviour conform to Pross's propositions for pressure groups in their particular category?

The research findings indicated that the local pressure groups from Jasper and Banff were the School Boards, the Chambers of Commerce, and the Advisory Councils which were superseded by the Jasper Townsite Committee and the Banff Community Society. The principal objectives of those groups have been nominal land rents, equitable service taxes, security of tenure on leases, and greater resident input into townsite management. Given their organizational features they approximate Pross's category of fledgling and mature groups. The locus of their lobbying activity has generally been

successive ministers responsible for national parks, almost to the complete exclusion of other Cabinet members and senior bureaucrats. The major exception was a five year period from 1974 to 1979 in which they had considerable interaction with bureaucrats. The federal legislative arena served primarily as an appeal mechanism in which M.P.s acted as ombudsmen, liaison officers and even lobbyists. The pressure groups also exploited the federal nature of the system by using the Alberta government as an appeal mechanism.

While their lobbying techniques varied, the general tendency of the groups was to employ access-oriented techniques of an accommodative nature, and only when those proved unsatisfactory did they resort both to access and media oriented techniques of a confrontationist nature, and ultimately even to "legal advocacy". Such behaviour conforms, at least in a general way, to Pross's tentative propositions for pressure groups in the mature and fledgling categories. In fact, these findings reflect, that there was a close correlation between istitutional growth and increasingly sophisticated behaviour over time. Yet, while it is conceded that organizational and systemic factors are significant determinants of pressure group behaviour, this research concludes that perhaps even more significant determinants are the importance that governmental and non-governmental actors attach to certain issues, and their respective perceptions of one another.

CHAPTER 1

INTRODUCTION

The first Canadian national park was established nearly a century ago. Today there are over thirty national parks in this country and at least another half-dozen in the planning. This gives Canada the distinction of having one of the most extensive and perhaps also one of the best national park systems in the world. Nevertheless, like others, it also has its problems. During the past several decades members of different academic disciplines have examined various aspects of the Canadian national park system. Numerous studies have focussed on the biological, geological, and environmental features of various parks, several have examined the environmental impact of various management practices, and some have even examined the economic impact of national parks on certain regions.[1] Few studies however have focussed on the political factors surrounding the land leasing practices in the national parks.[2] To do so is the broad purpose of this study.

When the first national park was established some major policy objectives and principles were enunciated which, with varying degrees of commitment, have been upheld to the present. Two of the most significant objectives outlined in successive national park acts and policy statements are: (1) that all national park lands are to be Crown property;

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[1] For an extensive bibliography on all these areas see J.G. Nelson and R.C. Scace, eds., The Canadian National Parks: Today and Tomorrow Conference I, (Calgary: U. of Calgary, 1968); see also J.G. Nelson and R.C. Scace, eds., The Canadian National Parks: Today and Tomorrow Conference II, (Waterloo, U. of Waterloo Press, 1979).

[2] e.g. the three volume work by W.F. Lothian, A History of Canada's National Parks, (Ottawa, Parks Canada, Vol. 1, 1976, Vol. 2, 1977, Vol. 3, 1979); also J.G. Nelson, ed., Canadian National Parks in Perspective, (Montreal: Harvest House Ltd., 1970).

and (2) that national park land granted for private use must be granted according to special land leasing or licencing arrangements for an economic rent. It is these two related tenets of park land tenure that constitute the basis of an interesting and at times intense land leasing debate in some of Canada's national parks. In the words of W.F. Lothian:

> When the founding fathers of Canada's national park system made provisions 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 rentals to be charged, and the right to perpetual renewal would collectively and separately produce problems requiring extended negotiation, frequent legislation and considerable pacification.[3]

It is conceded that it would be ideal to give comprehensive consideration to all the Canadian national parks in which land leasing has proved to be a significant issue. That is not possible, however, due to time contraints and problems in gathering sufficient information on all the parks. Another contributing factor to that decision is that, as is alluded to in the above quotation, the land leasing issue is neither simple nor unidimensional, but multifaceted and complex. In addition to the fundamental question of whether national park land should be granted for private use, it also involves a set of corollary questions. For example, given that park land is to be used for private purposes, questions arise about how much should be granted and for what purposes; should it be granted by lease or sold; what should be the duration and terms of a lease; and what rent should the Crown request for leased land? Other questions which figure prominently in the land leasing debate in Jasper and

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[3]Lothian, op. cit., Vol. 2, p. 56.

Banff National Parks are as follows: who should assume the costs for townsite services and facilities; who should decide on matters of townsite administration and development; should the townsites be granted local self-government; should they be excised from the parks and if so under what conditions?

Hence, given the complexity of the issue, together with the large number of national parks, and numerous types of leasing formulas, certain arbitrary decisions had to be made about the breadth, depth and scope of this research.[4] First, it must be noted that this research focusses almost exclusively on the land leasing debate as it has evolved in Jasper and Banff. There are three principal reasons for that decision. The first reason relates to the personal interest of the author and, as previously mentioned, the availability of, and access to, information and data on those parks. The second reason is that it is in those two parks that by far the largest number of leases have been issued, so much so in fact that the very size of the urban centers therein led the federal government to officially reclassify them as park towns rather than service centers as are all others.[5] Thirdly, the decision to examine Jasper and Banff jointly in this research is based on the fact, which will become quite evident in subsequent chapters, namely, that residents

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[4]There are approximately thirty different types of leases which for discussion purposes are generally grouped into four major types (residential, commercial, recreational, and institutional). Within each of those groups are found several different types which differ primarily in duration and period of occupancy. For example, some leases are perpetually renewable, some are either for 42 or 21 years renewable, and others are either 42, 21 or 42 plus 21 years but terminable. Finally, all may be either seasonal or year round occupancy.

[5]Canada, Department of the Environment, Parks Canada, Parks Canada Policy (Ottawa: Supply & Services, 1980), p. 45.

in those two parks have historically formed a common front vis-a-vis the federal government on the land leasing debate.

It should also be noted here that initially this researcher had intended to concentrate exclusively on the land leasing debate during the past quarter century because those associated with the national parks agree that the late-fifties and early-sixties constitute the beginning of a distinct phase for national park management and also the land leasing debate.[6] In the case of Jasper and Banff in particular, this period entailed extensive series of sustained interaction and negotiations between park residents and federal officials which continues at the time of writing. Eventually, however, it was decided that in order to fully understand and appreciate the significance of recent developments it was necessary to provide the reader with the relevant historical antecedents. Moreover, the examination of the earlier period is also valuable because it provides a basis of comparison to see how the organizational features and the lobbying activities of local groups in Jasper and Banff involved in the land leasing debate have changed over time. Thus, whereas the major part of the study focusses on the more recent period, a substantial portion also examines the earlier period. Succinctly stated then, this study catalogues and examines the initiatives and interactions of the major local representative and/or governing groups in Jasper and Banff involved in the land leasing debate. At this point it is useful to outline the analytical framework which serves both as a guide in gathering

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[6] W. McKim, "Townsite Administration and Management", in The Canadian National Parks: Today and Tomorrow Conference 1, (1968), eds. J.G. Nelson and R.C. Scace, Vol. 2, pp. 759-769; see also J.G. Nelson, "Landscape Change in Banff National Park: A National Problem in Perspective", in The Canadian National Parks: Today and Tomorrow Conference 1, (1968), eds. J.G. Nelson and R.C. Scace, (Calgary: U. of Calgary, 1968), Vol. 1, pp. 111-150.

and organizing the information and in casting the findings into the context of existing political science literature.

ANALYTICAL FRAMEWORK

This research is couched in pressure group theory. More specifically, it utilizes the analytical approach advanced by Paul A. Pross in the introductory chapter of Pressure Group Behaviour in Canadian Politics.[7] Pross maintains that studies on the operation of pressure groups in Canada generally have lacked a common conceptual or analytical framework which highlight the relationship between the structures and behaviour of pressure groups and the nature of the political system. In his view, despite their efforts, even authors such as Engelmann and Schwartz, Presthus, and Vanloon and Whittington have not satisfactorily resolved that analytical problem.[8] Pross's stated objective, therefore, is to devise an analytical framework which overcomes those weaknesses and is ". . . capable of relating a typology of pressure groups to the observed realities of the Canadian policy process".[9] That framework is outlined in detail below. A brief evaluation on its utility will be included in the concluding chapter of this research.

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[7]Paul A. Pross, "Pressure Groups: Adaptive Instruments of Political Communication", in Pressure Group Behaviour in Canadian Politics, (Toronto: McGraw-Hill Ryerson, 1975), pp. 1-26. Revised versions of that article are as follows: id., "Canadian pressure groups in the 1970's: their role and their relations with the public service", in Canadian Public Administration, Vol. 18, (1975) pp. 121-135; and id., "Pressure Groups: Talking Chameleons", in Canadian Politics in the 1980's, eds., Michael S. Whittington and Glen Williams, (Toronto: Methuen, 1981), pp. 221-242.

[8]Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., pp. 4-5.

[9]Ibid., p. 5.

Pressure Group Typology - Pross defines pressure groups as "organizations whose members act together to influence public policy in order to promote their common interests".[10] He maintains that in order to arrive at some useful generalizations about pressure group behaviour, theorists must utilize better classification schemes for such groups. For example, he states that the classification scheme devised by Vanloon and Whittington which distinguishes groups according to three criteria, namely, their origin (autonomous or reverse), their structure (active or categoric), and their activity (self-interested or promotional), has been of limited value in pressure group analysis.[11] In his view a more functional typology of pressure groups is required to understand what he considers to be the important "relationship between the levels of organization pressure groups attain and their behaviour in the policy system".[12] Such a typology of pressure groups, Pross maintains, emerges by focussing on Philip Selznick's concept of the institutionalization of organizations.[13] From that concept Pross develops a continuum which distinguishes among four main types of pressure groups on the basis of certain organizational features and objectives. The continuum consists of institutionalized, mature, fledgling and issue-oriented groups. Institutionalized groups are at one end of the continuum and possess the following characteristics:

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[10] Ibid., p. 2.

[11] Ibid., p. 5.

[12] Pross, "Pressure Groups: Talking Chameleons", op. cit., p. 226.

[13] Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., p. 9.

> . . . organizational continuity and cohesion, commensurate human and financial resources, extensive knowledge of those sectors of government that affect them and their clients, a stable membership, concrete and immediate operational objectives associated with general philosophies that are broad enough to permit each group to bargain with government over the application of specific legislation or the achievement of particular concessions, and a willingness to put organizational imperatives ahead of any particular policy concerns.[14]

Issue-oriented groups are located at the other end of the continuum and essentially possess the reverse characteristics. According to Pross:

> They have limited organizational continuity and cohesion; most are very badly organized. Their knowledge of government is minimal and often naive. Their membership is extremely fluid. They encounter considerable difficulty in formulating and adhering to short-range objectives and usually have low regard for the organizational mechanisms they have developed for carrying out their goals.[15]

Possessing varying degrees of the characteristics of institutionalized and issue-oriented groups are what Pross refers to as mature and fledgling pressure groups. He distinguishes further between those four ideal or pure group types by focussing on both their organizational features and their objectives. (see Appendix A). First he notes that, whereas institutionalized groups can be expected to have extensive human and financial resources, issue-oriented groups have a small membership and no paid staff, fledgling groups have a membership which can support a

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[14]Pross, "Canadian pressure groups in the 1970's: their role and their relations with the public service", op. cit., p. 124.

[15]Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., p. 11.

APPENDIX A

THE CONTINUUM FRAMEWORK

CATEGORIES	GROUP CHARACTERISTICS							
	Objectives				*Organizational Features*			
	single, narrowly defined	multiple but closely related	multiple, broadly defined & collective	multiple, broadly defined, collective & selective	small membership/ no paid staff	membership can support small staff	alliances with other groups/staff includes professionals	extensive human and financial resources
Institution-alized				■				■
Mature			■				■	
Fledgling		■				■		
Issue-oriented	■				■			

CATEGORIES	LEVELS OF COMMUNICATION WITH GOVERNMENT					
	Media-Oriented			*Access-Oriented*		
	publicity-focused protests	presentation of briefs to public bodies	public relations; image-building ads, press releases	confrontation with politicians, officials	regular contact with officials	regular contact, representation on advisory boards, staff exchanges
Institution-alized			■			■
Mature		■			■	
Fledgling		■		■		
Issue-oriented	■			■		

SOURCE: Paul A. Pross, Pressure Group Behaviour in Canadian Politics, pp.14-15.

small staff, and mature groups have alliances with other groups and staff includes professionals. Secondly, he ascribes the following types of objectives to each category. Whereas issue-oriented groups are depicted as having single and narrowly defined objectives; fledgling groups have multiple but closely related objectives; mature groups have multiple broadly defined and collective objectives; and institutionalized groups have multiple, broadly defined, collective and selective objectives. Pross is careful to point out, however, that in practice the aforementioned distinctions between each category are not clear cut. "Given different resources, different concerns and the variation in the levels of communication. . . it is inevitable that few groups will conform to the pattern described here. The pattern is a mean, a central tendency."[16] This observation also applies to the techniques and nature of their lobbying activity described below.

Techniques and Nature of Lobbying Activity - Pross also provides a continuum to categorize the various techniques that pressure groups may employ to influence the actors within the policy making process. The techniques are grouped into two broad categories. First, there are media-oriented techniques which primarily include "publicity stunts and protests . . . , public presentations of prepared briefs to officials, commissions of inquiry regulatory boards, . . . public service advertising and . . . public relations gimmicks".[17] Access-oriented techniques on the other

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[16]Ibid., p. 16.

[17]Ibid., p. 13.

hand include confrontation with politicians and/or officials, regular contacts with officials, and regular contacts with politicians and officials along with representation on advisory boards and occasionally even staff exchanges. The relationship between these techniques and various types of groups is illustrated in Appendix A.

On these two broad categories of pressure group influence techniques Pross superimposes another continuum which describes the nature of the groups' influence attempts. In his words, "confrontation is at one end of this continuum, but a more frequently used technique is the cultivation of regular and private meetings with officials and politicians. At the other extreme such contact leads to the infiltration of group members into the public establishment and vice versa".[18] What Pross is alluding to in contradistinction to confrontation, is what has been described as the ethos of mutual accomodation which Jackson and Atkinson have succinctly described as:

> the interaction involving interest groups in the political system. . . characterized by cooperation in which each party is considered by the others to have a legitimate share in the making of public policy. The accomodation depends upon all parties receiving enough satisfaction that continued interaction is deemed worthwhile.[19]

Pross points out that particularly in the case of institutionalized and to some extent also the other three types of groups involved with government officials, they tend to "prefer to avoid public discussions of issues relying on co-operation and consultation rather than on conflict, to

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[18] Ibid.

[19] R.J. Jackson and M. Atkinson, The Canadian Legislative System, (Toronto: Macmillan of Canada, 1974), p. 33.

achieve their objectives".[20] Pross notes, however, that either due to problems in obtaining access, or due to an obvious or perceived failure to influence decisionmakers, occasions arise when it becomes, or at least it seems, ". . . advantageous for pressure groups to defy accepted norms of pressure group-agency relations and encourage public review of issues".[21] In short, they resort to more media-oriented techniques that are either accommodation or confrontationist in nature. Although Pross does not mention it, another major technique utilized by pressure groups in influencing policies, regulations and even administrative actions is what has been referred to as "legal advocacy".[22] This entails recourse to the courts on some legal point, but is usually employed almost exclusively as a last resort after almost all the other techniques have been tried and an acceptable resolution has not been achieved.[23]

Locus of Lobbying Activity - Pross and other pressure group analysts tend to agree that in addition to human and financial resources the ability of a pressure group to exert influence within the policy and decision making processes also depends on the locus of its lobbying activity.[24] Lobbying is broadly defined here as the activities of pressure

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[20]Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., p. 21.

[21]Ibid., p. 23.

[22]Jonah Goldstein, "Public Interest Groups and Public Policy: The Case of the Consumers' Association of Canada", Canadian Journal of Political Science, XII: I, (March, 1979), pp. 137-155.

[23]V.O. Key, Jr., Politics Parties and Pressure Groups, 5th edition, (New York: Thomas Y. Crowell Co., 1964) p. 142.

[24]Pross, "Pressure Groups: Talking Chameleons", op. cit., p. 227.

groups intended to influence actors involved in the public policy process. Influence, on the other hand, is defined as "a relation among actors in which one actor induces other actors to act in some way that they would not otherwise act".[25] Furthermore, it is considered axiomatic that a pre-condition of influence is access which can be generally defined as "the ability to gain entry to key decision makers to make a representation".[26] The importance of access is emphasized by Jackson and Atkinson who note that:

> The existence of an access point is not a guarantee of influence, but without access almost nothing else is possible. . . groups must succeed in adopting the legislative system and using access points provided. . . . There are a limited number of access points, so few groups can afford to continually ignore any possibilities of influence. . . .[27]

Pross, asserts that access may be conditioned by certain structural features of the political system. He points out that pressure groups attempting to lobby and exert influence within the Canadian political system must therefore be cognizant of both its federal and parliamentary nature.[28] The parliamentary nature of the system, in which there is a fusion of executive and legislative power concentrated in the Cabinet, has been identified as a factor determining the choice of targets for

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[25]R. Dahl, Modern Political Analysis, (Englewood-Cliffs: Prentice Hall Inc., 1963), p. 76.

[26]W.T. Stanbury, "Lobbying and Interest Group Representation in the Legislative Process", in The Legislative Process in Canada, eds., W.A. Neilson, et al., (Montreal: Institute for Research on Public Policy, 1978), p. 185.

[27]Jackson and Atkinson, op. cit., p. 33-34.

[28]Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., pp. 21-22.

pressure groups.[29] The three major governmental arenas where pressure groups might concentrate their lobbying activities are the legislature, the executive and the bureaucracy. Most scholars and participants in the process tend to agree that the Canadian ". . . parliamentary system forces lobbyists to focus on the Cabinet and the Bureaucracy rather than the House or Senate".[30] Some even posit that contacts between governments and pressure groups occur predominantly within the middle and upper echelons of the bureaucracy. This focus is usually attributed to a "shift in the balance of real power, discretion and initiative away from courts, legislatures and even cabinets to public servants" who have broadened their role beyond policy interpretation and implementation to include policy initiation and formulation.[31] Yet, despite such power shifts the Cabinet still retains a dominant position in the policy and decision making process. Therefore, according to H.J. Dawson, groups wishing to have a significant and continuing influence in the process must make their views known to the Cabinet as a whole while concentrating on ". . . persuading influential ministers to take a sympathetic attitude toward the needs of their clientele".[32] To be sure, given the highly departmentalized nature of the Canadian executive and bureaucratic arenas, the most important or influential ministers in this regard tend to be

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[29] R.J. Vanloon and M.S. Whittington, The Canadian Political System: Environment Structure and Process, 1st ed., (Toronto: McGraw Hill of Canada Ltd., 1971), pp. 305-306.

[30] Pross, op. cit., p. 21.

[31] J.E. Hodgetts, "Challenge and Response: A Retrospective View of the Public Service of Canada", Public Administration in Canada, ed., K. Kernaghan, (Toronto: Methuen Publications, 1977), p. 53.

[32] H.J. Dawson, "National Pressure Groups and the Federal Government", Pressure Group Behaviour in Canadian Politics, Paul A. Pross ed. (Toronto: McGraw-Hill Ryerson, 1975), p. 33.

those personally responsible for a department that directly affects the interests of a particular group. Nevertheless, given the collegial nature of cabinet and its sub-committees, together with the recently developed "envelope system" and coordinating central agencies, one may find that decisions involve several cabinet members and even senior bureaucrats. Pross alludes to this in what he terms "policy communities".[33]

Despite the importance that pressure groups might attach to the executive and bureaucratic arenas, in recent years added importance has also been accorded to legislative committees as potential lobbying targets for pressure groups. A major reason for the increased status of such committees as potential targets is that in recent decades proposed legislation and supply estimates have been automatically referred to various standing committees which on occasion, and particularly during minority government situations, have proved to be instrumental in altering certain policies, regulations, and programs.[34] Furthermore, committee members with specialized interest in a certain policy area or issue can be influential not only within various committees but also within their respective caucuses, in Parliament, and in the internal lobbying within the legislative-executive-bureaucratic arena.[35]

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[33]Pross, "Pressure Groups: Talking Chameleons", op. cit., p. 235.

[34]Vanloon and Whittington, op. cit., pp. 472-480; see also Jackson and Atkinson, op. cit., pp. 112-135; and Stanbury, op. cit., p. 186.

[35]See David Hoffman, "Liason Officers and Ombudsmen: Canadian M.P.s and their Relations with the Federal Bureaucracy and Executive", Apex of Power, ed., Thomas Hockin, first edition, (Scarborough: Prentice Hall Ltd., 1971); see also Douglas C. Nord, "M.P.'s and Senators as Middlemen", Parliament, Policy and Representation, eds. H.D. Clarke, et al., (Toronto: Methuen Publications, 1980), pp. 181-194; Colin Campbell, The Canadian Senate: A Lobby From Within (Toronto: Macmillan of Can. Co., 1978); and Stewart Hyson, "The Role of the Backbencher: An Analysis of Private Members' Bills in the Canadian House of Commons", Parliamentary Affairs, (London: Hansard Society for Parlimentary Government, 1974), Vol 27, pp. 262-272.

The federal nature of the political system, in which powers over different areas of public policy are divided between the national and provincial governments provides pressure groups with potential targets of influence at both levels, even when one level of government is assigned exclusive constitutional responsibility as is the case for national parks which are federal Crown Lands. Alan C. Cairns points out, however, that those governments should not be viewed merely as targets for pressure groups, because they are also aggressive actors in the system:

> The federal system has created competitive political and bureaucratic elites at two levels of government endowed with an impressive array of jurisdictional, financial, administrative and political resources to deploy in the pursuit of their objectives. . . [and in] defending and advancing the basic interests of crucial sectors of the provincial or national economy and society.[36]

In fact, it has been known for some time that it is not unusual for these governments to go so far as to foster the creation of pressure groups in order to create and/or "promote a demand for policies which particular departments are anxious to adopt".[37] Vanloon and Whittington have described such groups as reverse pressure groups.[38] Although they may benefit from competition between the two levels of government, the federal nature of the system also poses problems for pressure groups. The jurisdictional "grey areas" or overlaps of constitutional authority between

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[36]Alan C. Cairns, "The Governments and Societies of Canadian Federalism", Canadian Journal of Political Science, X:4 (December, 1977), pp. 700 & 704.

[37]Pross, op. cit., p. 19. See also J.E. Anderson, "Pressure Groups and the Canadian Bureaucracy", Public Administration in Canada:, ed. K. Kernaghan, (Toronto: Methuen Publishers, 1977), p. 296.

[38]Vanloon and Whittington, op. cit., p. 302.

the federal and provincial governments pose difficulties for pressure groups in deciding which level of government to approach. For groups with limited financial and manpower resources that becomes a crucial consideration.[39] Moreover, given the jealousies between the various levels of government pressure groups have to be careful in their choice of targets and allies because an alliance with one government may damage their relations with others. According to Pross more research is necessary before we can arrive at some generalizations about how and to what extent the operations of pressure groups are conditioned by the federal nature of the system.[40] Perhaps this research will provide some insights.

Research Questions When the analytical framework outlined above is applied to the pressure groups from Jasper and Banff involved in the land leasing debate, four questions arise which will be addressed in this research.

1. Who are the pressure groups from Jasper and Banff involved in the land leasing debate, where do they fit in Pross's typology, and what are their objectives?

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[39]Fred Thompson and W.T. Stanbury, "The Political Economy of Interest Groups in the Legislative Process in Canada", in The Canadian Political Process, 3rd ed., eds. R. Schultz et al., (Toronto: Holt Rinehart and Winston of Canada Ltd., 1979) p. 237; see also R. Schultz, "Interest Groups and Intergovernmental Relations", in Canadian Federalism: Myth or Reality 3rd edition, ed. J.P. Meekison, (Toronto: Methuen Publishers, 1977), pp. 375-394.

[40]Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., p. 23.

2. What is the locus of those groups' lobbying activity? Is it primarily Cabinet members, bureaucrats, or legislators?

3. What is the nature of their lobbying techniques? First, is it primarily access-oriented or media-oriented, and secondly, is it accomdative or confrontationist?

4. Does their behaviour conform to that posited by Pross in his tentative proposition, namely, that whereas institutionalized groups are more apt to employ lobbying techniques of an accommodative nature, issue-oriented groups rely more extensively on confrontationist tactics?

METHODOLOGY

This research employs both an historical-analytical and case study approach. The utility of the historical-analytical approach is occasionally questioned. Jerome Clubb, a proponent of the approach argues that it is useful because it ". . . can facilitate findings of greater generality and increase the researcher's confidence in the validity and relevance of his work".[41] According to Eckstein's typology of case studies, the approach utilized in this research conforms to the disciplined-configurative and idiographic category because a general framework of inquiry is applied to a particular case in order to understand the case in point and,at the same time,seeks generalizable relations among actors involved in the policy process.[42] Critics of the case study approach in all its forms generally argue that it has a limited value because generalizations

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[41]Jerome M. Clubb, "The Historical-Analytical Approach", Foundations of Political Science: Reserach Methods and Scope, ed. Donald M. Freeman, (New York: Free Press, 1977), Chapter 20, p. 643.

[42]Harry Eckstein, "Case Study and Theory in Political Science", Handbook of Political Studies, Vol. 7, eds., F.I. Greenstein and N.W. Polsby, (Don Mills, Ontario: Addison-Wesley Publishing Co., 1975), pp. 79-135.

are not possible given the specificity of such studies. Proponents of the approach on the other hand maintain that case studies allow for intensive examination of a particular problem or phenomenon when the primary purpose of a study is understanding that particular case rather than generalizing from it. Moreover, individual case studies may have a heuristic value, and when constructed carefully several case studies on similar phenomena may also permit the development of reliable generalizations. Several authors agree that the case study approach is particularly useful in studies such as this where the primary purpose is to examine in detail both the evolution of policies, the operation of the decision-making process and the interaction of various actors therein.[43] Such studies are particularly valuable in Canada where,in the absence of an abundance of carefully constructed and related case studies perhaps,it is premature to attempt to develop "grand" theories.

Data and Information Sources This research utilizes several data and information sources. Extensive use is made of primary sources to identify the groups involved in the land leasing debate, to determine their position on various aspects of that debate, and also to ascertain the nature and extent of their interaction and negotiations with governmental actors. This includes such sources as briefs, press releases, correspondence, Hansard, commissioned reports, policy statements, and legal cases.

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[43] e.g. see Richard Simeon, Federal-Provincial Diplomacy: The Making of Recent Policy in Canada, (Toronto: University of Toronto Press, 1972), p. 11; see also Peter Aucoin, "Theory and Research in the Study of Policy Making", The Structures of Policy Making in Canada, eds. Bruce Doern and Peter Aucoin, (Toronto: Macmillan Co., 1971), p. 29; and Robert Presthus, Public Administration, (New York: The Ronald Press Co., 1975), p. 19.

The research also utilizes several useful secondary sources such as published and unpublished works of various authors on the national parks. A particularly invaluable work is W.F. Lothian's A History of Canada's National Parks produced under the auspices of Parks Canada with the expressed intent that it would serve as an historical reference source for government officials and scholars.[44]

Another important source of information for the study are interviews with knowledgeable participants and observers of the process. The interviews are useful both in bridging the information gaps and corroborating information from other sources. Furthermore, the interviews are particularly useful in ascertaining the views and positions of various actors involved in the land leasing debate. Such interviews are conducted with a relatively unstructured or non standardized format using open ended questions and notes are made whenever interviewees are agreeable.[45]

The research also makes careful use of observational data. This researcher has been a resident of Jasper National Park for sixteen years during which time he has witnessed many episodes of the land leasing debate. Care will naturally be taken not to make any unfounded assertions. Perhaps it is also in order here to note that although the researcher cannot claim to be bias free on this issue, a conscious effort is made to

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[44]Lothian, op. cit., Vol. 1, p. 5.

[45]e.g., W.J. Goode and Paul K. Hatt, "The Interview: A Data Collection Technique", The Conduct of Political Inquiry: Behavioural Political Analysis, eds., L.D. Hayes and R.D. Hedlund, (Englewood Cliffs: Prentice Hall Inc., 1970), pp. 115-120; see also Lewis Anthony Dexter, Elite and Specialized Interviewing, (Evanston: North-Western University Press, 1970), pp. 5-6.

allow scholarly objectivity to prevail. My objective is not to make a case for one side or the other, but rather to present a relatively balanced and factual account of the issues and events. It is hoped that this is reflected in the finished product.

Chapter Divisions This first chapter has provided both a brief description of the purpose of this study, the analytical framework and the methodology employed in this research. Chapter 2 entitled, The Policy Environment and Organizational Setting is divided in two sections. The first section provides a brief historical overview of the major statutes and regulations that have applied to the leasehold system of national parks during the past century. The second section provides a brief description of the evolution of the organizational structure of the National Parks Branch, and the local governing and/or representative bodies in Jasper and Banff. The subsequent five chapters entail an examination of the Initiatives and Interactions of local representatives in Jasper and Banff, and federal officials during the past century: Chapter 3 examines the period 1885-1960; Chapter 4 the period 1960-1970; Chapter 5 the period 1968-1973; Chapter 6 the period 1974-1979; and Chapter 7 the period 1979-1982. Finally, the Conclusion provides a review and analysis of the major findings of this research.

CHAPTER 2

THE POLICY ENVIRONMENT AND ORGANIZATIONAL SETTING

This chapter provides a brief overview of the policy and organizational developments that are pertinent to the land leasing debate. Accordingly, the chapter is divided into three major sections. The first section outlines the key policy developments (i.e. statutes and regulations) that have had a significant bearing on leasehold matters in the national parks. The second section describes the organizational structure of the National Parks Branch in an effort to provide some insights both into the leasehold administration system, the decision making process that is theoretically involved, and the targets of influence which it provides for lessees and their representatives. The third section then briefly identifies the major representative and/or governing bodies within Jasper and Banff that historically have acted as pressure groups on leasehold matters vis-a-vis the federal government. This background information is useful in understanding more fully the various episodes of the land leasing debate examined in subsequent chapters.

Policy Developments In 1883 when the Dominion Lands Act was given royal assent the park concept was first, albeit vaguely, enunciated in Canada. Section 26 of the Act stated that "the Governor in Council may set apart and appropriate such Dominion lands as he may deem expedient for . . . benevolent institutions, squares and for other public places".[1] It was in the 1884 amendment to the Act, however, that the park concept was

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[1] Canada, Statutes of Canada: Dominion Lands Act, (1883), 46 Victoria, Chapter 17, p. 285.

clearly stated:

> The Governor in Council may from time to time for the preservation of forest trees on the crests and slopes of the Rocky Mountains, . . . reserve from sale, lease or license, such portions of land . . . as to him appears expedient so to reserve, . . . and may set aside and appropriate such lands for . . . forest parks, as he deems expedient.[2]

In 1885 the Minister of the Interior used the powers delegated to him by that Act to pass Order in Council 2197 authorizing the reservation of approximately ten square miles of land surrounding the sulphur springs in the Banff area. The central part of the enabling clause is particularly significant because, together with the central part of the 1884 amendment, it constitutes the first statement of intention regarding park land tenure. The Order in Council explicitly stated that ". . . in order that proper control of lands surrounding the springs may be vested in the Crown the said lands are hereby reserved from sale or settlement or squatting. . . .".[3] Yet, while the principle of exclusive government control of park land was pronounced at the early stage of park development and confirmed in subsequent legislation, provisions prohibiting the settlement of park land were repealed two years later when royal assent was given to the Rocky Mountains Park Act in 1887. The settlement policy was changed to allow for the construction of facilities for park employees and visitors. Under the Act the Minister of the Interior was charged with the responsibility for management and administration of national park lands.

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[2]Canada, Statutes of Canada: Dominion Lands Act, (1884 Amendment). 47 Victoria, Chapter 25.

[3]Canada, Canada Gazette, Order in Council P.C. 2197, November 28, 1885.

The Minister was given the power to make regulations for the following:

> The lease for any term of years. . . 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; . . . [provided that they did not] in any way impair the usefulness of the park for the purpose of public enjoyment and recreation.[4]

More detailed provisions for the use of park land for residential, commercial, industrial, and recreational purposes were contained in the first comprehensive set of park regulations approved by order in council on November 27, 1889.[5] Specifically, they authorized the Minister to issue leases at his discretion for a fixed term of twenty-one years, and to set rents for such lands as he saw fit from time to time. Seven months later those regulations were superseded by a new set of regulations passed by Order in Council 1694, which were essentially carbon copies of their precursors with a significant amendment regarding the term for which leases could be granted. The Minister was authorized to ". . . issue leases for . . . lots for any term not exceeding forty-two years, with the right of renewal . . . " effective July 1, 1890.[6] As shall be discussed in the next chapter that provision was included as a concession to lessees who felt that an initial leasing period of twenty-one years was too short.

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[4]Canada, Statutes of Canada: Rocky Mountains Park Act, (1887), 50-51 Victoria, Chapter 32.

[5]Canada, Canada Gazette, Order in Council P.C. 1350, (1889), Vol. 23, No. 4, p. 1022.

[6]Canada, Canada Gazette, Order in Council P.C. 1694, (1890), Vol. 23, No. 1, p. 106.

Furthermore, the right of renewal was included as an incentive for lesses to construct high quality permanent buildings. Several decades later however the provision for right of lease renewal became a major point of contention between federal officials and lessees when the former attempted to eliminate it from the leases.

The next major amendments to the regulations were made in 1906. That year, in an effort to give more legitimacy to regulations made by the Minister and approved by the Governor in Council, a bill was passed stating that such regulations would have equal force and effect as an Act of Parliament, provided that they were published in the Canada Gazette for four consecutive weeks and submitted to Parliament for approval within a specified period of time.[7] Some parliamentarians felt that such retroactive parliamentary approval would protect against abuses of power by the Minister and his officials in administering the parks. Those parliamentarians contended that if unchecked, Ministers could use the extensive powers granted to them in the Rocky Mountains Park Act to make the parks their private patronage havens.[8] In short, that provision was designed to check against abuses of power by Ministers and not necessarily to limit the legitimate use of their extensive powers in the parks.

That same year, the Forest Reserve Act was passed containing a particularly significant provision regarding the acquisition of private lands for park purposes.[9] Section 7 of that Act authorized the Minister

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[7]Canada, Statutes of Canada: Rocky Mountains Park Act, (1906 Admendment), 6 Edward VII, Chapter 44.

[8]Canada, House of Commons, House of Commons Debates, May 14, 1906, Volume 2, p. 3234.

[9]Canada, Statutes of Canada: The Dominion Forest Reserves and Parks Act, (1906), 6 Edward VII, Chapter 14.

both to exchange private lands within forest reserves for Dominion lands outside such reserves, and/or to compensate such land owners where it was warranted. Although the wording in that Act implied that the Minister could expropriate lands for park purposes when landowners refused to move, an explicit provision to that effect did not appear until 1911. That year royal assent was given to Dominion Forest Reserves and Parks Act which superseded but to a large extent incorporated both the Forest Reserves Act (1906) and the Rocky Mountains Park Act (1887).[10] The new Act made a noteworthy distinction between forest reserves and parks. Whereas the stated purpose of forest reserves was to ensure the protection of timber conservation of wildlife, minerals, and waters, the parks were to be used as ". . . public parks and pleasure grounds for the benefit, advantage and enjoyment of the people of Canada".[11] Clearly then at that time forest reserves were to be primarily for conservation and parks for recreation.

In 1910 a significant provision was included in the park leasehold regulations concerning the rental period for leased land. The Rocky Mountains Park Act had empowered the Minister to determine the rental rates on leases. Neither the Act nor the regulations, however, specified at what intervals the rents could be reviewed. The general understanding until 1910 had been that rents would only be reviewed once every forty-two years. By 1910 the Minister and his officials had become convinced that in order for the Crown to realize an equitable return from the lands

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[10] Canada, Statutes of Canada: The Dominion Forest Reserves and Parks Act, (1911), 1-2 George V, Chapter 10.

[11] Ibid.

it was desirable to review rents at more frequent intervals. Consequently, the decision was made to institute the "decennial review" which allowed the Minister and his officials to review and renew rents for leased land every ten years.[12] This provision is the main reason why as subsequent chapters will reveal, there is usually a heightened degree of interaction and negotiations between federal officials and lessees at approximately ten year intervals.

In essence, the size of the rent increase has been entirely a matter of Ministerial discretion. For their protection against what they deemed unreasonable arbitrary rents, lessees were given the right of appeal to have the rents set by the Minister reviewed and revised by the Exchequer Court of Canada (Federal Court) or by an appointed arbitration board. The evidence in subsequent chapters will reveal that, although lessees have in several instances used these avenues of appeal, they have generally preferred to question and challenge rental increases through the political avenues first, and use the courts and arbitration boards as a last resort.

By 1930 the number of national parks had proliferated. That fact, combined with the conviction of parks officials that forest reserves and national parks had to be managed and administered separately, produced the National Parks Act.[13] That Act together with its amendments and the regulations which have flowed from it, constitute the legal basis from which national parks have been managed and administered for the past half

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[12]Lothian, op. cit., p. 59.

[13]Canada, Statutes of Canada: The National Parks Act, (1930), 20-21 George V, Chapter 33.

century. The National Parks Act was very similar to its precursor but it contained some changes and clarifications to the general purpose of a park and also to the nature and extent of ministerial authority regarding land tenure and land use. Section 4 of the Act de-emphasized the recreational purposes of parks and emphasized their conservationist purposes stating that "parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations".[14] Despite such a provision in the Act, the problem of reconciling the use of parks for recreational purposes and conservation remained.

Section 6(3) of the National Parks Act empowered "the Minister to purchase, expropriate or otherwise acquire any lands or interests therein, including the lands of Indians or any other persons for the purposes of a park".[15] This provision giving the Minister such broad powers has been a major concern of park residents since, theoretically, the federal government can expropriate their property. In practice, properties are expropriated at the Minister's discretion in the name of the Crown under the federal Expropriation Act.[16] The Minister's extensive powers over all facets of park management and administration were enumerated in Section 7 of the Act, which states that he may make regulations, without necessarily acquiring explicit Parliamentary approval, on the following:

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[14]Ibid., p. 273.

[15]Ibid., p. 274.

[16]Canada, Revised Statutes of Canada, (1970): Expropriation Act, Chapter E-19, pp. 2933-48.

> (1) the granting of leases for lots in townsites for the purpose of residence and trade; the granting of lands outside townsites only for the entertainment of persons visiting the Parks. . . ;
>
> (2) the establishment, operation, maintenance and administration of public works and utility services. . . , the levying of taxes upon any properties benefited thereby. . . , the sale of forfeiture of the said properties or interests when such taxes are not paid. . . ;
>
> (3) prescribing the conditions under which any building, sign, . . . or other structure may be erected, . . . [its] design and location. . . and the materials of which it may be constructed; the general maintainance and improvement of properties. . . , defining of zones for residential and business buildings. . . ;
>
> (4) controlling trades, traffic, business, amusements, sports, occupations and other activities . . . and prescribing the places where such . . . activities may be carried on; and the levying of licence fees . . . .[17]

Since 1930 the National Parks Act has remained relatively intact. Most of the amendments made have only affected the boundaries of various parks, few have significantly altered the substance of the Act. One exception is the 1947 amendment which officially allowed the leasing of lots outside townsites for residential purposes during the summer months.[18] That amendment opened the way for the construction of cottages in the various parks. In 1953 the annual occupation period of such leases was extended to run from April 1 to October 31 rather than from May to August as

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[17] Canada, Statutes of Canada: The National Parks Act, (1930), 20-21 George V, Chapter 33.

[18] Canada, Statutes of Canada: The National Parks Amendment Act, (1947), George VI, Chapter 66.

originally stated.[19] A few years later, however, the Minister and his officials felt that private cottages were not consonant with the purposes of the parks and the practice of granting leases for cottages was discontinued.

Another amendment to Section 7 of the Act passed in 1947 and altered in 1953 involved the extension of hospital and health and welfare services to residents in the parks.[20] The amendment empowered the Minister to enter into agreements with the provinces to supply such services in national parks. As part of that amendment the Minister was also given powers to make regulations regarding tax levies on park residents for the purpose of defraying costs for those services. Consequently in the early 1950's agreements were concluded with the Alberta provincial government to extend such services to residents in Jasper and Banff national parks.[21]

Between 1957 and 1962 the Minister and his officials were considering ways by which they could terminate forty-two year perpetually renewable leases and replace them with short term terminable leases. In 1962 a new leasing formula was approved by Order in Council which contained an initial leasing period of forty-two years with a possible renewal for a maximum period of twenty-one years at the Minister's discretion.[22] Those

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[19]Canada, Statutes of Canada: The National Parks Amendment Act, (1953), 14 George VI, Chapter 45.

[20]Ibid.

[21]Canada, Statutory Orders and Regulations, (1959): National Parks (Alberta) Health and Welfare Tax Regulations, Order in Council P.C. 1954-14, approved January 7, 1954.

[22]Canada, Consolidated Statutory Orders and Regulations, (1978): National Parks Act: National Parks Lease and Licence of Occupation Regulations, Elizabeth II, Chapter 1128.

lease forms also stipulated that the Minister had the option of asking the lessees either to sever and remove their property at the end of the leasing period or in some cases simply to sever, leaving the improvements on the land for government use. In such cases provisions for compensation were usually included. As shall be discussed in detail in subsequent chapters, when the Minister attempted to substitute old lease forms containing the forty-two year perpetual renewal clause with the new terminable leases, lessees rebelled and challenged the Minister in the courts. The decision of the court upholding the validity of the perpetually renewable leases with the same terms as when they were originally issued required another amendment to the park regulations.[23] Section 5 of the Lease and Licence of Occupation Regulations authorized the Minister to reinstate any perpetually renewable leases which had been terminated prior to the court case.[24] At the same time, a provision was also included allowing the Minister to renegotiate any outstanding renewable or perpetually renewable leases granted prior to May 9, 1973". . . with such amendments as may be agreed upon by the Minister and the lessee".[25]

In summary, this review of policy developments serves to highlight several fundamental facts of the national park system, and particularly tenure and use of park land, which are essential background information to understanding the land leasing debate. Two very important points

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[23]Canada, Exchequer Court of Canada, Canada Law Reports (1969): W.A. Walker and M.E. Clark & Son Ltd. V. Regina, pp. 419-440.

[24]Canada, Consolidated Statutory Orders and Regulations, (1978): National Parks Act: National Parks Act, National Parks Lease and Licence of Occupation Regulations, Elizabeth II, Chapter 1128.

[25]Ibid.

emerged. First, all national park land is owned by the Crown and managed by the federal government, and it is only granted to individuals or companies for private use by lease or licence usually in return for some economic rent. Secondly, the Minister in the name of the Crown retains extensive authority over all facets of national park management and administration. Most notably, as outlined above, that includes the power to make regulations on leasing terms, land rentals, taxes for municipal-type services, the construction of buildings, and any other developments or activities conducted in the parks. Ultimately of course the Minister responsible for parks also has the power of expropriation; a power which most lessees view with apprehension.

A Minister's authority to make regulations by order in council on the aforementioned matters permits him to avoid close parliamentary scrutiny until after regulations have been enacted. Even at that point, however, Parliamentarians may question a certain regulation but rarely do they attempt to have an order in council revoked, particularly when the Minister has the full support of his party holding a majority in Parliament. Naturally, if lessees feel that a Minister's regulations or actions might be illegal, then they can challenge him in the courts as well as in Parliament. Thus, in seeking to redress any grievances that they may have with the Minister and/or his officials lessees may choose either the legal route by appealing to the courts on a legal point, or the political route through the various avenues open to them. Given both the uncertainty of whether they have legal grounds for appeal and the costs involved, lessees generally tend to approach the courts only as a last resort after the various political avenues have been explored without success.

Finally, although a Minister is entrusted with such extensive powers and discretion, generally he does not act or make decisions alone.

He is assisted by personnel within the various levels of his Department who in practice are involved in the exercise of that power and discretion. Because of the major role that they play in the decision and policy making processes they too become potential targets of influence for lessees. For these reasons, it is therefore useful to trace briefly the development of the organizational structures of the National Parks Branch.

Organizational Developments For half a century after the first national park was established, parks were managed and administered by the Department of the Interior. For the first twenty-five years successive Ministers personally oversaw the affairs of the Rocky Mountains Park (Banff) with only the assistance of a deputy minister and a park superintendent who acted on their behalf in conducting the day to day operations in the park. Since that time, however, a complex bureaucratic network has grown between the Minister and the park superintendent. At the same time responsibility for the parks has frequently been shifted from one federal department to another.

By 1908 the park system had expanded to include several parks each administered by a superintendent. That expansion created a need for some degree of co-ordination to provide uniformity in the management of the parks, consistency in the application of parks policy and regulations, and oversight of park development projects. For this purpose the position of Chief Superintendent was created, who was first stationed in Banff and later moved to Edmonton where he remained until the position was abolished in 1917. From 1908 to 1911 the Chief Superintendent was answerable to the Superintendent of Forestry stationed in Ottawa. In 1911, however, when it was decided to separate the management and administration of parks and forest reserves, the Dominion Parks Branch was formed within the Department

of the Interior. The Branch was headed by the Parks Commissioner, J.B. Harkin, who proved to be a very important figure in all facets of park policy, management, and administration during his twenty-five year career as Commissioner until his retirement in 1936.[26]

Since 1936 the National Parks Branch has been placed under aegis of various federal departments. In 1936 it was transferred from the Department of the Interior to the Department of Mines and Resources which thirteen years later was reorganized and renamed the Department of Resources and Development. In 1953 when the St. Laurent government embarked on a reorganization of federal departments, national parks became the responsibility of the Department of Northern Affairs and Natural Resources. In 1966 the National Parks Branch was placed in the Department of Indian Affairs and Northern Development where it remained until 1979 when, on the recommendation of Prime Minister Joe Clark, it was shifted to the Department of the Environment which he felt was well suited for overseeing the management and administration of parks.[27]

During its passage among the various federal departments the Parks Branch underwent some significant internal organizational changes, particularly during the early nineteen-sixties. Until 1963 the Branch had a two-tier organizational structure: the national offices in Ottawa and the local offices within national parks. Decision making authority over all facets of national park policy, planning, management, and administration,

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[26]Lothian, op. cit., Vol. 2, p. 14.

[27]Canada, Department of Indian and Northern Affairs, Parks Canada: Who We Are, What We Do, (Ottawa: Parks Canada Information Division, 1977), pp. 12-13.

was concentrated in Ottawa while park superintendents and their staffs conducted the day to day maintainance and development operations within the parks. The latter had to refer almost all matters, including the issuance of leases and building permits to Ottawa. The distance involved, together with the increasing volume of matters that had to be referred to Ottawa, contributed to undesirable delays on even the most basic administrative matters. On the insistence of park residents, federal officials considered organizational changes that would eliminate or reduce undue delays. Two options were considered. First, to give more decision-making power to the superintendents. An alternative was the formation of regional offices close to the parks to oversee the operations of all parks in a given region. Later, a third option to expedite administrative decision-making was advocated by the Glassco Commission. This involved the creation of an autonomous federal commission with regional headquarters near the parks in Western Canada and the Atlantic provinces to administer the national parks.[28] As might be expected, the Minister and his officials were not prepared to forfeit their control of national parks to an independent commission. Therefore, acknowledging the need for decentralization, the Minister and his officials created, by order in council, regional offices vested with adequate authority to make many administrative and management decisions which were previously referred to Ottawa concerning parks in their respective areas. Initially, only three regional offices were formed (Western, Central, and Atlantic). Two more

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[28]Canada, Report of the Royal Commission on Governmental Organization (Glassco Commission), (Ottawa: Queen's Printer, 1962), Volume 2, p. 39.

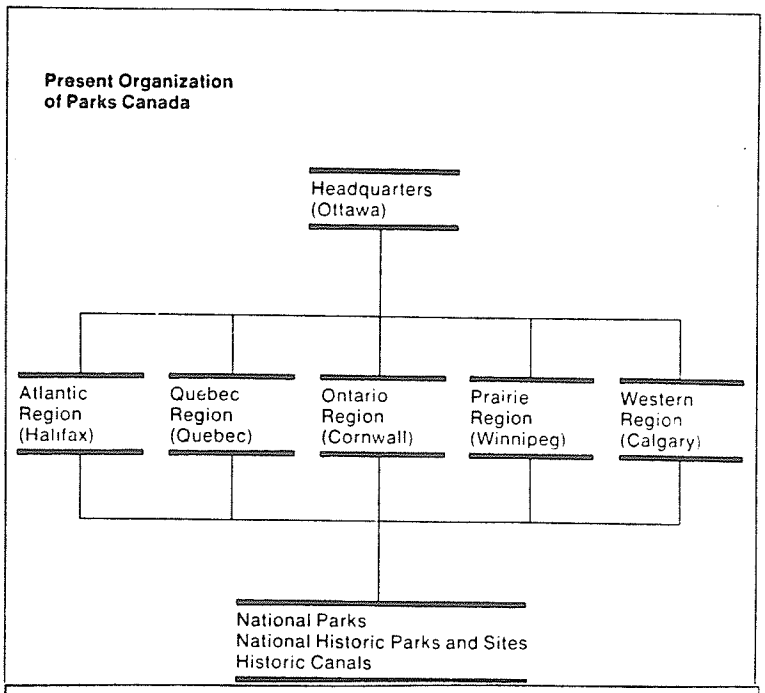
were added in 1973 when the Prairie Region was carved out of the Western Region, and the Central Region was divided into the Ontario and Quebec Regions.[29] Jasper and Banff became the responsibility of the Calgary based Western Region.

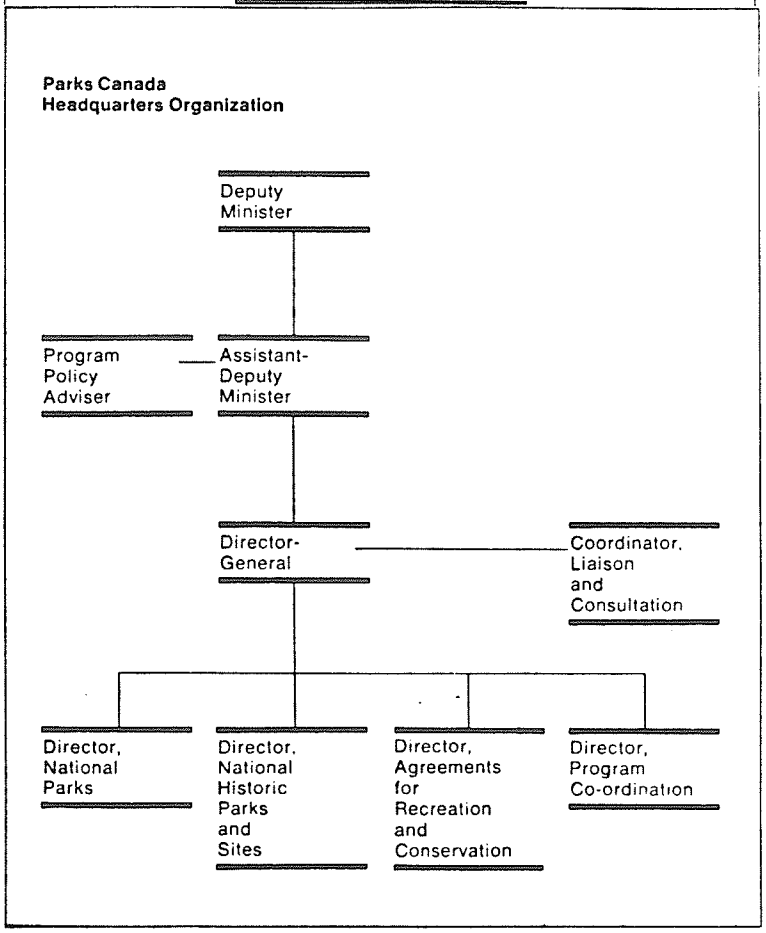
The formation of the regional offices has given the National Parks Branch of Parks Canada a three-tier organizational structure with national, regional and local offices. (See Appendix B & C). The national headquarters, as previously mentioned, possess the bulk of authority over all facets of national park policy, planning, management and administration. At the top of the hierarchy is the Minister, the Departmental Deputy Minister, and an Assistant Deputy Minister who is specifically responsible for overseeing the operation of Parks Canada. Working alongside the Assistant Deputy Minister helping him forecast environmental changes and recommending long-range policies is the Program Policy Adviser. Directly below these individuals is the Director General of Parks Canada, and below him are four branch Directors one of which is specifically responsible for National Parks. The Director of the National Parks Branch is responsible for supervising and coordinating all facets of parks policy, planning, programming, and budgeting. He is assisted by several specialized bureaus, such as the Policy and Planning Divisions. These bureaus are generally responsible both for conducting studies and drafting policies on, among other things, townsite administration and development, and conducting relations with advisory councils and local organizations

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[29] Canada, Parks Canada, Parks Canada, Who We Are, What We Do! (Ottawa: Parks Canada Information Division, 1977), pp. 7-8.

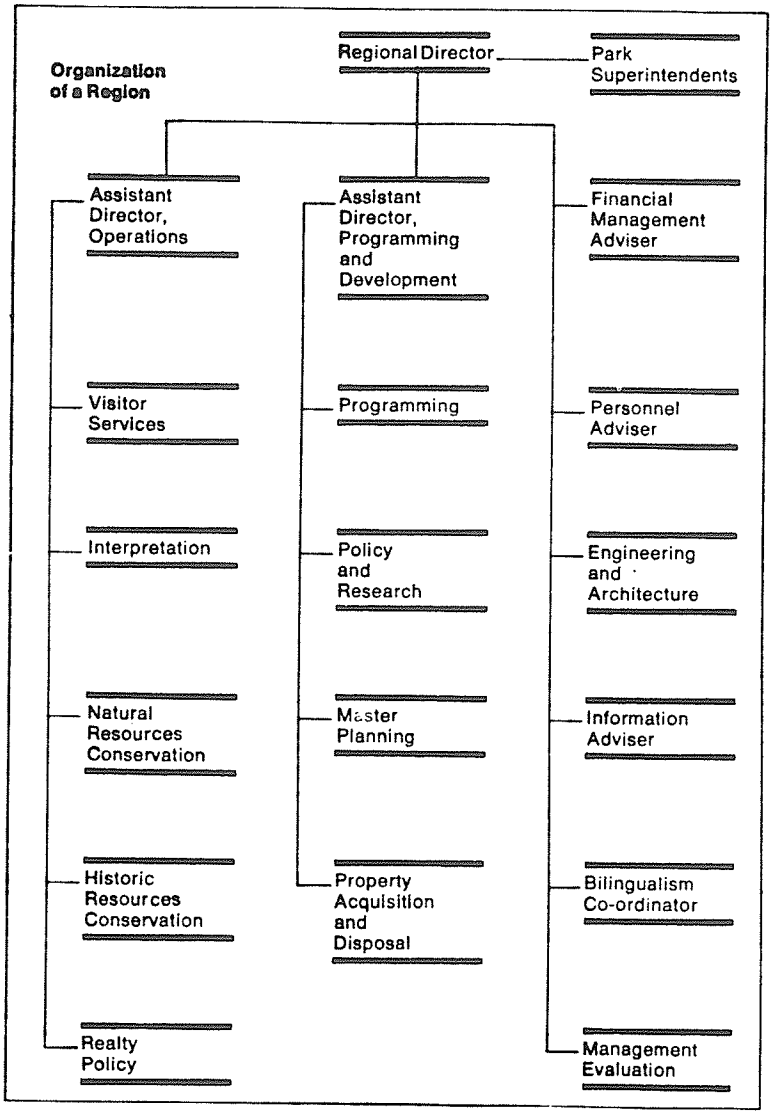
APPENDIX B





SOURCE: Parks Canada, Who We Are, What We Do! (1977), pp.14&16.

APPENDIX C



SOURCE: Parks Canada, Who We Are, What We Do! (1977), p.15.

from the parks.[30] In 1977, however, the Task Force on Townsite Administration was formed to give detailed consideration to various aspects of townsite administration in Jasper and Banff, including alternative forms of municipal-type government and possible changes in land leasing and land rental structures. Another body within Parks Canada which is directly involved in matters of land tenure and land use in parks is the Realty Policy Division within the Program Coordination Branch. Its principal responsibility is to develop policies and strategies in the acquisition, development, and disposal of Crown lands.

Regional offices such as those in Calgary, are headed by a Regional Director who reports directly to the Assistant Deputy Minister in Ottawa. The two major organizational divisions at the Regional level are Operations, and Programming and Development, each headed by an Assistant Director. Whereas the former is responsible for guiding the various services and operations in the parks, the latter is more concerned with research and planning on various facets of the parks in its region. Within the Operations Division is located the Realty Services Bureau which is responsible for performing administrative functions related to leasing of park lands.[31] Although these regional bodies may make recommendations on policy matters and they are also involved in conducting research and planning strategies, their functions are primarily administrative in nature.

At the local level, within Jasper and Banff national parks, the chief federal representative is the park superintendent who is responsible for overseeing the day to day operations of the entire park. Working

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[30] Ibid., pp. 6-7 and 10.

[31] Ibid., pp. 8-9.

alongside the superintendents in Banff and Jasper are townsite managers who were first appointed in 1963 and 1969 respectively, and charged with the responsibility of townsite maintenance and development.[32] By virtue of their location within the parks these individuals perform a significant role as liaison officers with park residents and their local representative and/or governing bodies which are briefly identified in the section below.

To reiterate, it has only been during approximately the most recent two decades that the national parks branch has had a three-tier organizational structure. Throughout the earlier period it had retained a two-tier structure with the exception of the period from 1908-1917 when the office of Chief Superintendent existed and from 1959-1963 when a regional supervisor was stationed in Banff. The establishment of regional offices created a three-tier organizational structure which both federal officials and lessees had hoped would reduce the frequency and magnitude of delays that existed in the two-tier system.

The regional offices had received a mixed response by park residents. They maintain that given their limited decision making power, rather than making the system more efficient the regional offices have merely added another level of bureaucracy which causes further delays. Whether this is true is a moot point which is beyond the scope of this research. For our purposes the most important point is that the regional offices represent another point of access for lessees and their representatives to the federal bureaucracy. Evidence in subsequent chapters

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[32]Banff Provisional Administration Board, Report to the Minister Responsible For National Parks, (Calgary: The Alberta Job Press Ltd., 1976), p. 46.

indicates, however, that lessees tended to bypass the regional offices in pursuing their objectives on various aspects of the land leasing debate and have chosen instead to deal directly with Ottawa whom they realize possesses the bulk of policy and decision making powers. Before examining the locus and nature of the interaction between federal officials and lessees it is useful to identify briefly the local representative and/or governing bodies that usually act on behalf of lessees in Jasper and Banff in leasehold matters.

Local Representative and/or Governing Bodies Over the years Jasper and Banff have maintained some parallelism in both the number and nature of local governing and/or representative bodies, all of which to varying extents have participated in the land leasing debate. In the very early period of townsite development in these parks there were no organized local bodies. Residents generally consulted and negotiated with federal authorities on an individual and ad-hoc basis. Occasionally they would band together in presenting their grievances and demands to federal officials but such attempts were usually informal and poorly organized.

The first organized representative bodies formed in Jasper and Banff were business associations such as boards of trade or chambers of commerce. Such bodies were primarily formed to protect and advance the interests of their membership in the parks. However, from the outset they also assumed a representation role of speaking on behalf of residential leaseholders as well as commercial leaseholders.[33] In part, this occurred because most businessmen were also park residents and therefore

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[33]E.G. Luxton, Banff: Canada's First National Park (Banff: Summerthought Press, 1975).

they were concerned about residential, as well as commercial, leasehold matters. Especially in the early days of park development, the absence of other residents' associations to represent leasehold interests led the business associations to assume a lead role. Although historically the Chambers of Commerce in Jasper and Banff have had a central role in the land leasing debate, by the nineteen-twenties there was a perceived need among park residents to form other groups to represent the entire community, and not just the business sector, on leasehold and townsite development matters.

Advisory Council in Jasper and Banff were formed during the nineteen-twenties. Intended to provide a formal link between residents and federal officials, these Councils were formed with ministerial approval on the insistence of residents and consisted of elected residents.[34] Although initially residents hoped that the Councils would be granted governing powers over local affairs, it was explicitly stated in their terms of reference that they were to act strictly in an advisory capacity.

The Jasper Advisory Council has had a checkered history. Originally formed in 1927, the Council was disbanded six years later apparently due to a loss of interest by its members. Twenty-four years later, in 1957, it was revived at the request of the Jasper Chamber of Commerce only to be disbanded again a year later due to a lack of operating funds and a general feeling of frustration by its members over the alleged intransigence of federal officials and to some extent also the uncooperative atti-

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[34]Banff Provisional Administration Board, op. cit., p. 49. Also Jasper Townsite Committee, Recommendations To The Minister Responsible For National Parks, 1978, p. 1.

tude of the Chamber of Commerce.[35] Fifteen more years passed before the Jasper Townsite Committee was formed to assume that advisory role. In contrast, the Banff Advisory Council operated for fifty-five years (1924-1979) without interruption. In 1979, under severe criticism from some residents about its general handling of its functions, the Council disbanded. Shortly thereafter, residents agreed to establish the Banff Community Society, a representative body with roles and functions identical to those of the Advisory Council.[36] Succinctly stated, the two principal roles of all those groups have been to act both as advisory bodies and pressure groups. The latter function has been succinctly described elsewhere:

> Through the years the main thrust of Council has been in the areas of land rentals and leasing, housing and planning, since these have been long-standing areas of concern for residents. . . . [However] its constant problem is that it lacks authority to do anything but act as a pressure group to attempt to achieve action.[37]

The School Boards of Jasper and Banff have also played an active role in the various facets of the land leasing debate. Until the mid-forties the school boards concentrated exclusively on educational matters. In 1946, however, the Alberta Government granted them authority to levy taxes for schools and to act, in effect, as a municipal government in extending health, social, and recreational programs and services to park residents.[38] This increased power in municipal affairs made them the only

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[36]Telephone Interviews of May 16, 1982 with Morna Schechtel, Banff School Board trustee, and Wally Downahiuk past Chairman of Banff Advisory Council; see also "A Decade of Debate", Banff Crag and Canyon, February 13, 1980, p. 2.

[37]Banff Provisional Administration Board, op. cit., p. 49.

[38]Ibid., p. 51.

local governing bodies in those towns. Consequently they assumed a central role in negotiations with federal officials on matters related to leasing and municipal-type developments.

In addition to these permanent governing and/or representative bodies, there have also been other resident and special advisory groups formed to voice the residents' views, grievances and demands to federal officials. For example, the Residents' Associations in both Jasper and Banff formed during the early sixties to supplement the efforts of existing local representative bodies in their battle with Ottawa on lease renewals and land rentals. Almost a decade later in Banff, representatives of the School Board and the Advisory Council formed the Provisional Administration Board whose terms of reference were to provide both detailed proposals on resolving leasehold and land rental disputes, and for a local governing body to administer Banff townsite.[39] Furthermore, during periods when the option for local self-government was under consideration in Jasper or Banff groups for and against the option have been formed. (i.e. the Jasper Autonomy '73 Committee, Jasper Citizens' Group, and the Banff Local Government Committee).

Despite the division among residents on the autonomy issue and the occasional disagreements between various local governing and/or representative bodies, the general tendency among local groups has been to rally together to provide a common front against what they perceived as inequitable federal proposals and initiatives. The unity among local groups within each of the townsites was based upon their common interests and overlapping

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[39]Ibid., pp. 55-56.

membership. The comparable situations in the two parks with respect to leasehold matters also resulted in a substantial degree of interaction and cooperation between Jasper and Banff representatives in their approaches to federal authorities. These observations are substantiated by the evidence presented in the following chapters which examine the initiatives and interactions of local representatives and federal officials on the land leasing debate during approximately the past century.

CHAPTER 3

INITIATIVES AND INTERACTION 1885-1960: THE FORMATIVE YEARS

This chapter covers developments during the first seventy-five years of the land leasing debate.[1] Both federal policy initiatives affecting land tenure and land use in the parks, and the reaction of park residents to such initiatives will be examined. To reiterate, the underlying purpose of this and subsequent chapters is to identify major local groups from Jasper and Banff that have been involved in the land leasing debate, to ascertain their objectives, to determine whether they have concentrated their lobbying activity primarily on the executive, bureaucracy or legislature, and to establish whether their influence attempts have been access-oriented or media-oriented and accomodative or confrontationist in nature.

The national park system has been the subject of considerable controversy since its inception. In fact, the system was conceived in the midst of a land claim controversy regarding the hot springs near Banff. That controversy was only partially resolved when the Minister of the Interior, Thomas White, with the encouragement of Prime Minister John A. Macdonald reserved that area as a federal park by Order in Council in November 1885. That government decision led the various claimants, including one government Member of Parliament, to petition the Minister for compensation for expenses incurred in developing the area. When the

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[1] For a discussion of this early period see Robert C. Scace, "Banff Townsite: An Historical Geographical View of Urban Development in A Canadian National Park", in The Canadian National Parks: Today and Tomorrow Conference 1, eds., J.G. Nelson and R.C. Scace, Vol. 2, pp. 770-793.

Minister of the Interior rejected those claims, the government M.P. involved, appealed to the Prime Minister for an opportunity to present his case to Cabinet. Because of shared concern of the Prime Minister and the Minister of the Interior that patronage charges might be levied against them in Parliament if they personally decided the matter, they opted for a preliminary inquiry into the compensation claims.

In July 1886, William Pearce an inspector for the Department of the Interior, held meetings in Banff to hear claimants. In his subsequent report, he recommended that compensation be paid to several of the claimants. Compensation was not based upon legal obligation but to establish full and undisputed government ownership and control of the springs.[2]

The land leasing debate was officially opened in April 1887, when a bill was introduced in Parliament to extend the boundaries of the hot-springs reserve and establish the Rocky Mountains Park. In its original form the bill provided both for leasing and selling park land for private use, but after second reading it was amended to allow only leasing. In the course of the Commons debate M.P.s from all parties voiced several concerns about the sale of park land. The Minister of the Interior, Thomas White, noted that while some townsite lots had already been sold, his preference for the furture was to allow only leasing "in order to retain absolute control of the character of the buildings erected and the general conduct of affairs near the park".[3] Some M.P.'s who wanted to assure the

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[2]E.G. Luxton, op. cit., p. 56.

[3]Debates, May 3, 1887, Vol. 1, p. 244.

absolute sanctity of the park disagreed with the Minister's assertion that leasing was preferable to freehold. One M.P. asserted that "the moment you allow proprietorship over any portion of the land, by lengthened leases or otherwise, you remove the element of a national park...."[4] The Minister and Prime Minister felt that if the park was to develop into a major resort of international repute that would promote tourism to Canada, it would require resort-type services and facilities, including houses for those working in the park.[5]

During the course of that parliamentary debate the Minister and Prime Minister were also required to justify continuing government expenditures the park. In response, they alluded to the inherent value of the park, the sanitary value of the hot springs and emphasized the potential revenues to be gained from tourism the park. The Minister, echoing the words of John A. Macdonald, insisted that in the future the park would no longer be an economic burden to the country because it would derive revenues both from leases and the hot springs.[6]

Clearly, during that period economic and recreational objectives tended to outweigh conservationist considerations in the government's outlook.[7] Conservation was hardly a pressing issue in a country such as Canada in which vast wilderness areas remained undeveloped and to a large extent even unexplored. The government viewed the park as an economic investment and it was anxious to attract people to the park area to lease

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[4]Ibid., (Mr. Burdett), p. 241.

[5]Ibid., (Sir John A. Macdonald), p. 233.

[6]Ibid., p. 244.

[7]Sylvia M. Van Kirk, "The Development of National Park Policy in Canada's Mountain National Parks - 1885-1930", (Unpublished M.A. History Thesis, U. of Alberta, 1966), pp. 3-5.

land on which to build homes and businesses. In fact, the decision to lease rather than sell land was based partially on the calculation that, over the long-term,revenues from land rents would be substantially more than the government could acquire if the land were sold. Such economic considerations remained a major determinant of park management practices during those formative years. Over time, however, conservation would become an increasingly important factor.[8]

A suitable term for leases was also a prominent topic in the parliamentary debates during those early years. While some M.P.s favoured short and terminal leases, the government's preference, as expressed by the Prime Minister, was for twenty-one year renewable leases. In defence of the government's position, Mr. Macdonald stated:

> 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 renewal.[9]

Finally, during the debate some M.P.'s objected to the extent of discretionary authority granted by the proposed legislation to the Minister of the Interior over park financing and management. In its original form the bill empowered the Minister to make regulations by order in council over most facets of park affairs without any specific provision for parliamentary review of such regulations. To permit closer parliamentary scrutiny of park management by the Minister and his officials, an opposi-

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[8] Ibid.

[9] Debates, May 3, 1887, Vol. 1, p. 245.

tion amendment, which was accepted by the government, provided that regulations passed by order in council had to be submitted to Parliament within fifteen days after the opening of each session.

Immediately after passage of the Rocky Mountains Park Act, in May 1887, the government's efforts to grant lots resulted in confusion and controversy. That month the Minister sent a telegram to the park Superintendent informing him that all lots within the park were to be leased not sold. Apparently, en route the telegraph message was accidentally reversed with the result that the superintendent understood that he was to sell lots, not lease them. That confusion caused the first major dispute between park residents and federal officials because before the error was detected numerous downpayments were made on what people believed to be the purchase of lots.[10]

Upon discovering the error the Minister instructed the Superintendent to refund the deposits and offer individuals renewable 21 year leases at a rental rate set for the entire term. Many of the residents complied and accepted the offer but a few, including some who had purchased their lots prior to 1887, refused to comply. That situation prompted three inquiries over the next decade.

First, in 1889 G.T. Rothwell, a legal advisor with the Department of the Interior and who had produced the first leasing forms, was ordered to travel to Banff to review the lot situation. In Banff Mr. Rothwell consulted residents on the matter. The latter expressed their objections to the leasehold system and particularly to the 21 year leasing period. They maintained that if the government wished to retain the leasehold system, the leasing period had to be lengthened. Apparently the residents were able to convince the Commissioner that either freehold or at least a longer leasing period was desirable, but as Mr. Rothwell noted years later,

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[10]Van Kirk, op. cit., p. 111

his views on the subject were not shared by the Minister, the Deputy Minister or other officials who were present when he submitted his recommendations.[11] When his proposal for freehold title was rejected the Commissioner suggested that a forty-two year leasing period renewable in perpetuity was more acceptable to park residents than the existing 21-year formula. The Commissioner's recommendation on this point obviously had some effect because in 1890 the 42-year perpetual lease formula was approved by Order in Council and offered to all lessees retroactive to 1887.

Secondly, by 1891 some lessees had appealed to the North West Legislative Assembly to assist them in their controversy with Ottawa. The Assembly responded by appointing a Special Committee to investigate the matter. The Committee recommended that residents be allowed to complete the purchase of the lots, subject to their ability to prove that the original downpayment was made towards a purchase and not a lease.[12] Unfortunately for the residents, however, the final decision was to be made by the Federal Government and not by the Legislative Assembly.

In 1897 the new Minister of the Interior, Clifford Sifton, appointed another Commissioner to inquire into the lot situation in Banff and to make recommendations concerning the remaining land holders who refused to accept leases. In July of that year, Commissioner E.F. Stephenson, a federal forestry agent, held a public inquiry in Banff where some residents again expressed their opposition to the Minister's request that they forfeit their freehold title in exchange for a lease.[13] Others also took the opportunity to reiterate their general preference for the freehold system. After the hearings, however, the government expropriated those lots which some residents held under freehold and compensation was paid to the proprietors only for the value of their buildings.

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[11] Lothian, op.cit., p. 57.

[12] Van Kirk, op. cit., p. 112

[13] Ibid.

This series of events highlights a significant fact about that era, that is park residents were still not organized to present a common front against federal government actions. Evidently, the only local organized group at that time was a political party association. It has been noted elsewhere that in 1895 the Banff Liberal Conservative Association had compiled a list of grievances regarding the government's park policies and regulations. Thirteen years later, resident dissatisfaction with park policies and management practices was also publicized by the Banff Liberal Association in its demands for improved townsite facilities and lower utility rates.[14] Throughout, those early years residents had to rely on the Minister to provide them with the forum to present their point of view. Nevertheless, they were able to exploit the federal nature of the system because, as previously mentioned, they appealed to the North West Legislative Assembly for support in their conflict with Ottawa.

The next major episode of the debate on land tenure in the national park occurred in 1906 when a proposed amendment to the Rocky Mountains Park Act nearly terminated the leasehold system in the park. Whereas previously the Minister was only empowered to lease land, the amendment also empowered him to sell land and grand freehold title. The amendment was prompted by the annexation of the Canmore townsite to the park in 1902 and initiated by federal officials in the absence of any pressure from residents either in Banff or Canmore. When Canmore was annexed residents had freehold title their land. That created a problem because without the statutory authority to sell park land, the Minister was restricted to lease land in Canmore as well as Banff. The prospect of having two land-

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[14]Van Kirk, op. cit., p. 112.

holding systems within one community was rejected by federal officials, both due to potential administrative problems and opposition by residents. Reasoning that resident resistance would have been even stronger if the Minister attempted to impose the leasehold system on all Canmore residents, it was decided to empower the Minister to sell lots and thereby continue with the freehold system in that townsite.[15]

That solution, however, was not totally satisfactory to Banff residents who had been forced to accept the leasehold system. Therefore, in order to ensure a uniform system and avoid resistance from either townsite, federal officials considered granting freehold title to residents in Banff as well as Canmore. In explaining the need for that policy to Parliament the Minister, Frank Oliver, M.P. (Lib. - Alberta) stated that particularly where Banff was concerned the freehold system was advantageous, especially in improving the townsite aesthetically. In his words:

> . . . without impairing the park it is possible by giving the privilege of absolute ownership within the . . . town of Banff to attract to the town people who desire to invest considerable sums in handsome residences there. Of course, the intention would be not to pass any titles without restrictions as to buildings and occupation. . . . [16]

The amendment to the Rocky Mountains Park Act passed almost uncontested through both the House and the Senate. In the House of Commons only one M.P. briefly spoke in favour of retaining the leasehold system

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[15] Debates, June 6, 1906, Vol. 3, pp. 4734-4746; also May 14, Vol. 2, p. 3234.

[16] Ibid., June 6, 1906, Vol. 3, p. 4735.

in Banff.[17] Other M.P.'s and Senators accepted the proposal and only asked for assurances that fair and proper procedures would be used in selling lots. One M.P. was particularly concerned that if lots were sold by public competition rich speculators would buy them only to resell them to settlers at higher prices.[18] Other parliamentarians who addressed the issue concurred with Senator J.A. Lougheed of Alberta that in changing from leasehold to freehold, measures had to be taken to protect the interests of the then existing leaseholders:

> Some assurances should be given, in view of the sale of these lands, that those who now have the leases should be protected in their rights and sale shall not be made without due notice being given to the present leaseholders.[19]

Given that the amendment was supported by most parliamentarians, on the understanding that lots in both townsites would be sold, it is surprising that the Minister eventually decided that whereas lots would be sold in Canmore the leasehold system would be retained in Banff. No official reason for that decision was given. Apparently, it was felt that the change from leasehold to freehold would be fraught with difficulties in determining both an equitable price and a fair lot distribution system. Moreover, as the ex-Commissioner Rothwell noted in a memo to the Deputy Minister of the Interior, a change in policy could have also entailed the

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[17] Ibid., (Mr. Foster, Lib.-Cons. - North Toronto) p. 4736.

[18] Ibid., (Mr. Herron, Lib. Cons. - Alberta), p. 4742.

[19] Senate Debates, June 14, 1906, p. 721.

consideration of some old claims.[20] The retention of the freehold system in Canmore was a constant reminder for Banffittes that the Minister could grant them freehold if he wished. In 1930, however, the federal government decided that, both in order to provide one uniform land tenure system in the park and to eliminate industrial and mining developments from the park area, Canmore be excised from the park but Banff and the leasehold system were to remain. In the interim period, residents in Banff and also in Jasper began to organize themselves so that they could provide a common front vis-a-vis federal officials.

When the Jasper Forest Reserve was established, in 1907, questions immediately arose on land tenure in that area. By 1911 several people working on the railway and local settlers formed the community of Fitzhugh which was later renamed Jasper. That year the Minister of the Interior ordered the Reserve Superintendent to negotiate with the settlers and squatters the release of their lands to the Crown. Asked in the House about the government's intentions with regard to those people, the Minister, Frank Oliver, replied that although settlers would be treated with due regard for their rights and compensated for their property, the government's objective was to acquire title to all land.[21] In his annual Report to the Minister, the Reserve Superintendent noted that with the exception of one settler who refused to relinquish his freehold title all other transfers were achieved by mutual agreement.[22] Nearly forty years passed

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[20]Cited by Lothian, op. cit., p. 57.

[21]Debates, May 5, 1911, Vol. 9, pp. 8807-08.

[22]Canada, Department of the Interior Report, (1911), "Report of the Superintendent of Jasper Park", Chapter 5, p. 38.

before the federal government was able to acquire title to that one piece of land which constituted the last parcel of freehold land in a national park.

By 1913 the townsite of Jasper had been surveyed and lots were granted by lease. The leasing forms used in Jasper were essentially the same as those which had been issued in Banff except for one significant new provision -- the decennial rent review. Nearly a decade passed before the decennial review clause was being included both in new leases and those that were to be renewed. The Jasper residents, like their counterparts in Banff, would have preferred to have freehold title for their land, yet they did not voice any major objections to the leasehold terms that they were offered. In part this can be attributed to the fact that at the time the townsite was inhabited by a transient population of railway workers who were uncertain about how long they would remain in the area. For such people the leasehold system was attractive because it provided them with relatively inexpensive land on which to build what many considered their temporary homes.

By that decade, Banff residents had also reluctantly accepted the leasehold system and the leasing terms. However, they became increasingly disgruntled with some of the management and administrative practices of the federal government. In 1914 they formed a Board of Trade both to further their commercial interests and to represent residents' grievances to Ottawa. Minutes of the Board's meetings of 1914 provide evidence of some complaints that residents had regarding the federal management and administration of the leasehold system:

1. Difficulty in discovering the basis for charges for water, sewer, and garbage service;

2. Delays in obtaining consent to transfer of property;

3. Problems because transferred leases contained new conditions with no previous advice to the new lessee;

4. No opportunity for local input into proposed new regulations for park townsites; and

5. No reply to the request to have minor alterations and improvements made. . . .[23]

Over the next several years Banff residents, and to some extent also Jasper residents, began making demands on the Minister through the Superintendent and the Parks Commissioner to allow greater resident participation in leasehold and townsite matters. The appointment as Minister of the Interior of Sir James A. Lougheed, an Alberta Senator from Calgary who owned a cottage in Banff, provided park residents with a receptive ear in Ottawa. As a Senator, Mr. Lougheed had actively represented the interests of lessees in Parliament. Among other things, in 1912 he was instrumental in convincing the Minister of the Interior to withdraw a regulation banning cars from the parks.[24] Shortly after his appointment to Cabinet in 1920, Senator Lougheed met with residents in Banff and consented to establish a local resident council to advise him

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[23]D.F. Becker, "The Resident in a National Park", in The Canadian National Parks: Today and Tomorrow Conference 2, eds., J.G. Nelson, et al. Vol. 1, pp. 593-602, at p. 595.

[24]Allan Hustak, Peter Lougheed, (Toronto: McClelland & Stewart Ltd., 1979) p. 18.

and his officials on matters of local concern.[25] In 1922 the Banff Advisory Council was elected and commenced its advisory role which for several years included an annual meeting either with the Minister of the Interior and/or the Parks Commissioner.

As a result of the Conservative election defeat of 1921 Senator Lougheed was replaced as Minister of the Interior by Charles Stewart M.P. (Lib. - Edmonton West). Apparenlty the new Minister was not as cooperative as his predecessor with the Advisory Council and relations became strained, particularly after Mr. Stewart rejected the Council's requests for operating funds and wider powers in local affairs.[26] Mr. Stewart vented his frustrations with lessees and their representatives in the House in 1930 stating that the parks could have been easily managed "were it not for the municipalities created in the parks".[27] The Banff Advisory Council noted its own frustrations in a letter to the Minister:

> even though we are only wards of the. . . Parks Department [we] want to know whether we are to be recognized by the bureaucracy at Ottawa or not. . . for the past few years they have turned a deaf ear to most of our requests. They have ignored our requests to place before us any contemplated changes in the regulations which may affect us; yet frequently refer to us for support in the enforcement of some petty regulations which their officials may find difficult in enforcing.[28]

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[25]Van Kirk, op. cit., p. 109; see also Lothian, op. cit., p. 43.

[26]Lothian, op. cit., p. 58.

[27]Debates, Vol. 2, p. 1936.

[28]Van Kirk, op. cit., p. 109.

Similar demands were also made by the then newly-formed Jasper Advisory Council but they too were refused. At that time, both representative groups also encouraged the Park Superintendent, the Commissioner of Parks, and the Minister of the Interior to provide the growing townsites with more lots and an adequate water supply and electricity. These improvements were agreed to because of the desire to make the townsites appealing for both the tourists and, to some extent also, to attract and retain the residents necessary to service the parks and also the visitor service facilities.

Such considerations indicate that, as previously noted, the economic potential of those parks as tourist attractions interested residents and federal officials alike during those early years. W.W. Cory, who served as Deputy Minister from 1905-1931, echoed the sentiments of his predecessors and even some of his successors when in 1927 he noted that ". . . the economic importance which outstanding scenery has come to possess. . . is very great and constitutes a potential source of wealth which has yet barely been touched".[29] All those involved with the national parks tend to agree with the observation that many problems have resulted "because the concepts shaping national park policy have shifted in emphasis".[30] At times it was not so much a shift in emphasis as general indecision on what objectives to pursue.

1929 was a particularly significant year in the land leasing debate because the first of the forty-two year leases were up for renewal, as were the rental rates both on those leases and on newer leases containing the decennial review clause. In March of that year, J.B. Harkin, the Parks

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[29]Canada, Annual Report of Department of the Interior (1927), "Report of the Deputy Minister", p. 6.

[30]Van Kirk, op. cit., p. 3.

Commissioner, informed the Minister, Charles Stewart, M.P., that it was desirable to increase rental rates then while most of the leases were subject to a rental review. The Minister concurred with the recommendation. To avoid complaints by lessees about an arbitrary increase without consultation, a three member commission of inquiry was appointed to make recommendations on land rents in Banff.[31]

The Commission consited of a representative of the Department of the Interior, a residents' representative nominated by the Banff Advisory Council, and Mr. Macdonald, a judge, acting as a chairman. In September the commissioners were briefed by the Parks Commissioner on their terms of reference. Then on October 7-8, 1929, a public hearing was held in Banff by the Commission to ascertain the residents' views on rental increases.[32] Once again, park residents and their representatives were still dependent on Ottawa to provide them with a forum to present their grievances and point of view. They had still not developed comprehensive or definite lobbying strategies therefore they relied on those commissions of inquiry to transmit their views to Ottawa. The major obstacle, of course, was the distance between Ottawa and the parks. Local representative groups, and especially the Advisory Councils, lacked funds to send members to lobby in the capital. Despite the funding problem, such a trip would have taken at least two weeks, a considerable amount of time for a local representative to sacrifice. Their reluctance to travel also resulted because even if someone made the trip they doubted that it would have had significant effects. Instead, local representatives, continued to consult the Minister by correspondence. At the same time, they

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[31]Lothian, op. cit., p. 58.

[32]W.A. Macdonald, Report of the Commission, 1929, pp. 1-2.

also contacted their local M.P.s in Ottawa and encouraged them to pressure the Minister on their behalf.

Three weeks after the hearings the Commissioners submitted their Report to the Minister. In that Report, the Chairman, judge Macdonald noted that "the citizens were almost unanimous in their opposition to any increase on the renewal of leases, over the rentals charged at the . . . time".[33] He also noted that the Banff Advisory Council had passed a resolution protesting any increase in the rates. The Advisory Council maintained that land values had increased largely due to the work done by residents and the C.P.R. and not the federal government; therefore, in their view, Ottawa had no right to expect higher rents. The federal reaction to such arguments, Mr. Macdonald observed, was that the Crown as owner of the land was entitled to a fair return based on the actual value of lots regardless of who had made the improvements.

The three main tasks of the Macdonald Commission were to determine the criteria for valuating lots, to assess the value of lots, and to propose lot rental rates. In the Report Mr. Macdonald noted that although the sales of properties in Banff indicated a large increase in the value of lots, such increases were inflated by "reason of local rivalry resulting from a shortage of lots and were therefore not a safe guide in arriving at the fair actual value of the properties in question".[34] The Commission recommended at least a fifty percent increase in rental rates.

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[33]Ibid., p. 2.

[34]Ibid., p. 3.

The Commissioners also considered two long-range rental plans but were unable to arrive at a unanimous agreement on either. One plan entailed rents to be reviewed at pre-determined periodic intervals (such as the decennial review), and the other would entail a fixed automatic increase at definite periodic intervals. Lessees had indicated their preference for a rental review only at lease renewal time.[35] Federal officials on the other hand favoured the retention of the decennial review.

The Banff Advisory Council was not given a copy of the Macdonald Report upon its release and seven months later the Council's president requested a copy for review. Four months later, on October 15, 1930 the Council met to discuss the Report. During the meeting a resolution was passed rejecting the Commission's recommended rental increases. The resolution was forwarded to the new Minister of the Interior, Thomas G. Murphy, M.P. (P.C. - Neepawa) along with an accompanying letter which stated that his predecessor had not stated sufficient reasons for instituting rental increases. In that letter the Council also reiterated its earlier position that residents, together with the C.P.R., were primarily responsible for the increased value of lots not Ottawa.[36]

In 1930, just before the Conservative victory in the general election, Mr. R.B. Bennett, M.P. (P.C. - Calgary West), criticized the Liberal Minister, in the House during second reading of the National Parks Act, regarding past treatment of park residents. Mr. Bennett was adamant that the rights of park residents had to be protected, and that they had to be

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[35]Ibid.

[36]Lothian, op. cit., p. 59.

given greater control over local affairs: In his words:

> When the community goes to the citizen's committee, that committee, which unfortunately is without power, can only go to park officials, who can only transmit the request to Ottawa, where it is dealt with and the decision is transmitted back. . . . You cannot govern people from Ottawa with respect to local, domestic, and municipal matters. There must be a measure of freedom. . . to bring about peace and happiness as compared with the conditions under which these people now live.[37]

During the debate the Liberal Minister, Charles Stewart, suggested, and correctly so, that park residents were not willing to assume the costs associated with local self-government. He pointed out that under the existing system the federal government and not residents paid capital costs of townsite development.[38] The Minister of the Interior and Prime Minister R.B. Bennett (P.C. - Calgary West) proved to be quite responsive to the wishes of park residents during their five year stay in power. Due to the worsening economic conditions they refused to implement rent increases despite encouragement from J.B. Harkin, the Park Commissioner, and his assistant that they do so. During the Depression they also initiated work projects in the parks both to develop their infrastructure and to create jobs.[39] At the time Mr. Bennett and Mr. Murphy also considered granting the park townsites local self-government and even excision, but eventually decided against it for fear that it would weaken federal control of park management.[40] For its part, the Banff Advisory Council recommended that in the absence of local self-government, to alleviate

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[37] Debates, May 9, 1930, Vol. 2, pp. 1938-39.

[38] Ibid., p. 1937.

[39] Debates, May 11, 1932, Vol. 3, p. 2829.

[40] Van Kirk, op. cit., p. 110.

undue delays by Ottawa on leasehold and townsite matters, more authority be granted to the park superintendent. No doubt, the Council felt that it would have been easier to attain concessions from the superintendent than his superiors in Ottawa.

In a letter of December 18, 1930, the Deputy Commissioner of Parks asked the Deputy Minister what action should be taken on increasing the land rents in the parks. According to the former, the two options open to the Minister were either to increase rentals at lease renewal time as the lessees proposed or to retain existing rentals and impose a municipal services tax on lessees. As a way of postponing the decision during what had become difficult economic times of the Depression, the Minister asked the Parks Commissioner to provide further data both on the cost of providing services to the townsites, revenues derived from the parks, and to recommend whether a form of municipal taxation should be imposed instead of, or in addition to, a rental increase.[41]

Almost four years later, on March 12, 1934, the Commissioner of Parks, J.B. Harkin was notified by the Deputy Minister that leases in the parks were to be renewed without any increase in lot rentals or additional service charges. Lessees in the parks were pleased with the decision, but the Parks Commissioner was not. Following the election victory of the Liberals in 1935, J.B. Harkin again attempted to have the government increase rents on most leases that were to be renewed and new leases being issued. In his view higher land rents were a good source of revenue to cover costs incurred in the parks. Other senior departmental officials, however, were reluctant to institute a rental increase at that particular

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[41]Lothian, op. cit., p. 59.

time both because of anticipated resistance from residents and because increases would have complicated further the rental anomalies. In their view it was better to postpone implementations of rental increases until 1940 when most leases would be subject to the decennial review.[42]

As early as 1937 lessees became apprehensive about the rental increases scheduled for 1940. The cause of their apprehension was the decision by the Liberal Minister of Mines and Resources, Thomas Crerar, M.P., (Lib. - Churchill) to institute rents at 25% of gross revenues for new leases for bungalow camps which the government believed were generating large profits. It was feared that such rent increases foreshadowed the government's plans for rents on all leases in 1940. In reaction, lessees and their local representatives contacted their local M.P.s and also some from nearby constituencies asking them to lobby the Minister on their behalf.

Such contacts and requests marked the beginning of unprecedented interaction between local representatives and several Alberta M.P.s, particularly those whose constituencies included or bordered on the parks. In the 1930's, moreso than in previous decades, local representatives in Jasper and Banff perceived the national legislature as an appeal mechanism and M.P.s as liaison officers, ombudsmen, and even lobbyists. They no longer waited for the government to provide the opportunity and a forum to express their grievances; the House of Commons, and to a less extent the Senate, provided ample opportunity. Hence, although lessees still preferred to conduct their relations directly with the Minister responsible for parks, whenever their recommendations were ignored they appealed to the legislature and resorted to media-oriented lobbying techniques of a

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[42]Ibid., pp. 59-60.

confrontationist nature. A review of the parliamentary debates reveals that since the late-thirties several Alberta M.P.s and Senators from all parties have assisted residents in their cause.

Throughout the 1930's local representatives appealed to the Hon. R.B. Bennett, both while he was Prime Minister and later as leader of the opposition. In the late-thirties they asked him to encourage the Liberal Government both to reduce land rents on bungalows and to postpone rent increases on all other leases. Mr. Bennett proceeded to lobby the Minister both privately and publicly in the House of Commons. In fact, on June 30, 1938, he reminded the Minister in the House that in private consultations between them earlier that year it was agreed that a remedy to the rental system would be sought. He also criticized the Minister for the delay in resolving the leasing question and accused the Superintendent in Banff of compelling lessees "to sign documents which would have the effect of putting them completely in the hands of the government".[43] In rebuttal, the Minister replied that the situation was not as bad as Mr. Bennett indicated but nevertheless he would personally conduct a special investigation.

After reviewing the matter, the Minister announced that rents in Banff would be increased and that no more leases would be issued or renewed without provisions for a periodic revision of rental rates. In August, 1939, he authorized the Superintendent in Banff to negotiate rental rates with lessees whose leases were up for renewal or subject to the decennial rent review. A month later the Superintendent reported that lessees with commercial lots were prepared to accept an increase provided it was effective for the full forty-two years. The Minister rejected their proposal and

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[43] Debates, June 30, 1938, Vol. 4, p. 4501.

suggested that the lessees exchange their 42-year leases for 21-year leases at a rental to be effective for the entire term. The lessees were strongly opposed to the idea of forfeiting their 42-year leases and they rejected the offer. At that time bungalow operators in Jasper who, in 1937 had consented to rents of 25% of gross revenues, were also complaining that such rents were much too high.

Negotiations between the lessees and the Minister and his officials on the aforementioned matters were generally conducted by correspondence. At the same time local representatives also increased their efforts in enlisting the support of some M.P.s to lobby the Minister in Ottawa on their behalf. Apparently local representatives were successful in their efforts, for the compromise rental formula that was eventually adopted by the Minister for commercial leases, had been proposed originally by Manley Edwards M.P. (Lib. - Calgary South). The formula called for lease renewals for the full 42-year term with a rent review after 21-years. An additional condition was that, at the completion of the 42-year term, the leases would be subject to a decennial review.[44] That compromise package along with the slight increase in rents was accepted by commercial operators in Jasper and Banff without resistance.

Federal officials had also considered increasing rents on residential leases. Yet, despite the fact that such rents had never been increased since the leases were first issued, the Minister decided not to implement an increase. More that a decade would pass before the matter was raised again as in 1939 the government and the country became preoccupied with the national war effort.

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[44]Lothian, op. cit., pp. 59-60.

In 1949 federal officials in the National Parks Branch initiated another rent review because they were anxious to increase rents on residential properties. As was the case a decade earlier, the Superintendents of Jasper and Banff were asked to assess existing leasing terms and rents, and make recommendations. They were specifically reminded to take note of the escalating costs of providing municipal type services to the lessees. In their reports, submitted later that year, both superintendents concluded that existing rates were too low and added that substantial profits were made by residents selling their properties with an almost automatic transfer of leases to the buyers.

The Director of Parks and the Deputy Minister observed that since rent increases devised exclusively by the Department would most likely have been opposed by lessees it was advisable to authorize an independent investigation by someone outside the Department. The Minister agreed and appointed Harry O. Patriquin by Order in Council as a one man commission to review lot rents in Jasper and Banff.[45] Unlike previous commissions of inquiry Mr. Patriquin failed to consult lessees or their representatives to ascertain their views on rent increases. Instead, Mr. Patriquin began with discussions with officials in Parks Bureau in Ottawa. He then travelled to Jasper and Banff where he consulted only the respective superintendents. Within two weeks he concluded his investigation and submitted his report. Given the method he used in conducting the investigation, it is not surprising that he concurred with parks officials that rent increases be implemented. Eventually, however, the Minister decided that rather than adopt the Commissioner's proposed rents it was more convenient to increase rents by 20%.[46]

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[45] Canada Gazette, December 23, 1950, Number 51, Vol. 84, p. 4425.

[46] Lothian, op. cit., pp. 60-62.

Lessees considered those increases fair, therefore no organized protest occurred. Even Mr. Johnston M.P. (S.C. - Bow River) conceded to the Minister, both privately and in the House, that the increases were acceptable to lessees. However, he reminded the Minister that bungalow operators were still upset that they had to pay a large percentage of gross revenues as land rent.[47] Although over the years their rents had been reduced from 25% of gross revenues to 3%, bungalow operators were still upset because in their view they were still paying considerably higher rents than other businessmen who enjoyed lower fixed rents. Over the years the bungalow operators had petitioned successive Ministers both through their lawyers and their local M.P.s. By 1956 their lobbying efforts proved successful because on February 20, the Hon. Jean Lesage, Minister of Northern Affairs and Natural Resources, approved a complicated new formula which not only reduced their rents but even provided them with a refund on overpayments from previous years.[48]

The concession made by the Minister and his officials during those negotiations resulted largely from a desire not to cause closure of existing business and preventing development of others. Since 1930 successive Ministers had been criticized for not ensuring the availability of sufficient accommodation for the influx of tourists during the summer months. Members of the Parliament were continually pressuring the Ministers responsible for parks, both in Parliament and in private, to allow more motels and hotels to be built in the parks. Some of those M.P.s, and particularly Mr. Harkness (P.C. - Calgary North) and Mr. Johnston

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[47] Debates, May 13, 1955, Vol. 4, p. 3747.

[48] Lothian, op. cit., p. 64.

(S.C. - Bow River) suggested in the House of Commons that the chief obstacles to the development of such facilities were strict building regulations, delays by officials in approving such projects, and above all, the high land rents.[49]

Throughout the period, residents had also pressed successive Ministers both for improved roads and recreational facilities. Those demands were channelled both directly by correspondence and also indirectly via Alberta M.P.s to the Ministers in Ottawa. The Jasper Chamber of Commerce, for example, sent a letter to Mr. Jean Lesage while he was Minister asking for such improvements. A carbon copy of that letter was also sent to Mr. Yuill M.P. (S.C. - Jasper-Edson) as a way of encouraging him to lobby the Minister on that point. Mr. Yuill, along with other Alberta M.P.s who had received such communications, relayed those demands to the Minister both in private and in the House of Commons.[50]

The lessees and their representatives continued to use those "long distance" lobbying tactics and relying on the M.P.s to act as intermediaries throughout the fifties and the early-sixties. Thus, one finds that when the local school boards were attempting to convince the Minister to allow them to collect a hospital tax, since they did not qualify for the provincial grant of $1,000 per bed because they were not incorporated municipalities, they were doing so by corresponding with the Minister and their local M.P.s. Mr. Yuill brought this matter to the attention of the

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[49]See Debates, May 13, 1953, Vol. 5, p. 5333, (Mr. Johnston); see also August 3, 1956 Vol. 7, p. 6927, (Mr. Harkness); and May 10, 1948, Vol. 4, p. 3783-84, (Mr. Blackmore, S.C. - Lethbridge).

[50]See for example, Debates, August 30, 1956, Vol. 7, p. 6931, (Mr. Smith, S.C. - Battle River -Camrose); see also May 13, 1955, Vol. 4, p. 3744, (Mr. Johnston) and June 8, 1951, Vol. 4, p. 3977 (Mr. Harkness).

Minister on at least two occasions during supply debates in the House of Commons from 1953-54.[51] Simultaneously, the school boards were also lobbying the Alberta government on this point by correspondence. Local representatives were learning to exploit the federal nature of the system in furthering their interests. Eventually, an agreement was reached by Ottawa and Alberta to make Jasper and Banff eligible for various provincial grants including hospital grants.

Similar lobbying tactics were used again during the mid-fifties when the local bodies were attempting to convince federal officials that Jasper and Banff qualified for grants in lieu of taxes on federal properties to the full tax equivalent. During the debate in the House of Commons on the Municipal Grants Act, Mr. Johnston, representing Banff, asked whether the park towns would finally qualify for such grants. In his view, federal properties constituted a substantial potential source of revenue for those communities and he concluded that "they should be considered as any other municipality would be considered at least for the application of taxes for educational and hospital services".[52] When the Minister replied that the Municipal Grants Act excluded the townsites from collecting such grants, neither Mr. Johnston nor the park residents protested strongly. Apparently they feared that if such grants were given, the federal government would expect lessees to assume a larger share of the costs for municipal-type facilities and services.

During this period residents also opposed the penalties imposed by

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[51] Debates, Dec. 3, 1953, Vol. 1, p. 585; and June 19, 1954, Vol. 6, pp. 6237-8.

[52] Ibid., March 6, 1957, Vol. 2, pp. 1941-52; See also Jasper School Board, "Minutes of Annual Meeting", February 19, 1957.

the National Parks Act for failure to pay certain taxes.[53] Whereas previously the maximum fine was $500 dollars or six months in jail for failing to pay the fine, a new provision empowered the Superintendent to collect both the health and welfare taxes and the fines by auctioning a person's property. The Banff Advisory Council strongly opposed the new provision on the grounds that residents should not face harsh federal penalties for failure to pay what in their view was a provincial tax. The Council communicated its objections to the Minister and also to Mr. Johnston. One of the letters stated that, if the hospital plan were included in the park regulations and subjected to the penalties mentioned, it would be defeated by plebiscite.[54] That was obviously an idle threat because Council members knew, to their chagrin, that park regulations were not subject to plebiscite results in the townsites.

Parts of those letters were quoted in the House of Commons by Mr. Johnston in an effort to pressure the Minister to withdraw those tax penalities. Towards that end he also wrote a letter to the Minister asking him to amend the Parks Act to exclude those penalities. The Banff Advisory Council was also communicating directly with the Minister on this matter but he refused to comply with their wishes, noting only that ". . . in order to waive the penalties incurred in Section (8). . . a further amendment to the Act would be required".[55]

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[53] Revised Statutes (1952): "National Parks Act", Chapter 189, pp. 3973-4.

[54] Letters from Banff Advisory Council to Mr. Johnston dated March 25 and May 5, 1955, respectively, as recorded in Debates, April 27, 1956, Vol. 4, p. 3381.

[55] Debates, April 27, 1956, Vol. 4, p. 3381.

With the Minister's observation in mind, Mr. Johnston drafted a private member's bill designed to amend the Act. In February 20, 1956, he introduced Bill 150 in the House of Commons.[56] Although the Bill received second reading on April 27, 1956, like most other legislation introduced by backbenchers, it went no further in the parliamentary process.[57] Nevertheless, it served to publicize the residents' grievances, criticize the government's policies and regulations, and no doubt to score political points both in the House and in his constituency which included Banff.[58]

Mr. Johnston continued to press for an amendment until well after the Liberal defeat of 1957. He saw the Conservative's rise to power as an opportunity to revive Bill 150. In November 1957 he asked the Conservative Minister of Northern Affairs and Natural Resources, Alvin Hamilton M.P. (P.C. - Quappelle), on two separate occasions in the House of Commons whether he intended to revise the Parks Act to rescind what he termed " . . . some of the impractical regulations. . . and the unfair sewer, and water rates levied by the Department. . . " on park residents.[59] In reply, Mr. Hamilton requested more time to consider possible amendments of the regulations and added that he was not convinced that the rates for services were unfair. Apparently, the Minister and his officials recon-

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[56]Ibid., February 20, 1956, Vol. 2, p. 1563.

[57]Ibid., April 27, 1956, Vol. 4, pp. 3379-3385.

[58]see Stewart Hyson, op. cit., p. 272.

[59]Debates, Jan. 23, 1957, Vol. 1, pp. 567; also Nov. 11, 1957, Vol. 1, pp. 949-50.

sidered that issue but no changes were made. At that time the administration began moving towards a more conservationist parks policy which heightened tensions between Ottawa and parks residents.

During this period the main target of the local representatives' influence attempts remained the Minister responsible for national parks. They did not attempt to contact other Cabinet members and they intentionally avoided consulting bureaucrats within the Parks Branch whom they suspected were responsible for the government's push for higher rents and a more restrictive leasing policy. Evidently their suspicions were not unfounded. The Planning Committee formed within the Parks Branch in 1957 to review policies, regulations and administrative practices, was the force behind a more conservationist parks policy. Fron the beginning its members considered restrictions designed to limit development in the parks and even contemplated the termination of some existing leases and licences of occupation. Cottage subdivisions within the parks were considered to be particularly inconsistent with park purposes.

On February 20, 1958, the Parks Director requested the legal advisor to recommend ways and means both by which private cottages could be eliminated from the parks, and perpetuity and long term rental review clauses could be eliminated from all leases. The legal advice was that whereas cottage leases could be terminated either by an Act of Parliament calling for the negotiated settlement of leases, or by expropriation, the perpetual and rental review clauses could be altered unilaterally by the Minister. In September 1958 the Planning Committee recommended to the Minister that such clauses be dropped from all leases as they came up for review, and that no more cottage leases be issued. The Minister approved those steps in 1959 with the result that no new cottage leases were issued

and the perpetuity and rent review clauses were omitted from renewed leases.[60] This action was strongly opposed by lessees, and as is discussed in the next chapter, intense negotiations and court action ensued on this matter during the sixties.

For park residents the Minister's decision not to honour the old leases was perceived as another indication of the unilateral and unresponsive approach by the Department on leasing and townsite matters during the 1950's. Once again, local representatives were particularly unhappy with what they considered to be inadequate opportunity for resident input into decisions affecting lessees and the townsites. Those sentiments were expressed by the Banff Advisory Council in a letter to the Minister. In keeping with its practice of using the local M.P. as an intermediary, a copy of the letter was sent to Mr. Johnston in Ottawa who used it to publicize in the House of Commons the residents' request to be consulted:

> The Council feels that if residents of the parks are to pay for all improvements they have a right to demand that they shall be consulted before such improvements are undertaken and to specify the manner in which they shall be done.[61]

The residents' opposition to what some termed "taxation without representation" led the representative bodies in the parks to begin exploring possibilities for local self-government. The most ambitious and and vocal of the local bodies on the local self-government option was the

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[60] Lothian, op. cit., p. 64.

[61] Banff Advisory Council, Letter to Jean Lesage, Minister of N.A. and N.R., as recorded in Debates, January 23, 1957, Vol. 1, p. 568.

Jasper Chamber of Commerce. As early as 1954 that body had written to the Minister objecting to park regulations and related administrative and management practices, and requested greater local control of taxation and townsite administration. A copy of the letter was sent to their M.P., Mr. Yuill, who in turn encouraged the Minister in the House of Commons to act on the Chamber's request.[62] Here again it is evident that local representative groups appealed to their local M.P.s from the opposition benches to augment their lobbying efforts on the Minister. Such appeals resulted because local representatives felt that the government did not attach enough importance to their views on leasehold and townsite matters. Hence, they moved away from direct cordial negotiations with the Minister to confrontationist lobbying activity. For their part, M.P.s were willing to assist local representatives in their cause because as opposition members they continued to score political points both in the House and in their constituencies.

Shortly after Mr. Yuill's address, the Hon. Jean Lesage, Minister of Northern Affairs and Natural Resources, met with members of the Chamber of Commerce during a visit to the park to discuss their grievances and proposals. During the meeting Mr. Lesage informed the Chamber members that greater resident control of taxation and townsite administration was not possible both due to the magnitude of federal contribution to the development of the townsite and the continued need for federal control of all park lands as outlined in the Act. He advised them, however, that Jasper residents had the option to form a local advisory council such as the one in Banff to present their views to the Minister and his officials.[63]

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[62] Debates, May 6, 1954, Vol. 4, pp. 4463-64.

[63] Lothian, op. cit., p. 45.

Acting on the Minister's suggestion, the Chamber of Commerce and the Jasper School Board agreed to reestablish the Advisory Council which had disbanded in 1933. Elections for the Council were held in 1956, and in February 1957 its constitution was approved by the Minister. Eighteen months later, however, the Council resigned because in its view federal officials were both uncooperative and unwilling to grant it operating funds. Apparently, the Council was also discouraged by a lack of adequate recognition and cooperation by the Chamber of Commerce.[64]

The Chamber had retained a dominant role in the ongoing land leasing debate. In the late-fifties it decided to resort to media-oriented techniques in communicating its objectives to the government. In May, 1957, R. Mohr, its president, delivered an address to the Conference on Northern Development held in Edmonton, in which he criticized some national park regulations and administration.[65] Then three months later the Chamber of Commerce submitted a resolution to the Minister outlining the residents' grievances and again requested a greater degree of local self-government. The resolution called for developed areas to be excised from the park:

> . . . townsites within parks be made islands of freehold property as well as. . . developments outside townsites to be governed by a dual administration consisting of federal . . . representatives and an elected town council. . . to have equal authority to administer as a unit. . . and collect taxes to the same extent and amount as now being collected. . . .[66]

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[64]The Institute of Local Government, Queen's University, Banff, Jasper, and Waterton Lakes National Parks: A Report Prepared for Department of N.A. and N.R. 1960, popularly known as The Crawford Report, pp. 14-16.

[65]Jasper Chamber of Commerce, "Brief at Conference on Northern Development at Edmonton, May 1-3, 1957".

[66]Idem, "Resolution to the Minister of Northern Affairs and Natural Resources", August, 1957.

In an effort to gain outside support the Chamber of Commerce also submitted similar resolutions with accompanying briefs to at least two annual meetings of the Canadian Chamber of Commerce.[67] As a show of support the resolutions were approved in principle by the national organizations However, since the resolutions did not call for any specific action to be taken by the national organization their approval was essentially a symbolic gesture and publicity stunt.

Again in an effort to widen support for their position, Liberal members of the Jasper Chamber of Commerce belonging to the Jasper-Edson Liberal Association sponsored a similar resolution at the Liberal Party Convention held in Calgary in 1957. The preamble of that resolution stated that residents had a right to live in the park because they were essential to the tourist trade. In the main text various park taxes and service charges were described as excessive and regulation were judged "unreasonable, unrealistic, and in certain circumstances, completely unnecessary".[68] The resolution called for greater resident participation in matters affecting them, a Minister for the parks who was from the West, and the combination of the three mountain parks (Jasper, Banff and Waterton Lakes) into one federal constituency. Although the resolution was not approved, it served, albeit in a limited way, to publicize the grievances of lessees against the federal government.

Ten years later the three parks were temporarily placed in one constituency, but this occurrence can only remotely be traced back to the

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[67] Idem, "Brief and Resolution to Annual Meeting of Canadian Chamber of Commerce at Victoria, B.C., 1957"; Also telephone interview with Mr. Roland Mohr, Member of the Jasper Chamber of Commerce, November 24, 1981.

[68] The Jasper-Edson Liberal Association, "Resolution to the Liberal Convention in Calgary, 1957", as reprinted in the Jasper Totem 1957.

defeated resolution. The question remains; why did the Jasperites consider it more advantageous to have one M.P. representing all three parks rather than one M.P. for each park? Apparently, they reasoned that their views would be better represented in Ottawa if an M.P.'s election fortunes depended almost entirely on the park residents. This is rather surprising logic considering that the three M.P.s representing constituencies which included the parks seemed to be rather active in representing the lessees' views to the Minister and to Parliament. Granted, the local M.P.s were not on the government side of the House, but the boundary change alone would probably not have altered that situation, and even if it had,there were no guarantees that a government backbencher would have been any more influential than an opposition M.P.. In fact given the constraints of party discipline a government M.P. might have been, at least publicly, less inclined to pressure the Minister for change. Ten years later, however, Mr. Sulatycky a government M.P., proved those residents right because in representing the three parks he made special efforts both in private and in the House to gain concessions from the Minister for lessees. Mr. Sulatycky's efforts are discussed in greater detail in a subsequent chapter.

As well as relying upon M.P.s and outside groups, lessees also sought to draw media attention to their struggles with Ottawa, particularly on the question of local self-government. Lessees and their representatives wrote letters to the editors of some major dailies and weeklies in Alberta criticizing the restrictive park policies and poor management practices of federal officials. Certain journalists with the Calgary Herald that were intrigued by the unique situation of park residents under Ottawa's control, wrote several articles and editorials on the subject. Two articles supportive of the residents' demands for autonomy asked the

question:

> What is life like where you have no vote, no say in your municipal government, where your daily lives are controlled by a bureaucracy thousands of miles away? [Another writer answered]. . . A lot of people would call it dictatorship . . . of government control and no appeal against its all powerful edicts.[69]

Mr. Harkness (P.C. - Calgary-North) brought those articles to the attention of the Minister and the other M.P.'s in the House of Commons during the Supply Debate on Northern Affairs in a continuing effort to pressure the Minister on behalf of lessees. He prefaced his remarks with the assertion that the major reason for existing "difficulties in national parks come from the fact that you have administration by remote control".[70] He then went on to suggest that some decentralization and a greater degree of local self-government were necessary, and concluded by asking for a thorough shake-up of park administration. The Minister's reply on that particular occasion was to be echoed by many of his successors. In his words, "if they [residents] are not satisfied they can always change place, we do not force them to live there".[71]

Such a statement reflected the heightening tensions between lessees and federal officials during that period. As the 1960's approached local representatives became increasingly convinced that to achieve their ob-

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[69] Articles from Calgary Herald, 1956, as recorded in Debates, August 3, 1956, Vol. 7, pp. 6327-28.

[70] Debates, August 3, 1956, Vol. 7, p. 6927.

[71] Ibid., p. 6928.

jectives they had to rely on media-oriented techniques of a confrontationist nature. There was little personal interaction between local representatives and federal officials; the former did not travel to Ottawa and the latter rarely visited the parks. M.P.s who travelled back and forth, therefore served as an important link.

In 1954 Mr. Yuill (S.C. - Jasper-Edson) asserted that Jasper residents should not have been denied the right to form a municipality.[72] Then one year later Mr. Johnston (S.C. - Bow River) asked the Minister to provide office space and funds for the Banff Advisory Council, and in 1957 he argued that the residents had every right to more cooperation and consultation on local matters.[73] In 1957 Mr. Yuill also made the same point regarding Jasperites asserting that:

> Because of the peculiar regulations. . . in Jasper they are forfeiting. . . their Canadian freedom. . . they have no voice at all in the management of the local affairs. . . in the amount of taxes levied or in the disposition of tax money. . . [and] there are gross inequalities in land rentals.[74]

Mr. Yuill argued that it was both desirable and possible to grant a greater degree of local self-government to the park residents without jeopardizing the proper management of the parks or going to the extreme of setting up independent municipalities in the park. In fact a year

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[72]Ibid., June 19, 1954, Vol. 6, pp. 6327-28.

[73]Ibid., May 13, 1955, Vol. 4, p. 3447; and January 23, 1957, Vol. 1, p. 567.

[74]Ibid., December 9, 1957, Vol. 2, p. 2097.

earlier Mr. Yuill had suggested that an acceptable compromise was to set up councils in Jasper and Banff comparable to the proposed territorial council of the Northwest Territories.[75] Then in 1958, Mr. Yuill's successor, Mr. Hugh Horner, M.P. (P.C. - Jasper-Edson) reiterated that argument as he too attempted to pressure the Minister, a member of his own party, to give serious consideration to the demands of park residents. In a lively address to the Minister in the House of Commons Mr. Horner said:

> I feel very strongly that we must face up to the fact that we have to have townsites in these parks and therefore it is high time that we had some policy with regard to them and set up some form of local government so that people could have a say in what is going on in their towns. . . . They are probably the only people in Canada who have no local self-government. The park is administered by a superintendent and he refers most things to Ottawa.[76]

The following year Mr. Woolliams, M.P. (P.C. - Bow River) who had also been receiving correspondence from the representative bodies in Banff asking for a greater degree of self-government, expressed the view to the House of Commons that it was time for change because as he phrased it "parks people are controlled and somewhat governed by the Department".[77] Finally, Mr. Woolliams also made a noteworthy observation, which has been emphasized in this chapter, regarding the local representatives' reliance on M.P.s in the bargaining process:

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[75]Ibid., January 17, 1956, Vol. 1, p. 223.

[76]Ibid., July 28, 1958, Vol. 3, p. 2795.

[77]Ibid., July 23, 1960, Vol. 6., pp. 6846-47.

> Having no municipal council except the local [advisory] council which passes their views on to the Department, it is necessary that some of their criticism come through their member of parliament.[78]

As shall be discussed in the next chapter one Minister responsible for parks in the sixties was strongly opposed to that practice. Nevertheless, among Alberta M.P.s support for park residents continued. Furthermore, though the issue was exploited for personal and party expediency, support among those M.P.'s did not differ along party lines.

In summary, this chapter has provided an overview of the major events pertaining to the various facets of the land leasing debate in Jasper and Banff during the first seventy-five years of the park system. Throughout, the focus has been both on the initiatives and interaction of federal officials and park residents. The evidence presented indicates that with the exception of political party associations local representative groups were non-existent in Banff during the first quarter century of the park system. Jasper had still not become a park. Banff residents acted on an informal and on an ad-hoc basis in expressing their grievances and demands. To a large extent they relied on the superintendents and occasionally federally appointed commissions of inquiry to relay their feelings to the Minister and convince him to comply with their requests.

After 1910, however, residents in Jasper and Banff began forming local representative bodies to provide them with a stronger common voice in their negotiations with federal officials. Although initially they focussed their influence attempts on the park superintendents hoping that they would agree to their demands, before long they began direct correspondence with successive ministers. This shift in focus reflected a real-

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[78] Ibid.

ization by local representatives that the bulk of decision making rested in Ottawa and that superintendents possessed only a small amount of discretionary power over day to day administrative matters. The lessees' reliance on correspondence as the means of communication resulted because of the distances between the parks and Ottawa, therefore the minister rarely travelled to the parks, and lessees did not make lobbying trips to Ottawa. Towards the end of that period local representatives also began to approach their local M.P.s and at least one Senator to lobby the ministers on their behalf whenever direct long distance negotiations were not proceeding satisfactorily.

Reliance upon Alberta M.P.s as spokesmen on their behalf became even more common during the period from 1940 to 1960. During that time there was a continual flow of correspondence from residents to several Alberta M.P.'s whose constituencies contained or were near the parks. For their part, those M.P.s, acting at the residents' request, usually lobbied the Minister privately and in the House of Commons in an effort to attain concessions for lessees on such matters as leasing and rental terms, improved townsite services at the lowest possible cost, and a greater degree of local self-government.

During this period, local representatives also began to seek support for their cause from individuals and organizations outside of the park. This included such media-oriented stunts as the briefs and resolutions of the Jasper Chamber of Commerce both to the Natural Resource Conference, the Canadian Chamber of Commerce annual meetings, and the Liberal Party Convention. At the same time, in an effort to publicly criticize the Federal Government and to generate favourable public opinion and support for their cause, they wrote letters to editors of Alberta newspapers.

In the process they also encouraged some journalists to discuss the situation in their articles and editorials. Those letters, articles and editorials were then used as "ammunition" by the M.P.s in pressuring the Minister in the House of Commons.

In short, the evidence presented in this chapter indicates that the local representative bodies acting as pressure groups became increasingly more sophisticated in their lobbying efforts during those first seventy-five years as they moved from informal ad-hoc influence attempts to more formal and planned lobbying activity. Throughout, lessees seemed to bypass the bureaucratic actors and concentrate their lobbying activity on successive Ministers responsible for national parks. The most likely explanation for this occurrence is that at first, particularly during the early period, local representatives were ignorant of the bureaucrats' role in policy and decision-making, and later once local representatives began to understand the policy process better they became suspicious and distrustful of the bureaucrats. The legislative arena, was generally used as an appeal mechanism and M.P.s, much moreso than Senators, were used as intermediaries by lessees in their efforts to lobby the Minister.

Furthermore, whereas local groups generally relied on access-oriented techniques of an accommodative nature in their relations with Ottawa, when their demands were not met, they abandoned such an approach. Instead, they resorted to media and access oriented techniques of a confrontationist nature as they enlisted the support of M.P.'s, the Alberta Government, national organizations, and journalists, in their battles with Ottawa. The following chapters examine what transpired during approximately the most recent twenty years. As the reader may already know, or suspect, it was more of the same.

CHAPTER 4

INITIATIVES AND INTERACTION 1960-1970: THE TURBULENT DECADE

This chapter examines the land leasing debate from 1960-1970. The central purpose is to ascertain whether during the decade local resident groups continued to focus their influence attempts primarily on the Minister responsible for national parks rather than on other members of the Cabinet, the bureaucracy, or the legislature. Furthermore, it also examines whether their influence attempts were primarily access or media oriented and accommodative or confrontationist in nature.

The appointment of a commission of inquiry to examine land leasing in the national parks in 1959 is generally viewed as the demarcation for the modern period. As mentioned in the previous chapter, relations between the Minister and lessees had become tense due to what residents viewed as inadequate decision making power over townsite matters. Tensions heightened even further when the Minister and his officials made plans to eliminate the perpetuity clause from leases.

Another contributing irritant in their relations was the pending decennial rent review of 1960. Lessees and their representatives felt that they could not rely on the Minister and his officials to arrive at equitable rents and leasing terms. Hence, they proposed that an independent commission of inquiry be appointed to hold hearings in the park townsites so that lessees could express their point of view. Such requests were made on several occasions at meetings between the Minister and representatives of both the Jasper and Edmonton Chambers of Commerce in Edmonton and in the parks where the main items of discussion were the briefs and

and resolutions prepared by the local bodies.[1]

During those meetings the Minister, Alvin Hamilton, agreed to appoint such a commission. Hugh Horner M.P. (P.C. - Jasper-Edson) who continued to lobby the Minister on behalf of lessees reminded Mr. Hamilton, a member of his own party, on two separate occasions in the House of his promise to park residents for a commission of inquiry.[2] In May 1959, the Minister acknowledged that in addition to Mr. Horner several other Alberta M.P.s had contacted him privately on the matter, and then confirmed that a commission of inquiry comprised of members from the Institute of Local Government at Queen's University under the chairmanship of K.G. Crawford had been appointed.[3] The terms of reference for the Crawford Commission were to examine and report on:

> (a) the feasibility of granting local government to park residents;
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> (b) the leasing and rental terms for park lands; and
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> (c) methods of planning developments in the parks consistent with park objectives.[4]

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[1] Jasper Chamber of Commerce, "Brief and Resolution to Canadian Chamber of Commerce Annual Meeting at Victoria, B.C. 1957"; and Idem., "Brief to Conference on Northern Development in Edmonton, May 1-3, 1957".

[2] Debates, January 26, 1959, Vol. 1, p. 298.

[3] Ibid., May 21, Vol. 4, p. 3839.

[4] The Crawford Report, pp. 1-2.

The Commissioners travelled to the parks to consult with, and receive briefs from individual residents and representatives of local groups. The major groups which they consulted in Jasper and Banff were the School Boards, the Chambers of Commerce, and Banff Advisory Council and the Local Union of Railway Employees in Jasper. The Commissioners also held discussions with the Alberta Minister of Municipal Affairs and two Alberta M.P.s, Mr. Gundlock (P.C. - Lethbridge) and Mr. Kindt (P.C. - Mcleod). The meetings provided residents a forum where they could voice their grievances and make recommendations. Their major recommendations to the Commission were itemized in a brief which the Motel Owners' Association had submitted both to the Minister as well as the Commission asking for:

1. standardization of leases and rentals;
2. security of tenure for lessees;
3. compensation on termination of leases;
4. more equiable service and land rental charges;
5. improved communication and administration; and
6. a clearly stated national park policy.[5]

Whereas lessees had unanimously endorsed those recommendations throughout the history of the land leasing debate, they had been less consistent and united on the desirability of local self-government. Thus, for example, whereas throughout the fifties local representative groups had petitioned the Minister for local self-government, the Commissioners

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[5]Ibid., pp. 32-47.

noted that by 1959 residents no longer desired that option. That year, in separate but similar resolutions, the Jasper Chamber of Commerce and the Banff Advisory Council explicitly stated that they were "strongly opposed to any radical change from the existing system" and that local self-government was not requested for the residents of the park townsites.[6] The change of position was due to the residents' unwillingness to accept the financial burdens of local self-government. The Crawford Commission quoted residents who favoured local self-government only if the existing taxation and rental levels could have been retained.[7] For the Commission and federal officials, such statements were indications that on the whole land rents and service charges were too low and that increases were needed.

As one of its principal recommendations, the Crawford Commission concluded that land rentals had to be both standardized and increased because they were "much less than the value of the sites would justify . . . and some lessees were more favourably treated than others".[8] In order to achieve both objectives, it was suggested that all lessees be charged six percent of appraised land value. Regarding the length of leases, the Commission recommended that the formula of forty-two and twenty-one year terms with discretionary, rather than perpetual, renewals be retained. The other major recommendations included decentralization of national park administration and a review of the National Parks Act.[9]

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[6]Jasper Chamber of Commerce, "Resolution July 6, 1959", and Banff Advisory Council, "Brief to Minister, Decebmer 26, 1959", as cited in The Crawford Report, pp. 5-6.

[7]The Crawford Report, pp. 5-6.

[8]Ibid., p. 69.

[9]Ibid., p. 11 and p. 69.

Over the next several years the Crawford Report would provide lessees and their M.P.s with a recognized document on which to base their demands for change even though it did not support their position in all instances or respects.[10] The Minister of Northern Affairs and Natural Resources and his officials also examined that report closely in their efforts to decide on changes to the leasehold system. By 1961 they had devised a list of proposed changes which together with the Crawford Report served as the basis for negotiations with lessees. Their first objective was to standardize leases. To that end the new Minister, Walter Dinsdale (P.C. - Brandon-Souris) proposed the following:

> (a) leasehold properties in townsites continue to pay the rents approved in 1950 until the 1970 rent review date, at which time the rents would be based on a percentage of the appraised value of the land;
>
> (b) lessees of motels and bungalows outside the townsites would be offered a land rental equal to the average amount paid in 1959 and 1960 effective until 1970 at which time they would also be subject to rents calculated as a percentage of the land value;
>
> (c) new leases would only be issued for an initial period of forty-two years with provisions for a renewal period of twenty-one years at the Minister's discretion; and
>
> (d) in case 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 twenty-one year renewal, a lease with provisions for a forty-two year [renewal] period be granted.[11]

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[10] See for example, Debates, Mr. Smith, (P.C. - Calgary South), May 10, 1961, p. 4609; also Mr. Woolliams (P.C. - Bow River), December 6, 1963, Vol. 6, pp. 5819-24; and July 24, 1964, Vol. 6, p. 5962.

[11] Lothian op. cit., p. 66.

Those provisions reflect a softening by the Conservative administration on its earlier intentions of substituting all perpetual leases with fixed term leases. Though Mr. Hamilton, and Mr. Dinsdale would not readily admit it, they were the ones who initiated the lease substitution program and before they abandoned it, according to the Hon. Arthur Laing, "252 so-called perpetual leases had already been recovered".[12]

After those proposals were prepared, the Minister authorized some of his senior officials to discuss them with local representatives in the parks. The meetings, held in Banff on June 8-9, 1961 were attended by the Regional Supervisor of Western Parks and two other officials from the Parks Branch in Ottawa. Local representatives present were, executive members of both the Jasper and Banff Chambers of Commerce, the Banff and Waterton Lakes Advisory Councils, and the Mountain Parks Motel Association

Those were significant meetings in that essentially they marked the beginning of direct interaction between federal parks officials and local representatives. This was a departure from the former practice where local representatives generally negotiated with the Minister by correspondence. Though local representatives would have preferred to discuss those matters with the Minister himself, they did not object to discussing them with his officials. After all, those officials were there to report on what lessees deemed favourable proposals by Ottawa. To be sure, the news was more important than the rapporteur.

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[12]Mr. Laing, address to Standing Committee on Northern Affairs and National Resources, Minutes of Proceedings and Evidence, Vol.25, March 14, 1967, p. 1036. Henceforth referred to as Minutes of Proceedings and Evidence. See also Canada Gazette, Part 2, Order in Council, P.C. 1958-1100, S.O. 58-330, August 27, 1958, p. 930.

During those meetings local representatives indicated their support for the aforementioned proposals on leases but there were still two areas of disagreement on rents. The Banff Advisory Council objected to the proposed rental formula based on a percentage of appraised land value, while the Jasper Chamber of Commerce and the Mountain Parks Motel Association rejected the proposed rental charges for motels and bungalow camps outside the townsites.

Eventually, the Minister agreed that it was discriminatory to charge some operators a percentage of their profits while others were charged only flat nominal rates. Therefore, it was decided that until 1970 concessionaires outside the townsites would only be charged one-third of the average payments of 1959 and 1960, subject to a minimum annual rate of twenty-five dollars. During the first quarter of 1962 the Minister approved those various proposals and they were passed by Orders in Council.[13]

The Parks Director, J.B. Coleman, travelled to the parks to explain the new regulations to local representatives. When the local representatives attending the meetings with Mr. Coleman expressed their approval of the new provisions, it appeared that the land leasing controversy had been resolved and that accomodative relations would prevail. However, such was not the case. The Liberal election victory of 1963 resulted in the appointment of Arthur Laing as Minister responsible for parks. He along with his newly appointed Deputy Minister, Ernest A. Côté, made it known from the outset that they did not accept the leasehold policy approved by the previous administration.[14] They were particularly concerned that ex-

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[13] Canada Gazette, Part 2, Order in Council, P.C. 1962-268, S.O. 62-78, March 1, 1962, pp. 274-75.

[14] Lothian, op. cit., p. 68.

isting rents were already much too low and higher rates had to be charged to cover the costs of services and facilities which lessees utilized. At the same time they also objected to the longstanding Departmental practice of automatically granting lease transfers without giving due consideration either to the residential status of the prospective lessee or the need to reclaim such a piece of land for park purposes.

Mr. Laing and his officials found support for their position in the second volume of the Glassco Report which examined both the administration of national park townsites and the management and economics of the leasehold system therein. On land rentals the Commissioners concurred with the Crawford Report that an illogical and inconsistent system was in use, and added that:

> Charges for federally owned townsites appear generally to be low, particularly when the cost of services supplied are taken into account. In general the revenue potential of this considerable volume of leased property cannot be said to have been actively exploited. Adjustment of rentals to present fair value could produce a significant increase in revenue.[15]

The Glassco Commission also noted that the administration of townsites suffered both because it had not been functionally separated from the general administration of parks, and because operations were centralized in Ottawa. That observation essentially reflected the residents' sentiments on the need for administrative changes.

Subsequently, in an effort to decentralize the Parks Branch operations, Mr. Laing announced in the House of Commons that regional offices would be created and that townsite managers would be appointed for Jasper

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[15] Glassco Report, Vol. 2, pp. 32-38.

and Banff.[16] Moreover, in an effort to separate the administration of townsites and the national parks, T.J. Plunkett, who had worked for the Glassco Commission, was hired to make recommendations on how local self-government could be implemented in Banff. In his report Plunkett noted that Banff residents had "no real desire to attain local self-government in the full sense of the word", therefore he suggested that "a particular type of municipal corporation be established which without providing full-scale local self-government it could furnish a limited voice for local residents in townsite administration. . . ."[17] He recommended that a Board of Administrators comprised of three locally elected and three federally appointed officials be formed. For several years the Plunkett Report was not made public, not so much because of its proposals on local government, but rather because of its observations and recommendations on land rentals and service charges to lessees. On those matters Plunkett diverged radically from the recommendations of both the Crawford and Glassco Commissions and more importantly, his suggestions contradicted the Minister's position. Basically, Plunkett advocated the position taken by lessees on rents:

> The level of prices now being paid for the privilege of leasing lots. . . appears to be approaching what could be considered the capital value of these lots. . . . The seemingly high prices paid for leasing privileges stems from the fact that very few lots are made available for development. . . . [Therefore] it

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[16] Debates, October 28, 1963, Vol. 5, pp. 4071-72.

[17] Thomas J. Plunkett, A Form of Municipal Government and Administration for Banff Townsite in Banff National Park (1962), pp. 11-12.

> becomes difficult to reconcile the further payment of an annual rental fee. . . . If the practice of requiring a high initial payment is to be retained then the annual rental fees should be abolished.... If this were done lessees could be required to pay realistic annual levies for the cost of townsite services. . . . Another alternative would be to eliminate both the present leasing privilege price and the annual rental fee and charge. . . a rental fee based on the economic value of the land.[18]

Throughout the decade Alberta M.P.s from the park areas provided a similar defence for their constituents.[19] Mr. Laing and his officials attempted to divert some attention away from the economic aspects of the leasehold system and advocated a conservationist policy which restricted residential and commercial developments in the parks. Support for such a policy came primarily from the National and Provincial Parks Association which emerged in 1963 from the Resources for Tomorrow Conference. The Minister and his officials obviously saw the Association as a potentially valuable ally giving it a $20,000 organizational grant, something which as previously mentioned had been denied to the Jasper and Banff Advisory Councils.[20] The clarion call for such a conservationist association had been issued in 1960 by Mr. Alvin Hamilton while he was Minister responsible for parks:

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[18]Ibid., pp. 62-63.

[19]Debates, June 12, 1969, Vol. 9, pp. 10062-64 (A. Sulatycky, Lib.-Rocky Mountains).

[20]Minutes of Proceedings and Evidence, May 31, 1966, (Mr. A.P. Frame of the N.P.P.A.), Vol. 7, pp. 1987-189.

> It is about time that all those millions of people who use the parks and love them should band together . . . into an association. . . . How can a Minister stand up against the pressures of commercial interests who want to use the parks . . . for every honky-tonk recreational device known to man, unless the people who love these parks are prepared to band together and support the Minister.[21]

Mr. Laing also found support for a conservationist policy in a feature article appearing in Maclean's magazine during the 1963 election campaign. The article was very critical of what, echoing Mr. Hamilton's phrase, it referred to as the "honky-tonk invasion" of the parks by people who were interested only in the economic advantages of national parks and oblivious to their general purpose. A Parks Branch official quoted in that article maintained that because of its economic advantages the park system was subject to political pressures and patronage which kept the "Parks Branch under constant pressure from businessmen, the M.P.s and the high up political brass over the Branch's head to let in more and more commercial developments".[22] That same official also made a particularly significant observation,which is supported by this study,that local groups tended "to go over the heads of the Parks Branch and deal directly with the Minister's office to get things done".[23] It seems clear that bureaucrats in the Parks Branch resented being by-passed by local representatives who preferred to deal directly with the Minister. The local representatives' lobbying strategy was still predicated both on their distrust

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[21] Debates, July 23, 1960, Vol. 6, p. 6857.

[22] Fred Bodsworth, "The Beauty and the Buck: Honky-Tonk Invasion of Our Magnificent National Parks", Maclean's, March 23, 1963, pp. 25 & 40-45 at p. 25.

[23] Ibid.

of those bureaucrats and the thinking that the final decisions were made by the Minister.

By 1964 Laing and his officials became openly committed to achieve a more conservationist policy restricting residential and commercial developments in the parks.[24] The Minister's comments to that effect were quoted in some of the major newspapers in Alberta. Mr. Woolliams (M.P. - Bow River) pointed to such articles while telling the Minister in the House of Commons that residents were particularly apprehensive of rumors that their long-term leases would be eliminated and that they would have to pay higher rentals and service charges. He encouraged Mr. Laing to make a clear cut statement on leases in order to allay the residents' fears.[25]

Eight months later, on September 18th, 1964, the Minister announced to the House of Commons that Cabinet approval had been given to a comprehensive policy on national parks and he highlighted some of its key provisions. The policy statement was intended to replace what was described as the ambiguous piece-meal, policy approach of the past, which had led to different interpretations and conflicts in the administration and management of parks. What was being sought were more specific and long-term policies which would not be subject to the changing perceptions and interests of senior government officials or persons with commercial interests in the parks.[26]

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[24] Debates, June 26, 1963, Vol. 2, p. 1618, (Mr. Turner, Liberal, Parliamentary Secretary to the Minister of N.A. and N.R.).

[25] Ibid., December 13, 1963, Vol. 6, pp. 5820-21.

[26] Canada, Department of Indian Affairs and Northern Development, National Parks Policy, (1969), p. 3.

A subsequent section of that policy statement dealt with private dwellings in national parks. Previously such dwelling were allowed, especially when necessary to personnell servicing the parks, but it was now considered desirable that, whenever possible, such dwellings be constructed outside of the parks. Cottages, on the other hand, were no longer to be permitted in the national parks, and the stated long-term objective was to gradually acquire all outstanding cottage leases. Section 12 of the 1964 policy statement addressed various facets of townsite planning, facilities, finances and growth. A townsite within a park was described as "an intrusion and should be permitted to develop only if, by reason of the services it provides, the visitor is better able to enjoy the park for what it is".[27] It was also stated that the number of establishments providing services was to be kept to a minimum, and that only persons involved in the administration of the parks or in supplying needed services were to be allowed to reside in the townsites. Furthermore, within existing townsites, municipal-type services were to be provided on a shared-cost basis between residents, visitors and the federal government. Charges to residents and businesses were to be comparable "with charges for equivalent facilities in towns or cities in the region".[28] The Minister succinctly stated the objective of his government's policy to the House of Commons:

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[27] Ibid., p. 15.

[28] Ibid., p. 20.

> We have adopted a policy that will eventually exclude private residential occupation of park land. . . No new uses of park land for cottages or permanent residence will be allowed unless it is clear that the permanent or temporary resident is providing some essential service to park visitors.[29]

That policy statement convinced residents that the Minister was serious about implementing such changes and resulted in an almost immediate deterioration in their relations with Ottawa. The Advisory Council quickly reacted and in an effort to discredit the Minister it accused him of patronage in assigning business leases to Liberal supporters and called for his resignation. The Conservative M.P. from the Banff area joined by the former Conservative Minister, Minister Walter Dinsdale (M.P. - Brandon-Souris), sought to add to Mr. Laing's embarassment by asking for his reaction to the allegations.[30] In reply, Mr. Laing denied the charges and reprimanded the Banff Advisory Council for its actions. He expressed his anger that the Council was supplying opposition M.P.s with copies of his letters, which they proceeded to use for partisan political purposes in the House of Commons. In a subsequent letter Mr. Laing expressed the hope to the Council that it would henceforth conduct its relations directly with him at all times rather than using M.P.s as intermediaries.[31] In defiance of the Minister's request, the Banff Advisory Council sent a copy of that letter in question to their M.P., who accused Mr. Laing in the

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[29] Debates, September 18, 1964, Vol. 8, pp. 8192-95.

[30] Ibid., Sept. 15, 1964, Vol. 8, p. 8021, (Dinsdale, P.C. - Brandon-Souris); also Sept. 22, 1964, Vol. 8, p. 8290, (Woolliams, P.C. - Bow River).

[31] Ibid., Nov. 12, 1964, Vol. 9, p. 10040.

House of Commons of interfering in the normal relations between an M.P. and his constituents.[32] From that point on the Minister and his officials had obvious reasons to mistrust local representatives. The result was further deterioration in their relations which became highly confrontationist by the mid-sixties.

In that confrontationist atmosphere, the Minister pressed on with his plans to reform the leasehold system in the parks. During the first quarter of 1965 he approved an interim policy governing assignment and renewal of leases. The new policy provided that residential leases would only be assigned if the need to reside requirements were met and that all new leases would be granted only for a fixed term with no provision for "quasi-automatic" renewals. Furthermore, consent to the assignment of leases, either coming up for renewal or being transferred, would be given only if the lessee agreed to surrender his forty-two year perpetual lease for a new lease providing for a forty-two year period renewable only at the Minister's discretion for a term of twenty-one years. In such cases the lessee was also expected to consent to an annual rental review at least until 1970 at which time the rental policy would be reviewed. It was also understood that on termination of leases, lessees would not be compensated for any improvements or buildings remaining on the land.[33]

Residents expressed strong opposition to the policy. Public meetings were held in the townsites to protest Mr. Laing's leasehold policy and to form citizens' associations to supplement the efforts of existing groups in lobbying Ottawa. Briefs and letters were sent both to the Minister and other parliamentarians by local representatives expressing

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[32]Ibid., Dec. 11, 1964, Vol. 10, p. 11029.

[33]Lothian, op. cit., p. 70.

their objections to the proposed elimination of the perpetuity clauses and the discontinuation of compensation for leases that were terminated by the Minister. In July 1965, at a meeting held in Jasper with Jack Austin, Mr. Laing's executive assistant, the Jasper Chamber of Commerce spokesman outlined their grievances and stated that they were "finally having to resort to politics and any pressure which [they could] bring to bear" in opposing the leasehold policy of Mr. Laing and his officials.[34] Clearly, the spokesman used the word "politics" as a euphemism for what has been referred to in this research as media-oriented lobbying techniques of a confrontationist nature. The Banff Chamber of Commerce concurred with their counterparts in Jasper on the need to use confrontationist tactics.

That year, the two Chambers with the consent and financial support of their respective School Boards jointly hired a lawyer to plead their case with the Federal Government and to commence legal proceedings if and when the need arose. A letter was sent by the lawyer to Prime Minister Lester Pearson outlining the legal rights of lessees to their perpetual leases and asked that the Minister be required to honour such leases. At the same time local representatives also wrote Mr. Pearson asking him to dismiss Mr. Laing as Minister and to appoint a Royal Commission to investigate the leasehold system. In Ottawa opposition M.P.s representing Jasper and Banff, together with Alberta Senator, Don Cameron, himself a resident of Banff, also contacted the Prime Minister supporting the appointment of a commission of inquiry.[35] Those requests were denied

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[34]Jasper Chamber of Commerce, "Address at Meeting with Jack Austin, Executive Assistant to Mr. Laing", July 31, 1965.

[35]Debates, Nov. 21, 1967, Vol. 4, p. 4588 (Mr. Woolliams, P.C. - Bow River).

by Mr. Pearson, but as a compromise measure he agreed to have a Cabinet sub-committee meet with representatives of local groups.

On August 10, 1965, a twelve man delegation from the parks travelled to Ottawa to meet with the Cabinet sub-committee comprised of Arthur Laing, Harry Hays, and Mitchell Sharp. The delegation's trip marked the first time that lessees' representatives had travelled to Ottawa to lobby ministers and other Parliamentarians. Senator Don Cameron accompanied the delegation to the meeting and introduced its members. During the meeting Mr. Laing explained his leasehold policy before giving the assurances that lessees would be compensated at fair market value for residential, but not commercial, properties if leases were terminated. He also said that residency requirements would be broadened to allow retired residents with at least five year residency prior to retirement to retain their leases even though they were not necessarily providing a "park service". Two weeks after the meeting in Ottawa, Mr. Laing wrote a letter to lessees reiterating his leasehold policy and the assurances he had given the delegation, and added that the rent increases would be deferred until 1970.[36] Those assurances did not pacify lessees in Jasper and Banff. They wanted Mr. Laing both to change the policy provisions regarding perpetual leases, to give fair market value compensation on termination of all leases, not only on residential leases, and finally, a guarantee of unhampered and effecient transfers of leases. Lessees received support for their cause in a full page article in the Toronto Globe and Mail which was very critical of Mr. Laing and his leasehold policy.[37] Ironi-

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[36]Lothian, op. cit., p. 69.

[37]David Scott and Scott Young, "Politics and the Parks: In Ottawa Mr. Laing Tries to Smother a Revolt but in Banff the Flames of Anger Still Flicker", in Toronto Globe and Mail, Tuesday, August 17, 1965, p. 7.

cally however, as the battle continued over the next few years, the articles and editorials in that paper became more supportive of Mr. Laing and his officials.[38] The Alberta press on the other hand remained supportive of lessees throughout.

By October 1965 representatives of local groups in Jasper and Banff joined by a group from Waterton Lakes, agreed to seek the support of the Alberta Government in their demand for a federal inquiry into national park leasehold policy. After a meeting with a delegation of representatives from the three parks, the Social Credit Premier of Alberta, Ernest Manning, wrote to Prime Minister Pearson encouraging him to comply. At approximately the same time the Alberta Minister of Industry and Development hired a professional public relations firm to prepare a brief entitled "The Detrimental Effect of the National Park Policy on the Tourist Industry of Alberta", which was critical of the leasehold policy and restrictive conservationist management practices of the Parks Branch. Both Pearson and Laing replied that they disagreed with the views of Premier Manning and his Minister and indicated that the leasehold policy would be implemented as proposed.[39]

News of Ottawa's continued committment to the proposed leasehold policy encouraged local representatives to intensify their protests. On January 26, 1966 the President of the newly formed Jasper Residents' Association sent Mr. Laing a telegram stating that residents were still very concerned about the leasehold policy. In his reply Mr. Laing

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[38] e.g., "A Heritage Preserved", Editorial, Toronto Globe and Mail, March 23, 1967.

[39] Lothian, op. cit., p. 71.

stated that he was not aware that any "great consternation and uncertainty still existed" among residents.[40] That letter led to a special joint meeting in Jasper involving the Chamber of Commerce, the School Board and the Residents' Association to decide on a further course of action.

At that meeting the consensus was that it would be useful to employ a media-oriented approach in opposing Mr. Laing's policy. It was then resolved that in co-operation with representatives in Banff and Waterton Lakes, a public relations firm would be contracted to keep the press informed on the leaseholders' position in their negotiations with Ottawa. It was also agreed to retain the services of Mr. G.H. Steer as legal counsel for the local representative groups in the three parks, both to advise them on legal matters and, if necessary, to act on their behalf either in negotiations with the Minister and his officials or, in the eventuality that negotiations failed, to contest the leasehold policy in the courts. Another resolution passed at that meeting called for a Parliamentary Committee to hold hearings in the townsites concerned.[41] The minutes from the meeting reveal that lessees were very angry and they were prepared to do battle with Ottawa using whatever means at their disposal. Their strategy seemed to involve both a movement from less expensive to more expensive, and from access-oriented to media-oriented, influence attempts as the conflict escalated.

In March of 1966 at a meeting of the Standing Committee on Northern Affairs and National Resources Mr. Laing expressed the hope that a major

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[40] See Jasper School Board, "Minutes of Joint Meeting", February 15, 1966.

[41] Ibid.; see also "Residents' Association Has Busy Agenda", in Jasper Totem, May 18, 1966, p. 1.

investigation could eventually be arranged into parks matters but did not specify how and by whom it was to be conducted.[42] At a subsequent meeting of the Standing Committee, Hugh Horner M.P. (P.C. - Jasper-Edson), suggested that representatives from the parks appear before them to present their grievances and suggestions on the leasehold system.[43] This suggestion was accepted by the other Committee members and during May and June two local representatives appeared before the Committee: Mr. J.A. Clarke, Chairman of the Jasper Residents' Association and Mr. H. Craig, President of the Waterton Lakes Chamber of Commerce. Two representatives of the National and Provincial Parks Association, who were also asked to address the Committee, endorsed Mr. Laing's national parks policy.

The two local representatives outlined what they considered to be the grievances of park residents. While welcoming the opportunity to present their views, they maintained that the Committee should hold hearings in the parks in order to listen to the views of other residents. The telegram sent to the Chairman of the Standing Committee by the Jasper delegate provides the rationale for extending an invitation to the Committee to travel to the parks.

> I have been instructed by chambers of commerce and residents associations Banff, Waterton Lakes, Jasper to cordially invite you and your committee to hold meetings regarding parks problems in townsites.... those involved should... have opportunity to make protests and suggestions known. Has been much misrepresentation regarding issues involved and we belive full appreciation of problems... can be realized only if committee holds hearings in areas affected.[44]

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[42] Minutes of Proceedings and Evidence, March 31, 1966, Vol. 1, p. 12.

[43] Ibid., May 3, 1966, Vol. 3, pp. 58-59.

[44] Ibid., Vol. 6, p. 135.

The Conservative M.P.s from the west, particularly Hugh Horner and Walter Dinsdale, endorsed the delegates' request and convinced their fellow Committee members to hold hearings in the park, but nearly six months passed before that was done.[45]

In the interim, local representatives began to prepare briefs for the Committee. The Chambers of Commerce and the Residents' Associations of Jasper, Banff and Waterton Lakes, had their legal counsel draft an extensive brief that was sent to the Standing Committee members in Ottawa to familiarize them with leasehold policy and sensitize them to the lessees' perspective.[46] Later that summer, Mr. Hugh Horner delivered a forthright speech to the Jasper Chamber of Commerce regarding the hearings. After criticizing Mr. Laing and his officials for their policies and administrative practics, he encouraged residents to press both for local self-government and free-hold title for land. He also reminded them that the Standing Committee hearings in the parks represented a good opportunity for lessees to express their views to parliamentarians and to attract media attention that generated sympathy for their cause and brought pressure to bear on the Minister. As Dr. Horner explained, all residents had "a job to do in education and public relations to emphasize [their] point of view".[47]

Given the minority government situation in 1966 the twenty-four member Standing Committee on Northern Affairs and National Resources was

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[45]Ibid., May 26, 1966, Vol. 6, pp. 136-157; see also June 28, 1966, Vol. 15, p. 583.

[46]G.H. Steer, Q.C., "Brief to the Chairman and Members of the Standing Committee on Northern Affairs and Natural Resources", June 24, 1966, pp. 1-32.

[47]Hugh Horner (P.C. - Jasper-Edson) "Speech to Jasper Chamber of Commerce", July, 1966.

comprised as follows: Liberals 12, Conservatives 9, N.D.P. 2, Social Credit 1. The Committee chairman was a Liberal government M.P.. In December of that year eighteen of the twenty-four members. including three Conservative M.P.'s representing Jasper, Banff and Waterton Lakes, and two other Conservative M.P.s from Alberta who over time had advocated the lessees' position, travelled to Alberta to hold hearings in the parks.[48] Also travelling with the Committee as observers were J.A. Macdonald, Deputy Minister of Northern Affairs and National Resources, and Alberta Senator, Don Cameron. The first stop for the Committee was Calgary where it met with Russell Patrick, Alberta Minister of Industry and Development, who discussed the contents of the provincial brief on the detrimental effects of Mr. Laing's national park policy on tourism.[49]

The Committee then travelled to Banff and Jasper, where during four days of hearings over forty witnesses, most of whom represented various local groups, were heard. Among those heard were: representatives of the Chambers of Commerce of Jasper, Banff, Waterton Lakes, Edmonton and Calgary; the School Boards and the Residents' Associations of Jasper and Banff; the Banff Advisory Council and the Mountain Parks Motel Association. All these groups were united in their opposition to leasehold policy.[50] Their demands were itemized in a brief presented by Mr. R.W. Dowling of the Jasper Chamber of Commerce:

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[48]Conservative M.P.'s: Horner (Jasper-Edson), Woolliams (Bow River), Kindt (Macleod), Lambert (Edmonton West), Gundlock (Lethbridge), Dinsdale (Brandon-Souris), Simpson (Churchill); Liberal M.P.s: Barnett (Comox Alberni), Roxburgh (Norfolk), Badanai (Fort William), Chatwood (Grand Falls-White Bay), Crossman (Kent), Duquet (Quebec-East), Nixon (Algona), Tucker (Trinity-Conception), Leblanc (Rimouski), Lind (Middlesex); S.C. M.P.: Laprise (Chapleau).

[49]Minutes of Proceedings and Evidence, Vol. 20, Nov. 30-Dec. 3, 1966, p. 663.

[50]Ibid., Vol. 20, Nov. 30-Dec. 3, 1966, pp. 661-895.

1. To end practice of forcing lessees to surrender leases;

2. Leases should be of a standard 42-year period renewable in perpetuity;

3. Compensation to be paid upon termination of leases;

4. Lease transfers should be concluded by local parks officials;

5. Opportunity for greater resident input on townsite matters;

6. Devise a zoning system which would allow for some form of local self-government for Jasper, Banff and Waterton Lakes; and

7. Taxes and land rents should be on par with similar charges in comparable Alberta communities.[51]

In January 1967, the Committee reconvened back in Ottawa to hear further testimony from the Deputy Minister and also G.H. Steer, Q.C., acting as legal counsel for the Chambers of Commerce and Residents' Associations of Jasper, Banff and Waterton Lakes. On March 21, 1966, the Committee submitted its recommendations to Parliament. Among its more general recommendations were the following: a greater degree of administrative decentralization; increased and more effective consultation between lessees and federal officials by strengthening the roles of the Advisory Councils and Townsite Managers; and the creation of local boards of arbitration representing residents and the Department to determine compensation due to holders of residential leases when terminated by the Minister. Regarding commercial leases, the Committee endorsed the Minister's policy by stating that:

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[51]Ibid., pp. 812-821.

A) The government continue to substitute new form leases. . . [providing for a fixed term and reversion of assets to the Crown] for old form leases which do not provide for reversion of assets on termination.

B) In respect of the question of compensation at the end of commercial lease terms, ... the period of recovery of investment, which in most cases is 42 years or longer, is sufficient... without compensation.[52]

Two other major recommendations advanced by the Committee were a call for a test court case to determine the validity of perpetual leases, and the creation of a National Parks Leasehold Corporation to administer the leasehold system in parks.

The lessees had expected more support for their position than the Committee provided. Dissappointed lessees felt that, rather than resolve the contentious issues as they had hoped, the Committee's recommendations produced another series of confrontations between lessees and the Minister, which in their view could have been avoided if at least some of the Liberal members had not followed party discipline which constrained them to endorse Mr. Laing's policy. Conservative M.P.'s on the Committee were so strongly opposed to the final recommendations that they publicly disassociated themselves from the Report to Parliament. Had the rules of the House of Commons permitted it, they would have issued a minority report. Instead, they publicized their disagreement by attacks, both inside and outside of the Commons, on the report.[53]

For their part, lessees continued their battle against Mr. Laing's leasehold policy. At approximately the same time that the Standing Com-

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[52]Ibid., Vo. 25, pp. 1030-31.

[53]Debates, June 9, 1967, Vol. 2, p. 1351.

mittee submitted its Report, a petition was circulated in Banff as a protest gesture towards Mr. Laing's persistence in implementing his proposals. Copies of the petition signed by 324 residents and entrepreneurs from Banff were set to the Minister and several Alberta M.P.'s. In turn, two Alberta M.P.s, Mr. Woolliams (P.C. - Bow River), and Mr. Kindt (P.C. - Macleod) brought the petition to the attention of other M.P.'s in the House of Commons as they attempted to elicit the Minister's reaction to the petition.[54] Here again it becomes evident that lessees retained close contact with M.P.'s representing the parks or at least constituencies near the parks, and used them as intermediaries in lobbying the Minister. Although it is difficult to judge, one wonders to what extent such tactics were counterproductive given both the ultimate dependence of lessees upon ministerial goodwill, and Mr. Laing's stated disapproval of the cozy relationship between local representatives and some opposition M.P.s. Though not necessarily counterproductive, they were hardly conducive to cordial relations between local representatives and Ottawa.

Lessees were becoming concerned about the tactics that federal officials were allegedly using to pressure them to accept fixed term leases in place of long-term perpetual leases. There were rumours that federal officials withheld consent to expansions, renovations or mortgage registration if lessees were not prepared to accept the new lease forms. Residents and the local M.P.'s were also extremely concerned that if lessees refused the Department's lease offers the Minister had the power to expropriate the property. Lessees had witnessed one such case in the Banff area in 1965 when the leaseholder refused to accept the Department's offer for his property which was to become part of the Trans Canada Highway. That entire piece of property was expropriated as soon as the lessee

[54]Ibid., May 11, 1967, Vol. 1, p. 67.

had initiated legal action in the Exchequer Court. Mr. Woolliams (P.C. - Bow River) discussed that case at length while criticizing Mr. Laing and his officials in the House of Commons. He along with some residents referred to such tactics as "legal blackmail".[55]

By 1967 the general consensus among park residents was that since the perpetual lease question could not be resolved by political means they had to resort to legal means. Four weeks after the Standing Committee had made the suggestion, Mr. G.H. Steer, Q.C., wrote the Minister on behalf of his clients to indicate that they were prepared to proceed with a test case. Mr. Laing did not indicate whether he favoured such a course of action, though it can be safely assumed that he did not, and replied that he had been advised by the Deputy Attorney General that his lease substitution program was not illegal.[56] That reply convinced residents that their only recourse was to challenge the Minister in the Courts. Consequently, on November 20, 1967 a Joint Petition of Right was filed on behalf of two lessees from Jasper who had been refused a renewal of their original leases containing the perpetuity clause. The court case (W.A. Walker and M.E. Clark & Son Ltd. vs. Regina) was heard in the Exchequer Court in Edmonton exactly a year later, November 19-20, 1968. Since the court case was viewed as a representative case for all lessees in Jasper, Banff, and Waterton Lakes, the legal fees were shared by the various representative and/or governing bodies in the parks, namely

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[55]Ibid., January 31, 1967, Vol. 12, pp. 12506-10508; and May 15, 1967, Vol. 1, pp. 218-221; also Nov. 21, 1967, Vol. 4, pp. 4546-49; see also Mr. J.A. Clarke, President of Jasper Residents' Association, address to the Standing Committee on N.A. & N.R., recorded in Minutes and Evidence of Proceedings, May 26, 1966, Vol. 6, p. 182.

[56]Lothian, op. cit., Vol. 2, p. 73.

the Chambers of Commerce and the School Boards. Apparently, the Alberta Government also contributed some money to the cause, because it wanted to ensure that the federal government could not gradually phase-out leaseholds in the parks; an occurrence that Alberta feared would have had a detrimental effect on its tourist industry.[57]

A month later the Court ruled in favour of the lessees, stating that they were entitled to their perpetual leases in their original form. Lessees viewed the decision as a major victory. Senior officials within the Department, however, were not satisfied with the decision and they convinced the new Minister of Indian Affairs and Northern Development, Jean Chretien who had replaced Mr. Laing after the 1968 election, to appeal it to the Supreme Court. The case was appealed and in its decision given on March 20, 1970, the Supreme Court upheld the lower court ruling with three judges dissenting.[58] At that point the two options open to the Minister were either to comply with the Court decision or else introduce legislation that would have effectively eliminated perpetual leases. Mr. Chretien decided on the former and lessees were granted their original leases in tact as stipulated by Order in Council.[59] Lessees viewed that decision as a major victory. However there were still other battles to contest.

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[57]Mr. M.E. Clark, Interview, July 16, 1981.

[58]Canada Law Reports, 1969, pp. 419-440; Supreme Court Reports, 1970, "Regina vs. W.A. Walker and M.E. Clark & Son Ltd.", Vol. 1, pp. 649-679.

[59]Canada Gazette, Part 2, P.C. 1973-1052, S.O. 73-239, May 9, 1973, pp. 1085-86.

While the court case was being fought another political confrontation arose over the proposed National Park Leasehold Corporation. The corporation had been conceived in 1965 as a means to transfer the leasehold problems out of the Department to a Crown corporation, thereby insulating the Minister and his officials from the barrage of complaints and criticisms from lessees. Cabinet approval to introduce the necessary legislation was given during that year, but Mr. Laing withheld a public announcement until the Standing Committee hearings in 1967 when he indicated that the proposed corporation would "take the whole subject of leasehold administration outside the political arena".[60] Although the necessary legislation to form the corporation was placed on the Order Paper in May 1967, it did not receive first reading until the 1969-70 Parliamentary session.

On second reading Bill C-152 was strongly criticized by a dozen M.P.s mainly from Alberta who reflected in their comments the strong opposition of park residents to the proposed corporation. Even Mr. A. Sulatycky, a government M.P. representing the riding of Rocky Mountain which encompassed Jasper, Banff and Waterton Lakes, deviated from party line and condemned the Bill in Parliament after he had unsuccessfully tried to convince the Minister privately and in caucus to withdraw it from the legislative program.[61] He concurred with other M.P.'s who maintained that such a corporation would further aggravate the problems faced

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[60] Minutes of Proceedings and Evidence, March 14, 1967, Vol. 25, p. 1036.

[61] Mr. A. Sulatycky, Telephone Interview, July 10, 1981.

by residents and threaten their leasehold rights.[62] Mr. Sulatycky realized that if he did not speak against the Bill it would have significantly reduced his chances for re-election in that constituency. Before taking a public stand on the issue,Mr. Sulatcky had contacted local representatives in the parks to ask for their views on Bill C-152 and to advise them to send a delegation to Ottawa to lobby as many M.P.'s as possible both on that matter and on the pending land rental increases of 1970.[63] Similar advice was given by another government M.P. from Alberta, Hugh Harries (Lib. - Edmonton-Strathcona), to local representatives in Jasper during a meeting with them in April, 1969, where he stated that they "should go to Ottawa to present their case at every possible opportunity".[64]

Acting on that advice, the Jasper School Board appointed one of its trustees to travel to Ottawa for that purpose. The main objective of the lobby was to familiarize as many M.P.'s as possible on the lessees' position on Bill C-152, land rentals, and the leasehold policy in general. During his stay in Ottawa the delegate met with forty-two government M.P.s and seven opposition M.P.s.[65] The rationale for the strategy was

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[62] Debates, February 10, 1970, Vol. 4, pp. 3431-32.

[63] Jasper School Board, "Minutes of Regular Meeting", Nov. 18, 1969, and January 21, 1970.

[64] Dr. Hugh Harries, M.P. (Lib. - Edmonton-Strathcona), quoted in Edmonton Journal on April 10, 1969, cited in Debates, by Walter Dinsdale (P.C. - Brandon-Souris), May 5, 1969, Vol. 8, p. 8349.

[65] Mr. Ron Steers, Jasper Townsite Committee Chairman, Telephone Interview, July 10, 1981.

that opposition M.P.'s were generally supportive of the lessees demands and they did not need to be lobbied, the time was better spent encouraging government M.P.'s to pressure the Minister in caucus to comply with lessees' demands. Apparently, the lobby was especially useful in sensitizing a large number of new M.P.s, who were not familiar with leasehold matters, to the lessees' views and the problems they had with the Minister and his officials. Apparently, the Minister was not very familiar with the leasehold situation, which to some extent may explain why he was not in the House to defend Bill C-152. Instead, as was becoming the practice within the Trudeau government with bills that were narrow in scope, Bill C-152 was piloted through Parliament by Mr. Russell Honey, Parliamentary Secretary to the Minister, who had more time to study the legislation than Mr. Chretien.

The Bill was approved for second reading and referred to the Standing Committee of Indian Affairs and Northern Development, but it was neither discussed by Committee nor introduced for third reading before that parliamentary session ended. Therefore, Bill C-152 was intentionally "killed". The reasons why the Bill was abandoned by the Government were never stated publicly. According to Mr. Sulatycky however, it was a combination of two factors; first, Mr. Chretien sensed the strong resistance to the Bill and wished to avoid a major controversy during his early months in office; and secondly, Mr. J.A. MacDonald was replaced as Deputy Minister. Mr. Sulatycky maintains that the Leasehold Corporation had been Mr. MacDonald's "brainchild" from the very beginning when he was appointed by Mr. Laing, and it was he who had pressed both for that particular piece of legislation and other changes in leasehold policy which residents had strongly opposed. Mr. Sulatycky concluded that when Mr. Macdonald was replaced five days prior to the second reading debate on Bill C-152, the

administrative pressure was significantly reduced and Mr. Chretien was freer to respond to the mounting political pressure calling either for withdrawal or "killing" of the Bill.[66]

For his part, Mr. Sulatycky first intended to vote against the bill, but the Minister pressured him either to vote with the government or to abstain. He agreed to do the latter on condition that the Minister defer the rental increases of 1970 until the proposed Rental Review Board concluded its hearings in the parks. Apparently, another part of the bargain was that Bill C-152 would be "killed" after second reading. The evidence indicates that Mr. Chretien kept both parts of the bargain. A deferral in rentals was announced on February 20th, during the second reading debate, and Bill C-152 was not proceeded with beyond second reading.

With Bill C-152 eliminated from the Government's legislative program, and the effective termination of the lease substitution program as a result of the Supreme Court decision, two of the major irritants in the relations between lessees and federal officials during that decade were resolved. Throughout the 1960's relations between lessees and federal officials had been tense. During the early part of the decade local representative groups initially attempted to employ primarily an accomodative or consensus seeking approach in their negotiations with the Minister. However, when they perceived the Minister as being intransigent on various leasehold matters they quickly resorted to confrontationist tactics.

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[66]Mr. Allen Sulatycky, interview, op. cit.

At first, local representatives, in consort with their M.P.'s, publicly criticized the Minister, and in an effort to embarass and discredit him they levied charges of patronage and incompetence against him. At the same time, to supplement the efforts of existing local groups against the Minister, special Residents' Associations were formed in the townsites to hold large public protest meetings that attracted media attention. There is also evidence that petitions protesting the Minister's leasehold policy were also circulated and copies, at least in the well publicized case of Banff, were sent to some Alberta M.P.s and the Minister. Then, local representatives with the support of their local M.P.'s, also attempted to use the Standing Committee on Northern Affairs and National Resources as a "fulcrum" against the Minister. When that effort failed, however, local representatives decided to abandon the political route and, as a last resort, challenge the Minister in the courts where they eventually won.

The events of that decade also reveal that the target of lessees' influence attempts was the Minister responsible for parks. The legislature was used as an appeal mechanism, while certain of its members both from the House and the Senate acted as intermediaries or, more accurately, as lobbyists for lessees against the Minister. The evidence indicates that as Minister, Mr. Laing strongly resented those tactics as he warned local representatives that they were to deal directly and confidentially with him. Apparently some of the bureaucrats within the Parks Branch were also disgruntled because they preferred that lessees deal directly with them at all times rather than going over their heads to the Minister and to Parliament. Accomodative agency – clientele relations did not develop however, because of the mutual distrust between local representatives and senior federal bureaucrats.

The situation described above changed very little until approximately 1974 when lessees and the Minister and his officials opted for an accommodative or consensus seeking approach in their relations. In the interim, however, confrontation prevailed as Mr. Chretien and local representatives again collided on the question of the 1970 decennial rent review which, in turn, again opened the debate for local self-government. These two issues are examined in the following chapter.

CHAPTER 5

INITIATIVES AND INTERATION 1968-1973: THE CONFRONTATIONIST QUINQUENNIUM

Chronologically this chapter overlaps with the previous one but the focus is on another important episode of the land leasing debate, namely, the initiatives and interactions of local representatives and federal officials on the question of land rents at the time of the decennial rental review, and also the resulting renewed committment by local groups to the local self-government option. The underlying objective remains to determine both whether local representatives from Jasper and Banff concentrated their influence attempts primarily on the Minister responsible for parks, rather than other members of Cabinet, the bureaucracy or the legislature, and whether their lobbying activity has been primarily access or media oriented and accommodative or confrontationist in nature.

When the Hon. Jean Chretien was appointed Minister of Indian Affairs and Northern Development after the Liberal election victory in 1968, park residents and entrepreneurs hoped that he would have been more receptive to their requests and recommendations than his predecessor, the Hon. Arthur Laing. However, during most of his six year term as Minister, relations with park residents continued to be strained as they negotiated both the 1970 decennial rent review and local self-government for the Jasper and Banff townsites.

Three months after he was appointed Minister, Mr. Chretien had the opportunity to present his perception of the national park system and leasehold policy at the first National Parks Today and Tomorrow Conference held in Calgary in October, 1968. In his opening address, Mr. Chretien avoided contentious leasehold issue and instead discussed the expansion of

the national park system.[1] The Western Region Director on the other hand addressed the question of leases and rents. In his words:

> the most important element of our new policy. . . is the discontinuation of issuing renewable type leases. . . .
>
> In 1970, a land rental review will be carried out to adjust rental fees which, up to now, have been nominal. This is necessary to meet present day economic conditions. Therefore, the annual land rent effective in 1970 will be based on current land values as determined by appraisal. I should emphasize that this is a land rental levy and not a municipal tax levy. Nominal land rentals may have been easy to justify in the formative days of the parks; under today's economic conditions, this is certainly not the case.[2]

The Banff Advisory Council used the Conference as an educational forum to familiarize or sensitize the new Minister and other delegates with the lessees' concerns and demands. In his brief the Council President reiterated the residents' demands both for standardized leases containing long leasing periods, equitable land rents, and increased resident input into townsite affairs. Equally significant was the President's reminder to all those present that a major concern among residents and their representatives was the attitude of parks officials towards the townsites and the residents and concluded that "the friction between the two. . . is a severe handicap. . . although we talk and correspond . . . we have ceased to communicate".[3]

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[1] Jean Chretien, "Our Evolving National Park System", in The Canadian National Parks: Today and Tomorrow, (1968), eds., J.G. Nelson and R.C. Scace, Vol. 1, pp. 7-15.

[2] Mckim, op. cit., pp. 764-65.

[3] G.A. Leroy, "A Paper Submitted by Banff Advisory Council", in The Canadian National Parks: Today and Tomorrow, (1968), eds., J.G. Nelson and R.C. Scace, Vol. 2, pp. 799-805.

Over the subsequent several months relations between the Minister and park residents became increasingly tense. A major cause of that tension was Mr. Chretien's decisions based on advice from his senior officials, both to appeal the decision of the Exchequer Court on perpetual leases to the Supreme Court, and to endorse the national park and leasehold policy of the Laing administration rather than to initiate a policy review. The endorsement of earlier policies led to the reprinting of the 1964 National Park Policy statement almost verbatim in 1969.

At a meeting held in Jasper on May 13, 1969, attended by nearly six hundred residents, Mr. Chretien was severely criticized for perpetuating the leasehold and land rental policies initiated by his predecessor, particularly the "six-percent" rent formula.[4] The Minister apparently became impatient with his audience and in a moment of exceptional candor retorted that nobody was forced to live in the parks, "there is a road going east and a road going west, if you residents don't like it move"![5] That reply shocked and enraged Jasperites to the point where some businessmen threatened to close their shops for the summer as a protest measure to impress on the Minister and his officials the importance of the services which they provided. The day after the public meeting, members of the Jasper Chamber of Commerce admonished the Minister for that statement during a private meeting with him at the Jasper Park Lodge.

Their written brief to the Minister outlined what the Chamber con-

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[4]Jean Chretien, M.P., Minister of Indian Affairs and Northern Development, "Minister's Notes Jasper National Park", May 13, 1969.

[5]Reiterated by Mr. Joe Clark, M.P. (P.C. - Rocky Mountain), in Debates, June 26, 1973, Vol. 5, p. 5072.

sidered to be the arbitrary approach utilized by the Minister and his officials in administering the townsites and the leasehold system. Excerpts from that brief, entitled "Distrust and Frustration", reflect the tense relations between lessees and Ottawa:

> It is unfortunate that, especially in recent years, many of the negotiations are conducted in an atmosphere of distrust and often lead to frustrating situations. . . [and that] the Department intends to implement its policies with almost total disregard . . .for the wishes of the people who reside and operate business in them.... [Furthermore,] the lines of communication to the policy making and executive level are so long and involved that people must often wait months for decisions.[6]

Later, back in the House of Commons, opposition M.P.s sought to embarass the Minister by asking whether the statements attributed to him were true. The Minister did not deny that relations with lessees were very tense, instead he repeatedly asserted that in administering the parks he would always put "the interests of all Canadians before the interests of a few businessmen in the parks".[7] Such statements further aggravated relations between lessees and the Minister because the former resented the perennial innuendo that park residents were a collectivity of businessmen who enjoyed an extremely advantageous business environment of low taxes and high profits at the expense of the federal government and tourists.

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[6]Jasper Chamber of Commerce, "Brief to the Hon. Jean Chretien", May 14, 1969, pp. 2-5.

[7]Debates, May 16, 1969, Vol. 8, pp. 8781-82; also May 20, 1969, Vol. 8, p. 8830.

Residents, through their local representatives, were continually trying to dispell what they considered to be myths advanced by the Minister and his officials that so-called local interests were essentially the business interests of local merchants. The fact that almost all executive positions in the local representative and/or governing groups were occupied by local merchants contributed to the impression by federal officials that local representatives were speaking and acting primarily in defence of their business interests. Local representatives were cognizant of this shortcoming in their lobbying efforts and, as previously mentioned, in order to remedy the problem Residents' Associations were formed in Jasper and Banff to speak on behalf of all lessees. Ironically however, the executive members on those associations were also predominantly businessmen, thereby further reinforcing the perceptions of federal officials.

As shall be discussed in a subsequent chapter, after the mid-sixties federal officials purposefully acknowledged the fact that there was indeed both a business and non-business sector in the townsites, and during negotiations they relied more extensively on the strategy of dealing with commercial and residential leases separately, rather than as a package. By doing so, they had the flexibility of charging economic rents for the former and nominal rents for the latter. Apparently, federal officials felt that such a distinction made it possible to attain a good return to the Crown for its land from commercial leaseholders whose rents could be either a percentage of appraised land value or of revenues, which was considered easier to justify than substantial increases to residential leases which could have adversely affected pensioners and low wage earners. Moreover, with regards to commercial leases, the aforementioned "percentage formulas" were considered preferable to a flat charge from a federal point

of view, because to a large extent they were self-adjusting from year to year and they provided for greater equity between successful and less successful businesses.

By 1969 lessees became increasingly apprehensive about the determination of Mr. Chretien and his officials to implement large rent increases on all leases in 1970. Local representatives were aware that valuations on lots were made and that rents were to be set at 6% of appraised land value, but they had still not been notified of their assessments. When the Minister had visited the parks, lessees had encouraged him to retain nominal land rents and low service taxes. Allan Sulatycky, M.P. (Lib. - Rocky Mountain) reiterated the position of his constituents living in park townsites when he stated in the House of Commons that residents could only be expected to bear a portion of costs incurred in operating the townsites because the millions of tourists visiting the parks and the federal government also use the facilities and services. He also argued that since some residents had paid high prices for the right to lease lots they could not be expected to pay exorbitant annual land rentals in addition to school and service taxes.[8]

When notices of the rent increases were received in December, 1969, lessees were astonished by the magnitude of the proposed rents. Local representatives reacted immediately. In Jasper they endorsed the idea that a petition be sent to Mr. Chretien.[9] Their protestations, however, were somewhat tempered by the Minister's announcement that lessees would be able to appeal their assessments to the proposed Rental Review Board. In the new year, lessees were given further respite by the Minister's announcement

[8] Debates, June 12, 1969, Vol. 9, pp. 1061-1064.

[9] Jasper School Board, Minutes of Public Meeting, December 18, 1969.

that rental payments would be deferred until April, 1971. Apparently the deferral was granted in order to give the Rental Review Board time to conduct hearings, and as previously mentioned, partly as a concession to Mr. Sulatycky by the Minister for not voting against Bill C-152.

The Rental Review Board, comprised of an independent chairman, a federal official and a lessees' representative for each townsite, held hearings in Jasper and Banff during the winter of 1970. In the course of the hearings the Board considered over five hundred appeals, and in its final report it noted that in most cases lot valuations should have been nearly fifty percent lower than the professional appraisers had recommended. The discrepancies arose because, while the appraisers based their calculations on optimal land use according to the townsite zoning plan, the Board considered the actual use of the land.[10] Consequently, the Minister decided to have the Board reconvene to produce a revised set of appraisals based on the optimal use of the land. To give the Rental Review Board time to revise its appraisals and for his Parliamentary Secretary, Judd Buchanan, time to conduct an extensive review of leasehold and townsite matters, Mr. Chretien announced a second rent deferral.

In conducting his review, Mr. Buchanan travelled to the parks where he told residents of his task and that he wished to hear their views and recommendations on the various matters of concern to them.[11] In response, he received a flurry of complaints about the proposed land rental rates and the need for a larger input by townsite residents into decisions affecting them. All lessees indicated, as they had to Mr. Chretien, that their pre-

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[10]Lothian, op. cit., pp. 78-79.

[11]Tape Recording of Public Meeting in Jasper, May 11, 1971, on file in Jasper School District Office.

ference was for nominal land rentals and service taxes equal with comparable towns in Alberta.[12] The meetings proved useful because they allowed residents to vent their grievances to an official from Ottawa close to the Minister. At the same time they also alerted Mr. Buchanan, who would eventually succeed Mr. Chretien as Minister in 1974, to the lessees' objections regarding the leasehold system and the solutions they sought.

Initially, such attempts at consultation by the Minister and his Parliamentary Secretaries were generally viewed by local representatives as token attempts by Ottawa to diffuse local protests rather than as substantive steps to improved consultation.[13] For a time it appeared that longstanding suspicions of Ottawa by lessees would continue to impede cordial relations and progress in negotiations despite efforts by the Minister to initiate what in retrospect must be viewed as an effort by Ottawa to utilize an accomodative approach in resolving the problems and disputes. In fact, Mr. Chretien purposefully used his Parliamentary Secretaries rather than officials in the Parks Branch to conduct discussions and negotiations with lessees because he felt that the former would not be constrained by loyalty to existing Branch policies and programs in their appraisal of leasehold and townsite matters.[14] At the same time it was speculated that lessees would also be less likely to criticize the Parliamentary Secretaries than Branch officials for existing problems therefore

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[12]see G.P. Stevens, Co-ordinator of Townsite Options Review Committee in Banff, "Presentation-Public Meeting April 17, 1975", p. 6.

[13]"Brief Presented by the Banff Advisory Council", to the Standing Committee on Indian Affairs and Northern Development, Minutes of Proceedings and Evidence, August 23, 1973, Vol. 25, p. 23.

[14]Mr. Allen Sulatycky, Telephone Interview, July 10, 1981.

more frank and cordial discussions would result. That strategy was obviously successful because on several occasions local representatives remarked that they had indeed been pleased with the consultative process involving Messrs. Honey, Buchanan, and Sulatycky.[15]

During this period Mr. Chretien also decided to supplement the work of the Parliamentary Secretaries and Rental Review Board by authorizing an independent professional study designed both to assess leasehold policy and the management, administration and economics of both the leasehold system and the park townsites. In retrospect it seems that Mr. Chretien's rationale for authorizing the study was primarily to appease park residents who generally preferred independent studies to ones produced within the Branch, and secondarily to obtain an independent assessment of those matters for himself and for officials in the Parks Branch. When the consultants travelled to the parks, lessees and local representatives were given another opportunity to express their views. The consultants submitted their final report in 1973 and edited copies, from which confidential points were deleted by Parks officials, were made available to the local representative bodies. Apparently neither Ottawa nor local representatives devoted much attention to that report containing a proposed "Leasehold Policy Manual" because by 1973 the matter was, at least temporarily, resolved.[16]

By this time in 1973 the Minister, acting on the advice of his Parliamentary Secretaries, had decided that assessments for properties

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[15]"Brief Presented by the Banff Advisory Council", op. cit., p. 23.

[16]Lothian, op. cit., p. 80.

would be adjusted according to the recommendations of the Rental Review Board to reflect the actual rather than the optimal use of the land. Yet, many lessees still considered the rents to be exorbitant. Once again, having exhausted the political avenues, those who were still unwilling to pay the increased rents challenged the Minister in the Exchequer Court. Approximately 125 lessees decided that they wanted to exercise their option to have a court decision on the rents. However, in order to reduce both the work for the Court and the legal costs for lessees, it was decided to select four representatives from Banff for adjudication. Whereas Jasperites had fought the legal battle on perpetual leases Banffittes would now fight the case for reduced rents. In a surprising decision handed down five years later, the Federal Court (previously Exchequer Court) ruled that each of the lessees involved would have to pay rents three to four times higher than they had been originally assessed by the Minister retroactive to 1973.[17] Thus, as was the case with perpetual leases in the previous decade, the rent dispute of the early 1970's had to be settled in the courts because of the inability by the Minister and local representatives to negotiate a mutually satisfactory solution.

As early as 1968, the prospect of having to pay higher land rents together with the uncertainty caused by Bill C-152 and the court case on perpetual leases, resulted in a renewed interest on the question of local self-government among park residents. The vulnerability of their position and the perennial confrontations with federal officials, led to a second look at self-government as a possible solution. Local representatives had approached government and opposition M.L.A.'s from Alberta to assist them

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[17]Canada, Federal Court of Canada, "Cascade Inn, et al., v. Regina", date of decision March 1, 1978, (not reported in Canada Law Reports).

in achieving that goal. The Progressive Conservatives sponsored a resolution that was backed by Liberals and also the ruling Social Credit party, calling on the provincial government to aid park residents. The provincial government agreed to negotiate an agreement with Ottawa to transfer the townsites and the transportation corridors within the parks to the province. Subsequently, Alberta would incorporate the townsites and sell lots to the residents. The Minister of Municipal Affairs, however, indicated that residents themselves had to decide on exactly what they wanted. In his words the two options open to residents were to become an Alberta municipality and assume the related responsibilities and cots, or to continue as wards of the federal government "and pay the price in terms of the loss of autonomy that this kind of paternalism involves".[18] Some provincial M.L.A.s were not totally sympathetic to lessees because they felt that they enjoyed property taxes that were approximately sixty percent lower than comparable Alberta towns. One M.L.A. for example was quoted as saying that park residents had to realize that they could not "have their cake and eat it too.".[19]

In June 1969, one month after Mr. Chretien had initially visited the parks, the Assistant Deputy Minister, J.H. Gordon, travelled to Jasper to meet with local representatives to discuss, among other things, ways to provide residents with a greater voice in townsite affairs. At one meeting members of the School Board and the Chamber of Commerce proposed that oper-

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[18] E.J. Romaine, "Park Townsites May Get Full Municipal Status: Alberta Suggests Step to End Dispute Between Residents of National Parks and Federal Government Over Controls", in Financial Post, April 13, 1968, p. 27.

[19] Ibid.

ation and maintainance of townsite facilities and services be turned over to a locally elected council. Mr. Gordon rejected that proposal arguing that under the National Parks Act responsibility for such operations could not be delegated from the Department to a municipal council. He then suggested that instead Jasperites could form a local advisory council like the one operating in Banff, to act as a liaison between residents and Ottawa. The local representatives rejected that suggestion because in their view such councils were neither given sufficient authority nor serious attention by federal officials.[20] The only significant agreement reached at that meeting was to jointly sponsor a study to determine whether a fixed forty-two year term was a viable time frame for business to make an acceptable rate of return on the investment. The consultants who conducted the study concluded: that given sound management, a satisfactory profit could be made from a forty-two year terminable lease.[21]

The initial major thrust for local self-government in Jasper and Banff occurred immediately after residents received their rental notices six months later, in December 1969. That month two major public meetings were held In Jasper, under the auspices of the School Board, to discuss what course of action was to be taken in opposing the rental increases and Bill C-152. It was at those meetings that a motion was approved directing the School Board to initiate steps to obtain local self-government for Jasper. In support of that goal, the School Board was to enlist the support of Premier Strom of Alberta, requesting direction and assistance from

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[20]Lothian, op. cit., p. 48.

[21]Acres Western Limited, Jasper Business Viability Study (1971), p. 43.

his government on municipal incorporation of the townsite.[22] In January, local representatives of Jasper and Banff were communicating on how they could act jointly to oppose the proposed land rentals and to obtain local self-government. Even the Edmonton Chamber of Commerce, which had some members with business interests or cottages in the parks, took an active interest in leasehold matters and invited members to the Jasper School Board and the Chamber of Commerce to discuss the land leasing and rental system.[23] The Calgary Chamber of Commerce held similar interests in Banff, and it had established a committee to keep abreast of park matters.

Eventually, on January 16, 1970, a large public meeting was held in Banff to discuss land rents and autonomy. In attendance at that meeting was Allen Sulatycky M.P. (Lib. - Rocky Mountain) and a delegation of members from the Jasper School Board and the Jasper Chamber of Commerce. At that meeting it was decided to hold a referendum in Banff to determine whether the Banff residents were in favour of some form of local self-government. Three days later the School Board and the Advisory Council organized a referendum in which nearly 90% of all those who voted indicated that they were dissatisfied with the existing system and wanted to move toward local self-government. Similar sentiments were also expressed by Jasper residents at a public meeting on the evening of January 17 which was attended by representatives from Banff and Mr. Sulatycky.[24] The foundations for local autonomy in the two townsites had been laid.

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[22]Jasper School Board, Minutes of Public Meeting, December 18, 1968.

[23]Jasper School Board, Minutes of Meetings, Jan. 12 and 21, Feb. 20, and March 9, 1970.

[24]Ibid., January 21, 1970.

The day after the referendum was held, Marcel Lambert, M.P. (P.C.-Edmonton West) reminded the House of Commons that park residents had indicated their displeasure with the Department. Under Standing Order 43, which requires unanimous consent of the House, he moved that the matter be referred to the appropriate Standing Committee for consideration.[25] The Liberal majority in the House, however, rejected the motion. Matters raised under Standing Order 43 are supposed to be of an urgent and pressing nature, and theoretically M.P.s are to invoke it when they feel that some matter requires immediate attention.[26] In practice, however, opposition M.P.s realize that, particularly during majority government situations, such motions are seldom approved. Nevertheless, they still make them to publicize matters of concern to their constituents or special interest groups, in order to embarass the government and gain support for themselves and their party. Undoubtedly, Mr. Lambert was well aware that the motion would probably not be approved but still realized its political value for his party both in the House and back in the Rocky Mountain constituency.

Over the next two months in 1970 several M.P.s on both sides of the House encouraged the Minister to seriously consider granting local self-government to Jasper and Banff if and when residents formally requested it. Mr. Russel Honey, M.P., the Minister's Parliamentary secretary at the time, reassured parliamentarians that Mr. Chretien and his officials were aware of the residents' views on the leasehold system and local self-government, adding that they were already exploring how changes in those areas could

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[25] Debates, January 20, 1970, Vol. 3, p. 2577.

[26] see Jackson and Atkinson, op. cit., p. 93.

be achieved.[27]

Here it should be noted that although after 1968 some M.P.s continued to lobby the Minister and other M.P.s in the House of Commons on behalf of lessees, they were unable to do it with the same degree of regularity and as extensively as in previous decades. The reason for this is that in previous decades they could launch an annual attack on the Minister during the review of Departmental activities by the Committee of the Whole on Supply and Estimates. In 1968, however, that function was transferred to the appropriate Standing Committee, therefore M.P.s have been constrained to voice their opinions to members of the Standing Committee overseeing park matters or to ask questions in written or oral form during Question Period.[28] Furthermore, Parliamentary reforms have also limited the amount of time that opposition can debate various matters. Hence, opposition parties are probably reluctant to sacrifice much time in "opposition days" discussing leasehold matters which, on balance, are not of sufficient "political" consequence to warrant extensive parliamentary attention. The only exception to this, of course, is when legislation affecting national parks is introduced, then local M.P.s have a better opportunity to speak at length to the whole House on a point of concern. An examination of Hansard and the Minutes of the Standing Committee on Indian Affairs and Northern Development during the two time periods substantiate these points.

Back in Jasper and Banff local representatives from those two townsites began meeting more regularly to devise a joint strategy in petitioning

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[27]Ibid., March 4, 1970, Vol. 4, pp. 4395-96.

[28]For a discussion on the various reforms see Paul G. Thomas, "Parliament and the Purse Strings", in Parliament, Policy and Representation, eds., Harold D. Clarke, et al., (Toronto: Methuen Pub., 1980), pp. 160-181; and Idem, "The Influence of Standing Committees of Parliament on Government Legislation", in Legislative Studies Quarterly, 3:4, November 1978, pp. 683-704.

and lobbying federal and provincial government officials to grant them autonomy. The School Board Trustees from Jasper and Banff agreed that the preferred strategy was to approach provincial officials first in order to enlist their support before approaching the federal Minister and his officials. With that objective in mind, on January 20, 1970, a trustee of the Jasper School Board telephoned Premier Strom to set up a meeting with him and some of his officials to discuss ways in which the Alberta Government could assist them in negotiating for autonomy with Ottawa.[29] Mr. Strom gave his tentative approval and eventually a meeting was arranged for early February in Edmonton. In attendance at the meeting were trustees of the Jasper and Banff School Boards, and the Minister and Deputy Minister of Municipal Affairs for Alberta. The provincial officials consented to assist the local bodies in their cause. The following month, in order to give a greater sense of legitimacy to that assistance, a resolution was passed on March 31, 1970, by the Alberta Legislature authorizing the provincial government to assist Jasper and Banff in their quest for local self-government.[30]

Ten days before the provincial resolution was passed a trustee of the Jasper School Board met with J.C. Colborne, Alberta Minister of Municipal Affairs, to arrange a meeting in Edmonton with himself, his Deputy-Minister, the Premier, the federal Minister and Deputy Minister of Indian Affairs and Northern Development, and representatives of the Jasper and Banff School Boards, to discuss the question of local self-government. Mr.

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[29]Jasper School Board, Minutes of Special Board Meeting, January 21, 1970.

[30]"A Copy of A Resolution of the Legislative Assembly Province of Alberta", in Minutes of Proceedings and Evidence, August 1973, Vol. 25, p. 103.

Colborne was agreeable to that proposal and the following day a letter co-signed by the Jasper and Banff School Boards was sent to Mr. Chretien requesting that he attend such a meeting.[31] The meeting never materialized largely because Mr. Chretien and his officials were not prepared to grant the townsites local self-government because they feared that it could jeopardize their control of the parks.

Subsequently, trustees of the Jasper and Banff School Boards met in Jasper with the Alberta Minister and Deputy Minister of Municipal Affairs to discuss the process that had to be followed in achieving local self-government. During the meeting local representatives also finalized a joint petition that was sent to Mr. Chretien requesting local self-government. Reliance on petitions to communicate and win concessions from the Minister is indicative of the confrontationist atmosphere surrounding their relations. Local representatives, however, had not abandoned completely attempts at accomodation. For example, the trustees agreed that in order for the petition to have the greatest impact and to avoid its use by opposition M.P.s for strictly partisan political purposes, it was to be delivered first to the Minister by their local M.P., Mr. A. Sulatycky (Lib. - Rocky Mountains). This tactic suggests that the local representatives began to question the value of relying upon Alberta Conservative M.P.s to represent their interests before government. Apparently, there were incidents where local representatives wanted to avoid unnecessarily antagonizing the Minister, yet some opposition M.P.s disregarded their wishes because they wanted to score political points.[32]

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[31]Jasper School Board, Letter to Mr. Chretien dated March 21, 1970.

[32]Ron Steers, Chairman of the Jasper Townsite Committee, Interview, July 10, 1981.

The key proposals in the six page petition to Mr. Chretien were as follows:

> (1) That existing townsites together with an area to allow for some growth be defined and excised from the parks.
>
> (2) That a Board of Administrators consisting of representatives from the federal, provincial and local level be established to provide guidance for the first three years, at which time Municipal Councils would be elected; and
>
> (3) That an equitable scale of lot prices be developed whereby lessees could by purchase acquire freehold title to the land.[33]

When the Minister received the petition he was non-committal on the proposals, and indicated only that feasibility studies would have to be conducted and everyone concerned would have to be given time to consider the ramifications of autonomy for the townsites and the parks before a final decision could be made. Subsequently, each of his successive Parliamentary Secretaries Honey, Buchanan, and Sulatycky, visited the parks to listen to the residents' views on autonomy but there were not any formal negotiations on the matter. At the meetings, residents and their representatives outlined alternative proposals for resolving problems in the management and administration of the leasehold system. The meetings revealed to the Parliamentary Secretaries and to the residents themselves, that while most residents were clearly not satisfied with the existing system there was no consensus on alternatives. The Banff Advisory Council, for example, noted in its briefs that it opposed excisement and full autonomy as advocated by the Banff School Board. Instead, the Council favoured

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[33]Jasper and Banff School Boards, "Petition to the Hon. Jean Chretien, Minister of Indian Affairs and Northern Development", April, 1970.

having an elected town council and Parks Canada jointly administer the townsite.[34] Such disagreements among local groups on the form of self-government was one of the few issues that divided park residents in their dealingswith Ottawa. As shall be discussed below, such indecision by residents and their local representatives has undoubtedly constituted one of the most formidable obstacles to local self-government. The other major obstacle of course was Ottawa. The Alberta provincial government on the other hand has been very helpful.

Provincial government support for the park residents in their periodic pushes for local autonomy has been provided for at least two decades. The earlier support by the Social Credit government (1935-1971) continued, perhaps with even greater intensity, when the Conservatives under Peter Lougheed formed the government in 1971. Premier Lougheed, a property owner in Banff, was personally interested in leasehold and townsite matters in the parks. Shortly after his appointment as Conservative leader Mr. Lougheed began speaking publicly on the townsites and the need for "the voice of citizens in their own affairs".[35] His views were shared by Mr. Bob Dowling, M.L.A. (P.C. - Jasper-Edson), a resident-businessman in Jasper and former Chairman of the School Board, who had been very active for years in the lessees' disputes with Ottawa. The interest taken by Premier Lougheed and Mr. Dowling, who occupied several cabinet posts in the Alberta Government, including Minister of Tourism and Municipal Affairs, ensured access and strong support for the lessees' position within the Alberta government. The provincial government took the view that though the parks were

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[34]see G.P. Stevens, "Presentation to Public Meeting in Banff, April 17, 1975", p. 6.

[35]Peter Lougheed, "Speech to Calgary Downtown Rotary Club", May 17, 1966, p. 5.

federal territories, the townsites within them were provincial "protectorates" to which it provided educational, health, and recreational services.

This view was enunciated in a brief which the Progressive Conservative Party of Alberta submitted at the National Parks Master Plans Hearings in Edmonton on April 22, 1971. The brief, which to a large extent echoed the recommendations contained in the brief of the Jasper Chamber of Commerce presented at those hearings, called for the excision from the parks of the townsites and the transportation "corridors" leading to them, thus making them provincial territories.[36] Furthermore, regardless of whether excision was achieved, the townsites were to be allowed to opt for local self-government, and the Alberta Government was to be given greater say on the townsite matters.

> Our position...is that the federal government in concert with provincial authorities investigate the feasibility of autonomy, being granted to these people. Any decision to proceed toward this end would be based on the results of a plebiscite on autonomy involving townsite residents....[Furthermore] we subscribe to the view that [provinces] should play a vastly increasing role in controlling the terms and conditions for the development of parks within their borders. Alberta is responsible for providing certain basic services to the parks and should be accorded rights of consultation....[37]

Two months earlier, in February 1971, the Jasper and Banff School Boards had turned to provincial government, whom they considered a reliable ally, to provide them with the necessary financial and professional aid to

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[36]Jasper Chamber of Commerce, "Brief to the Public Hearings Committee on National Parks [Master Plans]", April 22, 1971, Brief No. 190, pp. 7-9, as presented by Mr. J. Pugh.

[37]Progressive Conservative Party of Alberta, "Submission To The National Parks [Master Plans] Hearings Held in Edmonton", April 22, 1971, Brief No. 188, pp. 6 &9.

achieve local self-government. The trustees convinced the Alberta Minister of Municipal Affairs that it was useful to conduct a feasibility study on the local self-government option, and that the costs for the study should be assumed by the province. In turn, the Deputy Minister of Municipal Affairs met with Mr. Chretien's Assistant Deputy Minister in February 1971, and they agreed to co-operate in preparing such a report but that the actual work had to be done by the Alberta Government.

A year later, the Alberta Department of Municipal Affairs tabled the Jasper-Banff Autonomy Report in the Legislature. Its authors, provincial officials within the Department of Municipal Affairs, concluded that the townsites in question were "financially and otherwise capable of operating as autonomous towns...without having any adverse effects on the parks".[38] The remainder of the Report outlined the procedure that was to be followed for incorporation of the townsites in Alberta. The first major step was the circulation of a petition within the townsites to collect at least fifty percent support for incorporation for eligible voters.

Over the next twelve months the local autonomy committees in Jasper and Banff mounted major campaigns to attain the required number of signatures on the petitions. However, the organizers found that the residents were divided on the question. Many were reluctant to sign the petitions for two major reasons. First, there existed uncertainty about the eventual costs of autonomy because there were no firm projections on taxation levels or a committment by the federal government to retain nominal land rents, or better still, to abolish them altogether. Secondly, there existed a strong

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[38]Alberta, Department of Municipal Affairs, Banff-Jasper Autonomy Report, p. 10. See also Alberta, Legislative Assembly, Alberta Hansard, April 17, 1972, Vol. 1, No. 24, pp. 3-4.

suspicion among some residents that if a municipal government were instituted, mismanagement of townsite affairs could result. Such residents felt that those who stood to benefit most from autonomy were businessmen because, it was argued, under municipal government businessmen would try to minimize their share of the tax burden and increase it for residential properties. In short, it was suspicion and fear of the unknown that discouraged many from endorsing autonomy.[39]

Controversy over autonomy was more pronounced in Jasper than Banff and led to the "Great Autonomy Debate". In Jasper, the major thrust for local self-government came from the Autonomy '73 Committee which was essentially a steering committee organized and funded by the Jasper School Board and the Jasper Chamber of Commerce. At the height of the controversy a small ad-hoc committee of residents, known as the Jasper Citizens' Group, was formed not so much to oppose autonomy itself, as to oppose the tactics being used by the Autonomy '73 Committee in pursuing that option. The Citizens'Group charged both that the Autonomy '73 Committee was moving too quickly towards incorporation without fully considering the costs, and that there were irregularities in the circulation of the petition. Thus the Citizens'Group maintained that a plebiscite rather than a petition should have been used to gage the degree support for autonomy. For their part members of the Autonomy '73 Committee retorted with the slogan "petition now plebiscite later".[40] The fifty percent signature requirement,

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[39]Jasper Autonomy '73 Committee, Minutes of Meeting, July 24, 1972.

[40]Don P. McLeod, "The Great Autonomy Debate-Jasper 1973", pp. 1-18.

as set by provincial laws for such petitions, was eventually attained and copies were sent both to Mr. Chretien and the Alberta Minister of Municipal Affairs. Yet, though the required number of signatures were collected the School Board and the Chamber of Commerce decided to abandon the push for autonomy at that time because when the Minister announced the new rental rates in April, 1973 many residents considered them equitable and their enthusiasm for autonomy subsided.

Meanwhile in Banff, in April 1973, the same month that the rental rates were to become effective, the Banff Advisory Council, which had opposed complete autonomy from the beginning, met with the Assistant Director of National Parks and senior officers of the Western Region to consider ways by which the Council could be given a greater degree of authority on decisions affecting townsite services, facilities, regulations and planning. At that time, the Council also advised the federal officials that it still favoured a taxing formula which contained nominal land rents supplemented by equitable taxes to cover a fair portion of municipal services and facilities.

The meeting was an indication that, after a long hostile period, relations between lessees and federal officials were improving. However, local representatives still wanted explicit confirmations from the Minister himself on points being negotiated. Therefore, two months later the Banff Advisory Council met with the Minister to receive assurances that the Department was indeed considering ways of granting more authority to the Council, which could go so far as some degree of local self-government for the residents. He also mentioned that his Department was prepared to assist with any studies which Council wished to conduct in local self-government options. However, according to the Departmental guidelines approved by Mr. Chretien a month earlier, all local self-government proposals were to

be consonant with the National Parks Act and could not include the excisement of the townsites from the parks.[41] Up to that time federal and provincial officials had seriously considered the possibility of excising the townsites and some surrounding lands from Jasper and Banff National Parks and,in exchange,the federal government would annex some Alberta provincial lands to Wood Buffalo National Park.[42]

In the summer of 1973 the leasehold system and the local self-government option were given further attention by the Standing Committee on Indian Affairs and Northern Development when with Parliament's authorization, it travelled to Jasper and Banff to hold public hearings. Local representatives, through their M.P.s, had been calling for the Committee to review such matters since 1969 when relations with the Department had been extremely tense. In fact, as previously mentioned, in 1970 two opposition M.P.'s had put a motion to the House to that effect but it was rejected by the Liberal majority.[43]

In 1973, however, the Liberals constituted a minority government therefore they were, by necessity, more responsive to such demands. The composition of the Standing Committee itself, in which opposition M.P.s outnumbered government M.P.s eleven to eight, was also a factor both in the decision of the Committee to travel to the parks and on the recommendations

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[41]G.P. Stevens, Banff Townsite Manager, Notes on the Meetings of April 10, 1973, pp. 1-11; also June 20, 1973; pp. 1-15; September 28, 1973, pp. 1-12; Nov. 14, 1973, pp. 1-8; see also Lothian, op. cit., p. 49.

[42]Minutes of Proceedings and Evidence, April 7, 1972, Vol. 7, p. 4.

[43]Debates, January 20, 1970, Vol. 3, p. 2577.

contained in its Report to Parliament. Two committee members particularly responsive to residents' demands were Mr. Judd Buchanan, a Liberal M.P. and Chairman of the Committee, who had held hearings in the parks when he was Parliamentary Secretary to the Minister, and Mr. Joe Clark, M.P. (P.C. - Rocky Mountain), representing the parks. Both in the Committee hearings and in the House of Commons, Mr. Clark had often encouraged the Minister and his officials to comply with the residents' demands.[44] He was also largely responsible for encouraging the Committee to hold hearings in the parks.

The Committee held hearings in Banff and Jasper on August 23 and 24, 1973.[45] The briefs presented to the Committee by local representatives and other residents are worth examining in some detail because they reflect the residents' concerns and demands. The Banff Advisory Council presented a brief outlining five major concerns. First, it stated that there was a need for better planning and development strategies to make the townsite more attractive and asthetically complementary to the surroundings. Secondly, it pointed out that there was a critical housing shortage in Banff and it was necessary to open up more lots. On this point it was supported by several other submissions. Thirdly, the Council wanted to see new leasing forms instituted similar to the one it had drafted for the Standing Committee's scrutiny which, unlike existing lease formulas,

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[44] see Joe Clark in Debates, March 21, 1973, Vol. 3, p. 2469; also May 14, 1973, Vol. 4, p. 3745; June 26, 1973, Vol. 5, pp. 507-73; November 2, 1973, Vol. 7, p. 7496; Nov. 16, 1973, Vol. 7, pp. 7882-83; And also in Minutes of Proceedings and Evidence, August 23-24, 1973, Vol. 25, pp. 1-121.

[45] Minutes of Proceedings and Evidence, August 23-24, 1973, Vol. 25, pp. 1-121.

it considered to be fair to lessees. Fourthly, it commented on the land rentals that had been instituted earlier that year. In their view it was necessary to standardize rents so that all lessees were treated equal. In achieving that goal it reiterated the earlier proposal advanced by itself and other representative groups in Jasper and Banff for nominal rents together with equitable taxes to cover the costs for townsite development and maintainance. Finally, the Council addressed the question of local self-government, and asked that instead of complete autonomy with excisement and incorporation,a viable alternative was to broaden the powers of that body so that it could perform some functions of a municipal council.[46]

In its bid to acquire the powers of a town council the Banff Advisory Council was opposed at the hearings, as it had been during the previous seven months, by the Community Action Group Situation '73. Since its inception in February 1973, this ad-hoc group comprised of Banff residents, had insisted on the need for more lots to be opened and for distribution to be done by some group other than the Banff Advisory Council. During those seven months the Group had held public meetings, circulated petitions, and conducted letter writing campaigns both to the Minister, and their local M.P., Joe Clark. In their brief to the Standing Committee, representatives for the Action Group '73 candidly conceded that they had been "radical, insistent and perhaps...unethical in [their] efforts to obtain positive results" before Parliament recessed.[47] Nevertheless, the

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[46]"Brief Presented by the Banff Advisory Council", op. cit., pp.23-29.

[47]"Brief Presented by the Community Action Group Situation '73", in Minutes of Proceedings and Evidence, August 23, 1973, Vol. 25, pp. 64-67.

fact that the Minister had announced to the Standing Committee a month earlier that more lots would be released in the park townsites, suggests that the Action Group '73, along with other groups in Banff and Jasper, had won another concession from the Minister through their lobbying activity.[48]

When the Committee held its hearings in Jasper several briefs were also presented calling for more lots for residential purposes. The Jasper School Board and its Local Government Committee noted in two separate briefs that this was a high priority, because of the serious accommodation shortages resulting from increased population and the government restrictions over the preceding ten years on the number of new residential lots.[49] The School Board also asked the Committee to encourage Mr. Chretien to work with the Alberta government in establishing local self-government in Jasper. A third brief by the School Board, presented by its legal counsel, called for the full reinstatement of perpetually renewable leases as had been ordered by the Supreme Court.[50]

At that time, Jasperites were also concerned about the announcement that Ottawa planned to relocate the Jasper Railway Terminal and its employees outside the parks as a means of alleviating the housing shortage and limiting growth of the townsites. The local ad-hoc committee for the

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[48] Minutes of Proceedings Evidence, July 19, 1973, Vol. 24, p. 5.

[49] "Brief From School District of Jasper #3063"; and also "Brief From Local Government Committee School District of Jasper", in Minutes of Proceedings and Evidence, August 24, 1973, Vol. 25, pp. 88-89 and 110-111, respectively.

[50] "Brief Presented by Michael H. Porter, Barrister and Solicitor, on behalf of the Board of Trustees of the Jasper School District", in Minutes of Proceedings and Evidence, August 24, 1973, Vol. 25, pp. 107-108.

retention of the Jasper railway terminal encouraged the Standing Committee members to urge the Minister not to proceed with the relocation plans.[51] What the Jasper group, indeed all groups presenting briefs, did not know at that time is that in addressing Mr. Judd Buchanan, Chairman of the Standing Committee, they were addressing the next Minister of Indian Affairs and Northern Development. As is discussed in the next chapter, he would eventually be the one to decide on the destiny of the Jasper C.N. terminal and some of the other issues raised during those hearings.

Approximately three and one-half months after the public hearings were completed, the Standing Committee submitted a special interim report to Parliament dealing exclusively with the national parks townsites. The report observed that most submissions had "reflected a sense of frustration with administrative arrangements within the national park system".[52] The Committee echoed the park residents' criticisms of the existing system and endorsed their call for changes to ensure greater local input into decisions affecting the townsites:

> The present practice involves a degree of denial of rights of local self government that is simply unacceptable in a democracy. Residents of Jasper and Banff presently do not have the right to elect a local council with authority; or the power to tax for municipal purposes; or any direct influence over the future of their community or the conduct of its affairs. Too many local decisions are made by public servants located in Ottawa...

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[51] "Brief From the Committee For Retention of Jasper Terminal", in Minutes of Proceedings and Evidence, August 24, 1973, Vol. 25, pp. 104-106.

[52] Canada, Journals of the House of Commons, "Interim Report of Standing Committee on Indian Affairs and Northern Development", December 10, 1973, Vol. 119, pp. 731-33.

> local residents need the opportunity to exercise significantly more control over their own affairs.[53]

The Report went on to outline what the Committee considered a viable route and time frame for Jasper and Banff to attain local self-government. It endorses the Minister's decision to appoint a local sterring committee to study and make recommendations on local self-government and the leasehold system in Banff, but proposed that the studies should be broadened to include Jasper. Upon completion of those studies, proposals for local self-government with estimates on the related costs were to be developed for discussion at public meetings in the townsites. Subsequently, a committee of federal, provincial, and local representatives was to produce a firm proposal that residents could vote on in a plebiscite. The entire process was to be completed within one year from the date that the standing committee submitted its report to Parliament.

In summary, the evidence presented in this chapter generally reflects the same patterns of influence attempts and interaction between local representatives with the Minister responsible for parks, his officials, and members of Parliament, as was evident during the period covered in the previous chapter. Lessees and their local representatives continued to be suspicious of bureaucrats within the Parks Branch and avoided consulting them, preferring instead to conduct their negotiations directly with the Minister. Such suspicions were so strong that on the rare occasions that they met with senior federal officials they usually insisted upon ministerial confirmation of any agreements reached.

Yet, relations between the Minister and local representatives were not good either, as confrontation rather than accommodation generally pre-

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[53]Ibid.

vailed, despite some efforts by the Minister during the latter part of this period to facilitate consensual or accommodative relations. With that objective in mind the Minister, who was aware of the residents' mistrust of his officials, decided to use his Parliamentary Secretaries to consult lessees and report directly to him. In addition to these departmental contacts, residents continued to employ to federal M.P.'s and the Alberta provincial grovernment to put additional pressure on the Minister to comply with their demands for lower land rents, local self-government, and more lots. And, when these political avenues proved unsatisfactory to resolve issues like land rents, lessees quickly resorted to legal mechanisms and challenged the rental rates in the courts.

During this period local representatives found that the House of Commons Standing Committee on Indian Affairs and Northern Development was generally supportive of lessees' demands on leasehold matters and particularly for park residents to be given the option of local self-government. To be sure, that support was largely the result of the minority government situation which did not provide the Minister with as much control of a committee's work as he would have under a majority government.[54]

As shall become evident in the next chapter, the recommendations contained in that Committee's report to Parliament provided a general course of action acceptable both to Ottawa and local representative groups. In

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[54]For discussion on the activities of committees see C.E.S. Franks, "The Dilemma of the Standing Committees of the Canadian House of Commons", in Canadian Journal of Political Science, 1971, Vol. 4, pp. 461-476; and Thomas A. Hockin, "The Advance of Standing Committees in Canada's House of Commons: 1965 to 1970", in Canadian Public Administration, 1970, Vol. 13, pp. 185-202; and also P.G. Thomas, "The Influence of Standing Committees of Parliament, on Government Legislation", op. cit.

fact, the Committee's report constitutes a clear demarcation between the relatively intense conflict of the previous decade and a new period of consultation and cooperation that would last until approximately 1979 when confrontation once again prevailed as a result of disagreements on the proposed rental rates of the pending decennial rental review. Therefore, because of its uniqueness after so many years of confrontation, it is useful to examine in detail the initiatives and interactions of federal officials during the relatively calm five year period from 1974 - 1979.

CHAPTER 6

INITIATIVES AND INTERACTION 1974-1979: THE ACCOMMODATIVE INTERLUDE

Relations between local representative groups in the parks and the Minister of Indian Affairs and Northern Development and his officials, began to improve during the latter part of 1973. As was discussed in the previous chapter, during that year a series of meetings were held involving the Banff Advisory Council and senior federal officials from Parks Canada offices in Ottawa and Calgary to discuss the possibility of broadening that body's advisory role or even to give it some decision-making authority over municipal affairs. Because of the opposition of some Banffittes to the Council, federal officials and local representatives agreed in September 1973, to carry out the Joint Townsite Administration Study on the possibilities of local self-government and revisions to the leasehold and land rental system in Banff.[1] Specifically the Committee's terms of reference were:

1. To review the lease and rental system and propose ways to standardize leases.

2. To examine the feasibility of instituting nominal land rents together with a tax base to cover costs of community services and facilities.

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[1]G.P. Stevens, Notes on the Meetings of April 10, June 20, October 1, and November 14, 1973, on the Role and Responsibility of the Banff Advisory Council.

3. To determine the percentage of townsite costs to be paid by residents.

4. To propose a system of townsite financing.

5. To propose an administrative system that allowed a greater degree of resident participation.[2]

The Steering Committee appointed to guide the study consisted of two members of the Banff Advisory Council, one from the Banff School Board and four Parks Canada officials, including the Director of the Parks Branch from Ottawa, the Director of the Western Region, the Superintendent of Banff, and the Townsite Manager of Banff who was assigned the role as project co-ordinator.[3]

As was previously mentioned the parliamentary Standing Committee on Indian Affairs and Northern Development had recommended either that such a study be broadened to include Jasper or possibly that a separate study could also be conducted in that townsite. In the absence of an advisory council similar to the one in Banff, however, federal officials were reluctant to initiate such a study in Jasper. For their part members of both the Jasper School Board and the Jasper Chamber of Commerce refused to re-establish such a council because, from past experience, they viewed it as an ineffective means of consultation. Consequently, in February of 1974 Parks Canada officials took it upon themselves to establish a local advisory council in Jasper. The park Superintendent, R.T. Flanagan, was

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[2]Idem, "Review of Leasehold Policies in the National Parks With Particular Reference To Banff Townsite", pp. 12-13.

[3]The Steering Committee of the Banff Townsite Administration Study, "A Report to the Minister of Indian and Northern Affairs", p. 4.

directed by senior departmental officials to appoint an interim committee of interested residents to establish an organizational framework in which an elected committee could assume an advisory role similar to that of the Banff Advisory Council.[4] The Interim Committee was appointed and within three months it had agreed on the following general functions of the elected Jasper Townsite Committee:

> 1. To prepare a detailed proposal for a local governing body to administer Jasper Townsite;
>
> 2. To prepare proposals to resolve leasehold and land rental inequities; and
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> 3. To represent the residents of Jasper... in townsite affairs to federal officials until superseded by any statutory corporate body.[5]

The initiatives of the Minister and his officials to establish such a local advisory body in light of an initial reluctance by residents to do so, indicates that they were indeed interested in establishing closer and accomodative relations. Of course, the formation of such a consultative mechanism was not in itself a guarantee that cordial relations would prevail; indeed increased interaction could have increased conflict. Previous experience of park groups certainly suggests as much. Therefore, although consultative mechanisms might have facilitated interaction, it was the resolve of the actors themselves that determined whether cordial relations prevailed. The evidence indicates that such resolve existed among the Minister and his officials during that period. However, they still had to convince local representatives that they were sincere in their

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[4] Jasper Townsite Committee, "Jasper Townsite Committee-Past, Present and Future", Press Release, June 9, 1976.

[5] Jasper Townsite Committee, "Constitution", 1974.

efforts.

At the outset, the Jasper Townsite Committee along with its counterpart in Banff, was skeptical of the value of consultations with federal officials, and particularly with their sincerity on the promise to grant the townsites a greater degree of self-government.[6] Over the next several years successive Ministers, including Messrs. Chretien, Buchanan, Allmand, Faulkner, and Fraser, felt obliged to offer the reassurance that the consultations had negotiations were being conducted in good faith and encouraged the efforts of local representatives. Over time trust in the Minister and his officials increased. This was evident in the fact that whereas an interview survey conducted in Banff in 1974 indicated widespread skepticism about the negotiation process,[7] by 1976 local representatives in Banff concurred with their counterparts in Jasper who wrote that "the spirit of co-operation exhibited by Parks Canada personnel. . . left no room for doubt about the seriousness and sincerity of Parks Canada in assisting us in achieving the most suitable system of local government".[8] Such a statment of trust and confidence was certainly a change after nearly seventy-five years of suspicion, mistrust, and confrontation.

In the new atmosphere of consultation and co-operation the Steering Committee of the Banff Townsite Administration Study began its work in January, 1974. Over the next several months it held several public meetings

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[6]Jasper Townsite Committee, "Jasper Townsite Committee-Past, Present and Future", Press Release, June 9, 1976, p. 2. See also Banff Townsite Options Review Committee, Letter to Hon. Judd Buchanan, Feb. 21, 1975, p. 1.

[7]see Carrie Hunter, "Second Report on the Banff Townsite Administration Study", Press Release, April 13, 1974, p. 2.

[8]Jasper Townsite Committee, "Jasper Townsite Committee-Past, Present and Future", Press Release, June 9, 1976, pp. 1-2

and conducted a series of interviews with representatives of major organizations in Banff to ascertain their views on leasehold and townsite affairs. Some of the more commonly expressed concerns and recommendations were for more efficient administration by delegating more responsibility to the regional and park levels, equitable land rents, security of tenure, and a locally developed townsite plan.[9] At that time the Steering Committee also asked the Minister to commission two professional independent studies to examine alternative forms of government for the Banff townsite, make projections of the financial costs that would be incurred in administering the townsite, and to recommend changes to the leasehold and land rental system. The two studies, one conducted by K.R. Craigie and Associates and other by North, Hughes and Associates completed in April and May of 1974 respectively, require some detailed discussion because their recommendations have provided a basis of negotiation and action both for local representatives and federal officials.

The Craigie Report emphasized the need for more housing in Banff to be provided according to a community development plan, sound land management, and a uniform leasehold policy by which leases would only be assigned according to a residency requirement and other related criteria. On the question of land rents and municipal finance, the report indicated that economic land rents were regressive and suggested that a visitor or user tax be considered as a viable way to generate revenues for the federal government. With regard to the costs of local services, it

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[9]G.P. Stevens, Study Co-ordinator, "Final Summary and Analysis of Observations Expressed During the Interview Process February-March, 1974", pp. 1-3 and 1-6.

proposed that an assessment based taxation program be instituted which would better approximate the actual costs. On the question of how to proceed toward local government, Craigie proposed that it should be accomplished by federal-provincial agreement in conjunction with local representatives. Finally, in order to ensure effective management and administration of the townsites it was recommended that they be separated from the management of the parks themselves and also that more responsibility for those matters should be transferred to the regional and local Parks Canada offices.[10]

The study conducted by Lincoln North concurred with Craigie that greater resident participation could be achieved and that an assessment based municipal taxation system should be developed to cover costs of municipal-type services. North recommended that in order to achieve a more equitable land rental system, ground rents on commercial leases should be based on a percentage of gross revenues, but ground rents on residential leases should be based on the Alberta provincial assessment base used for school tax purposes. North speculated that this system of calculating ground rents, especially on residential leases, would be acceptable to Ottawa because it provided a more frequent review of rents. And, it would be equally acceptable for lesseees because it gave them recourse to appeal their assessments to the Court of Revision and to the Federal Court. Finally, North reiterated his recommendation which

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[10] K.R. Craigie, A Study of Options for Local Self-Government and Townsite Administration, April, 1974; See also G.P. Stevens "A Summary of the Recommendations of Kenneth R. Craigie and Associates Ltd., Banff Townsite Administration Study, May 1974", pp. 1-3.

he had also made in a study in 1972 regarding the adequacy of standard 42 year terminable leases and added that the federal government should "assume a posture of preparedness to renegotiate leases with lessees. . . at any time. . . ."[11]

The observations and recommendations contained in those studies, together with the information gathered during the interview process, constituted the basis for the Steering Committee's Report on the Banff Townsite Administration Study, which was submitted to the new Minister of Indian Affairs and Northern Development, Judd Buchanan, in October 1974. In its Report, the Steering Committee outlined fifteen principles which its members had agreed to follow in conducting their study. The more significant of those principles were:

1. The process must involve consultation with and meaningful participation by residents and their elected representatives.

2. A local governing body should be constituted within the scope of the National Parks Act to provide local services. . . establish and collect service charges and taxes. . . .

3. Townsite residents must expect to pay their fair share of the costs of municipal services.

4. The leasehold system of land tenure is to be maintained.

5. Security of leasehold is to be improved. . . .

6. A standard leasehold policy and standard lease provisions, including the means of determining land rent is to be achieved.

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[11]Lincoln North, of North Hughes and Associates, Banff Townsite Administration Study, May, 1974, p. 20. See also G.P. Stevens, "A Summary of the General Observations and Findings of Lincoln W. North, of North, Hughes and Associates Ltd., Banff Townsite Administration Study", May 1974, pp. 1-5.

7. The method of determining land rent should be based on a system to provide for greater equality, more frequent review and an appeal process at much less cost to the leesee.[12]

Based upon such principles, the Report outlined the four basic options for providing a greater degree of local self-government for Banff residents:

1. The Provincial-Municipal Option which entailed the excisement of the townsite from the park with incorporation as an Alberta Municipality.

2. The Federal-Provincial Option which required a special bilateral agreement between Alberta and Ottawa outlining their respective jurisdictional powers over municipal affairs.

3. The Federal-Municipal Option which required the federal government to establish a special federal municipality governed by a locally elected council.

4. The Federal-Advisory Council Option which essentially entailed a continuation of the existing system with increased powers for the Advisory Council.[13]

The latter two options were seen by the Steering Committee as the most feasible for Banff residents and federal officials to consider. However, as will be discussed below, Alberta provincial officials and federal officials disagreed on what constituted the most acceptable option(s). The Report then identified three types of leasehold inequities which they wished to eliminate,namely the land rents and rental review provisions, lease renewal provisions or absence thereof, and the con-

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[12]The Steering Committee of the Banff Townsite Administration Study, A Report to the Minister of Indian Affairs and Northern Affairs (sic), 1974, pp. 8-10.

[13]Ibid., pp. 12-22.

straints on the leesees' freedom of choice on land use and period of occupancy.[14] It then listed six alternatives to existing land rent and rental review provisions:

1. The status quo;
2. The status quo with taxation and a rebate system;
3. Nominal rent and no rental review;
4. Nominal rent, no rental review, and taxation;
5. Adjustments to rental provisions by an Act of Parliament,
6. Adjustments to rental provisions by negotiation.[15]

With respect to lease renewals three possible alternatives were suggested: perpetual renewals on all leases, standardization by an Act of Parliament, and standardization by negotiation. Finally, the Report concluded with a list of recommendations on what course of action could be followed in implementing changes to the existing leasehold and land rental system. Its main recommendation in this respect was than an Interim Townsite Administration Board comprised of local and federal representatives be established both to provide more detailed information on the various options and to produce specific recommendations for change. Ultimately, however, major changes were to be subject to the approval of the Minister and residents.

On November 8, 1974,the Minister met with the Steering Committee and indicated his acceptance in principle of the Committee's recommendations. Specifically, he endorsed the recommendation to establish the

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[14]Ibid., p. 23.

[15]Ibid., p. 22-30.

Interim Townsite Administration Board.[16] The following month the Townsite Options Review Committee, a forerunner to the Provisional Administration Board, was established and it commenced to evaluate the recommendations contained in the Report of the Steering Committee. At the same time, the Options Review Committee attempted to ascertain the Minister's views on various specific proposals. In a letter of February 10, 1975, the Committee asked the Minister how much authority he was willing to transfer to a local governing body and whether he was willing to finance the proposed Provisional Administration Board while it prepared a more definitive set of recommendations both on local self-government and changes in the leasehold system.[17]

In his reply of March 14, 1975, the Minister, Judd Buchanan, indicated that he was willing to supply whatever funds were necessary to see the project properly completed. He added that he was willing to grant a substantial degree of authority to any local governing body that was established subject, of course, to the constraints contained both in the National Parks Act and Policy. However, he explicitly reiterated the Department's longstanding position that excision of the townsite from the park was unacceptable.[18] This view clashed with the position of the Alberta Department of Federal and Intergovernmental Affairs in

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[16]see G.P. Stevens, Co-ordinator of Banff Townsite Administration Study, "Presentation-Public Meeting, April 17, 1975", p. 10.

[17]Banff Townsite Options Review Committee, Letter to Hon. Judd Buchanan, Minister of Indian and Northern Development, February 10, 1975.

[18]Judd Buchanan,M.P, Minister of I.A. & N.D., Letter to Banff Townsite Options Review Committee, March 14, 1974; see also Townsite Options Review Committee,"Minister Agrees To More Authority", News Release, March 12, 1975.

support of the so-called Provincial-Municipal Option which included excisement of the townsite.[19]

For their part local representatives both in Banff and Jasper were apprehensive that if the self-government issue was disputed by the two senior governments it could have jeopardized the entire process, including the good working relations that were being established between federal officials and local representatives. Their fears were allayed somewhat when Ottawa and Alberta seemed to concede that they should allow residents to determine which local self-government option they preferred before proceeding with federal-provincial negotiations on any particular option.

In the interim, members of the Jasper Townsite Committee who had participated as observers during the Administration Study in Banff decided that it was useful to conduct a similar study in Jasper. They contacted officials in the Western Regional Office on that matter and by June 1974 the study was approved by Parks Canada. On July 9, 1974, the Townsite Committee met with the Director of the Western Region, L.H. Robinson, to discuss the terms of reference for the Steering Committee. At the meeting the Director of the Western Region emphasized the importance of adopting a set of what he termed "ground rules" similar to those approved by the Banff Steering Committee that would be conducive to more effective deliberations in the course of the study. According to Mr. Robinson the work of the Committee in Banff proceeded smoothly because in keeping with the accommodative relations of this period:

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[19]see G.P. Stevens, Notes on Special Meetings of Banff Townsite Options Review Committee held on February 19 and 20, 1975".

> The Committee had worked hard as a team with a full spirit of co-operation. . . the meetings had been kept informal. . . . The confidentiality of the meetings had been agreed upon not as a question of letting people know, but as a means of eliciting frank expressions of opinion. The Committee. . . had always agreed upon a press statement at the end of each meeting, when one was required, to help the Committee by not diverting its energies to debating in or with the press. Finally, the Committee had agreed to respect the confidential nature of many background papers, operating on the faith that members would receive the information for their personal use to assist them in their deliberations.[20]

Clearly, those ground rules, and the terms of reference for the Steering Committees in Banff and Jasper, highlight the fact that local representatives and Parks Canada officials were pursuing a general policy of accommodation rather than confrontation during this period. In addition to holding frequent meetings involving the Minister, his senior bureaucrats and local representatives, Ottawa also provided funds and technical assistance to those joint federal-provincial committees to conduct their work.

Over the next eleven months, the Jasper Steering Committee proceeded to conduct its study in much the same manner as that in Banff. The stated objective for the Steering Committee was to identify the means whereby Jasper residents could increase their participation in the administration and management of townsite affairs. Moreover, some of its principal tasks were: first, to review the leasehold and land rental systems in an effort to achieve some standardization between

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[20] Idem, "Notes on Meeting of Jasper Townsite Committee and the Director Western Region", July 9, 1974, p. 2.

leases; secondly, to examine the effect of implementing nominal land rents together with a taxation system to cover costs of municipal-type services; and thirdly, to determine the percentage of costs for such services that were to be charged to residents.[21]

The Jasper Steering Committee was to submit a final report to the Minister by October 31,1974. However, since a report was not produced, eventually in June of 1975,members of the Jasper Townsite Committee agreed that rather than have the Steering Committee complete its work it was desirable to dissolve it and draft a definite set of recommendations for submission to the Minister.[22] As it turned out, nearly three years elapsed before a firm set of recommendations was completed. The delay was caused because local representatives felt that they had to devote their time primarily to negotiate for the rentention of the Canadian National Railway terminal in Jasper before they could make recommendations either on local self-government or even the need for more housing.

The proposed relocation of the C.N.R. terminal which had been contemplated by federal officials since the early 1960's as a means by which to alleviate the pressure for housing in Jasper constituted a major irritant in relations between federal officials and local representatives even during this period of increased cooperation.[23] Federal officials felt that by relocating the railway employees and their families, which constituted nearly half of the year-round population, the

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[21]Idem, "Steering Committee, Jasper Townsite Administration Study, Jasper Townsite Committee and Parks Canada", pp. 1-2.

[22]Jasper Townsite Committee, "Minutes of Meeting, July 4, 1975".

[23]Janet Vlieg, "C.N. Jasper Park Workers Bitter Over Move", in Edmonton Journal, December 9, 1975,p.20; see also "Jasper Wants No Part of Relocation Scheme", in Edmonton Journal, February 10, 1976.

size of the townsite could have been reduced or at least maintained as it existed.[24]

In 1973 residents had formed the ad-hoc Committee for the Retention of the Railway Terminal which, as mentioned in the previous chapter presented a brief to the House of Commons Standing Committee on Indian Affairs and Northern Development in August 1973.[25] However,a more significant and influential group established in 1975 was the Steering Committee on the Relocation of the C.N.R. Terminal in Jasper, which included representatives from local governing bodies, the local railway unions, Parks Canada, and the C.N.R. The main objective of the Steering Committee was to direct the relocation study and to allow for consultation and liaison between the aforementioned groups on the relocation proposal. It was the Steering Committee that requested impact studies on the sociological, environmental and economic aspects of the relocation scheme.[26] In 1976, when the studies were completed, the Minister, Judd Buchanan,made the announcement that due to the high costs of relocation, the C.N.R. terminal would remain in Jasper.[27] That decision, which was enthusiastically welcomed by Jasperites, precluded a major protest reaction from Jasperites and was undoubtedly conducive to increased consultation and cooperation between local representatives in Jasper and the Minister and his officials.

Another significant issue being debated in Jasper during this unique period of consultation and cooperation concerned rents to be paid

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[24]Canadian National Railways, Jasper National Park C.N. Study, August, 1975, p. 1.

[25]A. Shredwicke,"Submission of the Committee for the Retention of Jasper Terminal", in Minutes of Proceedings and Evidence, August 23, 1975, Vol. 25, pp. 104-106.

[26]see Jasper C.N. Study - Consolidated Report, 1975.

[27]Paul Jackson, "Jasper Will Remain C.N. Divisional Point", in Edmonton Journal, February 25, 1976, p. 1.

by leesees in a new subdivision in Jasper. Although only a small number of leesees were directly affected, indirectly it also concerned other leesees because they viewed the higher rents imposed on the Pyramid Road sub-division as a foreshadowing of what awaited all of them at the time of the next decennial rental review in 1980. The leaseholders in the new subdivision with the assistance of the Jasper Townsite Committee petitioned the Minister for lower rents.[28] After nearly a year of negotiations involving local representatives and senior Parks Canada officials both from Ottawa and the Western Region in Calgary, the Minister agreed to reduce the rents on the lots in the Pyramid-Pine subdivision.[29] That decision reassured local representatives in Jasper that other matters of concern could also be resolved through consultation and cooperation rather than confrontations.

Meanwhile back in Banff,the Provisional Administration Board had been officially established on July 3, 1975 with the approval of Judd Buchanan, Minister of Indian Affairs and Northern Development. The Board was comprised of five members, three from the Banff Advisory Council and two from the School Board. G.P. Stevens, the Parks Canada employee who had co-ordinated the Townsite Administration Study, was appointed as project coordinator at the Board's request. However, shortly thereafter Mr. Stevens resigned from Parks Canada and he was replaced as project coordinator by another federal appointee, K.R. Craigie, who had completed the Craigie Report discussed earlier in this chapter.

By November of that year the Board had established eleven task forces to examine and make recommendations on specific aspects of the

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[28]Carrie Hunter, "Minister Grants Jasper Rent Reduction", in Banff Crag and Canyon, July 23, 1975.

[29]Judd Buchanan, Minister of I.A. & N.D., Letter to Dr. J.P. Betkowski, Chairman of Jasper Townsite Committee, March 8, 1976.

leasehold system and townsite administration.[30] In addition to the use of resource personnel from Parks Canada, the Board also engaged the services of several professional consultants to provide specialized assistance in its work. This included one professional firm which was responsible for developing and carrying out a public information program on the Board's work, and to train residents involved in the study on how to gather and present information; a statistician from Carleton University, Professor R.D. Hart, to evaluate a major questionnaire used during the public information program; and Dennis Hefferon, a law professor at Osgoode Hall who was contracted to examine legal questions regarding proposed changes either to the leasehold system or townsite administration arising from the reports of the eleven task forces.[31]

In September of 1976, fourteen months after it was established, the Provisional Administration Board submitted its recommendation to the Minister in a glossy and professionally produced pamphlet. The Report of the Board contained eighty-six specific recommendations of which the more significant were:

1. All leases be standardized within each of the four groups: residential, commercial, industrial and non-profit.
2. All leases should be perpetually renewable.
3. The Crown shall charge a reasonable fee for lease transfers.
4. Nominal rents should be introduced.

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[30]Banff Provisional Administration Board, Report To the Minister Responsible for National Parks, (1976), eds., K.R. Craigie and C. Hunter, p. 55-56.

[31]Ibid., pp. 57-67.

5. A system of municipal taxation be introduced.

6. All leases should contain a clause setting forth a method of governing disputes.

7. A local administration in Banff should be responsible for a program of municipal hard core services.

8. The powers and responsibilities of local self government should be equal to those delegated by the province of Alberta municipalities.

9. The fixed capital asets, other than building and structures, should be transferred to the local government at a nominal value.

10. The Government of Canada enact legislation to authorize the Minister responsible for National Parks to sign agreements with the appropriate Provincial Government to establish and govern the institution of local government.

11. The practice of federal government paying grants in lieu of taxes should apply to Crown property in Banff.

12. A plebiscite be held in which two alternatives are set out:

    a) no local government; local taxation levied and collected by Parks Canada, and increased land rents to 10% of the appraised value;

    b) local government, locally determined taxation for local services, and nominal land rents.[32]

In January of 1977, the plebiscite on the question of local self-government was held in Banff. The result of that plebiscite surprised many people because, contrary to an earlier survey conducted by the Provisional Administration Board which concluded that there was general widespread support for local self-government, 87% of those who voted were now opposed to it. The major reason cited for that reversal was the suspicion that under local self-government the costs to the rate payers in

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[32]Ibid., pp. 13-15.

Banff would have been significantly increased.[33]

The plebiscite vote was a definite setback to the local self-government option both in Banff and Jasper because neither local representatives nor federal officials were certain under what conditions residents were willing to opt for local self-government. Nevertheless, the issue was not totally abandoned and negotiations between local representatives and federal officials continued even after the Provisional Administration Board was disbanded.[34] In fact, Parks Canada had established the Task Force on Townsite Administration, headed by R.W. Maslin, to study the various factors involved in the alternative forms of townsite administration, including the local self-government options. In March 1977 Mr. Maslin travelled to the parks to hold some preliminary discussions with local representatives on those issues and to explain the terms of reference of the Task Force.[35]

The Jasper Townsite Committee utilized its observer status to monitor the work of the Banff Provisional Administration Board. The Committee attended many of the major meetings held in Banff and received copies of almost all printed materials produced by the Board and its eleven task forces, including copies of the final report to the Minister. At one of those meetings held in March 1975, the newly appointed Director of the Western Region for Parks Canada asked representatives of

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[33]Suzanne Zwarum, "Banff Says No To Self Rule", in Toronto Globe and Mail, Friday, January 14, 1977.

[34]e.g. Warren Allmand, Minister of I.A. & N.D., Letter to Dr. Ian Wilson, Chairman of Provisional Administration Board, February 10, 1977.

[35]A.T. Davidson, Letter to Dr. J.P. Betkowski, Chairman of the Jasper Townsite Committee, March 11, 1977, p. 2; see also Warren Allmand, Letter to Dr. J.P. Betkowski, Chairman of the Jasper Townsite Committee, April 13, 1977.

the Jasper Townsite Committee whether they wished to establish a similar board in Jasper to explore various leasehold and local self-government options.[36]

Members of the Townsite Committee indicated that it would have been time consuming and redundant to establish such a board and repeat the entire process in Jasper. Instead, they concurred with suggestions of the Park Superintendent R.T. Flanagan that it was useful to examine the recommendations of the Banff group and send a separate set of recommendations to the Minister.[37] Almost two years later, in July 1978, the Jasper Townsite Committee submitted in pamphlet-form its Recommendations to the Minister for National Parks which were nearly a carbon copy of those from the Banff Provisional Administration Board.[38] In an introductory letter of the Report to the Minister the Townsite Committee emphasized that its recommendations were "a basis for continuing negotiations in good faith toward the mutual goal of local self-government for Jasper".[39] When the Jasper Townsite Committee made its Report available to residents in Jasper it included another letter outlining the following four pre-conditions of self-government which it had stressed to federal officials throughout the negotiations:

1. Renewable standardized leases, both for residential and commercial properties.
2. Nominal land rental for all leases.

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[36]G.P. Stevens, "Notes on Joint Meeting of Banff Options Review Committee and Jasper Townsite Committee, March 13, 1975".

[37]R.T. Flanagan, Superintendent of Jasper National Park, Letter to Dr. J.P. Betkowski, July 19, 1977.

[38]Jasper Townsite Committee, Recommendations To the Minister For National Parks, July 1978.

[39]Ibid.

3. A townsite perimeter large enough to secure adequate land for future needs.

4. Residents should only pay a fair share of operating the townsite.[40]

Local representatives were obviously pleased about the progress they were making in negotiations with Parks Canada officials because in its letter, the Committee noted that general agreement had been reached on nearly all those points and the only unresolved issues were the land rents for commercial leases, and what contituted a "fair share" of the townsite operating costs. Consistent with the prevailing mood of cooperation, in 1977 the Minister, Warren Allmand, had written local representatives in Jasper and Banff expressing his personal desire to extend local self-government to the townsites along with standardized leases and nominal land rents.[41] In the summer of 1977 when he travelled to the parks to meet with local representatives the Minister reiterated that position with the proviso that before a firm committment could be made, approval from the Treasury Board and full Cabinet was required.

While in Jasper, Mr. Allmand met and received briefs from the local School Board and Chamber of Commerce. Most of the principal recommendations contained in those briefs reappeared in the set of recommendations which, as mentioned above, were submitted by the Jasper Townsite Committee.[42] During the latter part of 1977 the new Minister,

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[40]Jasper Townsite Committee, Letter to Residents of Jasper, July 1978.

[41]e.g. Warren Allmand, Minister of I.A. & N.D., Letters to Dr. J.P. Betkowski, Chairman of Jasper Townsite Committee, dated January 11, 1977, and February 10, 1977; see also Warren Allmand, Letter to Dr. Ian Wilson, Chairman of Banff Provisional Administration Board, Feb. 10, 1977.

[42]See briefs by Dr. P.R. Callegari, Vice-Chairman of Jasper School District, and Mr. R. Everest, Vice-President of Jasper Chamber of Commerce, both presented to the Hon. Warren Allmand, July 4, 1977. See also Jasper Chamber of Commerce, Local Affairs Committee, "Recommendations", May 6, 1977.

Hugh Faulkner and his Deputy Minister, informed local representatives in Jasper that Cabinet had given its approval to commence serious negotiations both for local self-government and revisions in the leasehold and land rental system. They indicated that Cabinet had consented to the following points on condition that residents opted for local self-government by 1980:

1. Renewable leases.
2. Nominal rents for residential leases.
3. Economic rent on commercial and industrial leases.
4. Federal grants in lieu of taxes.
5. Fair share of costs for services whose sole of principal purpose is park oriented.
6. Consultation between Parks Canada, the Treasury Board and the Department of Public Works to review the rental basis for commercial leases.[43]

Ten months later, on September 22, 1978, Mr. Faulkner and his Deputy Minister travelled to Jasper to meet with the Townsite Committee to discuss the above points and a related list of recommendations which the Committee had submitted to the Minister that summer. The minutes of that meeting suggest that local representatives and federal officials agreed on almost all points except land rents on commercial leases. In fact, the day of the meeting several commercial operators in Jasper had received their rental notices which had been deferred pending the court decision on the test case initiated in 1973 (Cascade Inn, et. al., v. Regina) by lessees in Banff in reaction to what they considered exhorbitant land rents on commercial properties.

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[43]A.T. Davidson, Deputy Minister, Letter to Dr. J.P. Betkowski, Chairman of Jasper Townsite Committee, Nov. 2, 1977; see also Hugh Faulkner, Letter to Dr. J.P. Betkowski, November 30, 1977.

In the new notices, holders of commercial leases were advised that until 1980 their land rents would be 10% of appraised land value. The commercial operators who had to pay the new rates were infuriated. Others were also apprehensive because they realized that their own rental rates would be increased in 1980. Representatives of the Chamber of Commerce present at the meeting with the Minister and his officials expressed their opposition to those assessments and the use of the 10% formula. The meeting ended with the understanding that the Minister would refer the matter to Cabinet for its review.[44]

In November 1978, Mr. Faulkner informed local representatives that he would recommend to Cabinet that rents on residential leases be kept nominal regardless of whether some form of local self-government was implemented, but he added that land rents on commercial leases would be set at 8% of appraised land value.[45] Mr. Faulkner felt that he was making a concession to commercial operators by not proposing rents at 10% of appraised land value as suggested by Justice Primrose in the case of Cascade Inn, et al., v. Regina. For their part, however, commercial operators in Jasper and Banff viewed the Minister's decision as a gross inequity rather than a concession. Although the exact assessment for 1980 would not be known until the appraisers had completed their lot valuations, commercial operators were already apprehensive that the new rental rates would be unacceptably high.

The decision by the Minister and Cabinet to press for higher rents on commercial leases became a disruptive factor in the cordial

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[44]Jasper Townsite Committee, Minutes of Special Meeting, of September 22, 1978.

[45]Hugh Faulkner, Minister of I.A. & N.D., Letter to Dr. J.P. Betkowski, November 17, 1978.

relations which had prevailed for five years between successive Ministers and their officials and local representatives in Jasper and Banff. The events which have transpired since that initial decision was made are discussed in the following chapter. It is reiterated here, however, that during the period examined in this chapter, relations of local representatives with the Minister and his officials in Ottawa and Calgary were generally access-oriented and accommodative in nature. This is reflected both by the tone and content of their volumnous correspondence, the cooperative atmosphere during their numerous meetings, and their common efforts through joint federal-local bodies to conduct studies on various matters of mutual concern. Furthermore, unlike previous years, local representatives seemed quite satisfied to conduct their relations directly with the Minister and senior bureaucrats within his department, rather than using Parliamentarians or the Alberta government as intermediaries or lobbyists on their behalf. In 1979, however, those relations began to deteriorate and there was a reversal from accommodation back to confrontation and shift by local representatives from access-oriented to media-oriented influence attempts on the federal government.

CHAPTER 7

INITIATIVES AND INTERACTION 1979-1982: THE RETURN TO CONFRONTATION

The ministerial announcement in November, 1978 regarding proposed rent increases on commercial leases at 8% of appraised land value for the 1980 decennial review, caused commercial operators to become apprehensive about the prospects of having to pay substantially higher rents. Initially, they were optimistic that through cordial negotiations and strategic lobbying they could convince the Minister to retain nominal rents. However, during the subsequent three years the issue did not evolve as local representatives had anticipated.

The Jasper Townsite Committee, in consultation with the Jasper Chamber of Commerce and the local School Board, proposed to the Minister that instead of using the 8% rent formula lots could be sold to commercial operators according to the 1972 valuations with only nominal land rentals being charged thereafter.[1] Realizing the central importance of the Treasury Board in such decisions, local representatives also wrote its President, Judd Buchanan, the former Minister responsible for parks, to elicit his support for that proposal. In that letter local representatives informed Mr. Buchanan that his predecessor, Robert Andras, M.P., had endorsed that proposal during a visit to Jasper the previous year.[2]

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[1] Dr. J.P. Betkowski, Chairman of Jasper Townsite Committee, Letter to the Hon. Hugh Faulkner, M.P., December 11, 1978.

[2] Idem, Letter to the Hon. Judd Buchanan, M.P., December 11, 1978.

Mr. Buchanan and Mr.Faulkner acknowledged that proposal but they rejected it.

The Banff Advisory Council was the first local representative group from the townsites to move away from the accommodative approach which had prevailed for nearly six years and assume a more confrontationist approach vis-a-vis the federal government as a result of the proposed rental increases to be implemented in 1980. The Chairman of the Council, D.F. Becker, presented the lessees' views on leasehold and rental matters at the Canadian National Parks Conference held in Banff in October 1978 under the sponsorship of Parks Canada, the National and Provincial Parks Association, and the Faculty of Environmental Studies from the University of Waterloo. In his address to the Conference, Mr. Becker itemized the four main and long-standing problems in dealings between the federal government and lessees:

1. The inability to gain communication with federal authorities in Ottawa;
2. The inability of local citizens to gain a hearing when policies are being made or changed;
3. The unbelievable time-lag in doing business with officials in Ottawa; and
4. Federal officials not comprehending fully the total impact their decisions had on the people.[3]

On the contemplated rental increase, Mr. Becker noted that such a rental would be the equivalent of purchasing one's lot approximately every ten years. There was really no justification for such substantial increases, he asserted, especially given the stated National Parks

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[3]Becker, op. cit., p. 594.

Policy (1969) that local residents should be in roughly the same ecnomic position as residents in comparable communities outside the park. He suggested that, in determining the rental rates federal officials were perhaps relying too much on the policy provision that "a land rental is arbitrarily set and is not intended to cover the costs of any specific services or facilities".[4] Finally, Mr. Becker concluded that the proposed rent increases would have significant implications for the local economy and that the most adversely affected would be those who could not pass on their costs to others. His words reflected the fears of most residents:

> No one needs to be told that high land rents will be reflected in high house rentals, high room rental, and high charges for suites and apartments. . . . Reasonable increases are always acceptable, but charges of the order of 1,000 to 1,500 percent could hardly be considered reasonable. One cannot help questioning the governmental decision that is responsible for increases of such magnitude. Are the parks authorities trying to force out all the small homeowners?[5]

In early December 1978 the Jasper Chamber of Commerce also began to move away from seeking accommodation, to a more confrontationist approach in deadlings with the Minister and his officials in the Department of Indian Affairs and Northern Development. That month,members of the Chamber of Commerce contacted their local M.P., Joe Clark, (P.C. - Yellowhead), who had become leader of the Conservative Party in February 1976. They presented their position on commercial and industrial rents

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[4]Canada,Department of Indian Affairs and Northern Development, National and Historic Parks Branch, National Parks Policy, (Ottawa: Queen's Printer for Canada, 1969), p. 20.

[5]Becker, op. cit., p. 598.

and asked him to lobby the federal Minister to accept their proposal for nominal rents.[6] At a public meeting on December 27, 1978, representatives from the Jasper School Board, the Jasper Townsite Committee, and the Chamber of Commerce, explained their proposals to Mr. Clark who pledged to do everything possible to assist lessees in their negotiations with the administration. He also indicated that significant changes would be forthcoming if his party won the next federal election. One of the first major changes that he would implement as Prime Minister, to ensure better management, would be to transfer jurisdiction of national parks from the Department of Indian Affairs and Northern Development to the Department of the Environment.[7]

In January 1979 local representatives followed up the letters earlier sent to Mr. Buchanan and Mr. Faulkner, by sending a delegation to Ottawa to discuss the issue of rents and the possibility of local self-government for which special legislation was expected to be introduced in the near future.[8] The delegation, comprised of two members of the Jasper Townsite Committee met with the Minister and the President of the Treasury Board on February 5, 1979. The ministers were generally receptive to the Jasper proposal on commercial rents, but they refused to give any firm committments at that time. Apparently Mr. Faulkner and Mr. Buchanan were waiting for the completion of lot valuations and the departmental review of the Olthius Report dealing with costs of townsite

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[6]Jasper Chamber of Commerce, Letter to the Hon. Joe Clark, M.P. December 1, 1978.

[7]Paul Whitelaw, "Mountains of Red Tape Annoy Jasper Residents", in Winnipeg Free Press, December 27, 1978, p. 15.

[8]Bruce Patterson, "Townsites Autonomy Law on the Way", in Calgary Herald, October 10, 1978, p. A1; see also Jasper Townsite Committee, "Minutes of Regular Meeting", January 9, 1979.

services, before making a decision on rents.[9]

Both during that meeting and in subsequent correspondence, the Chairman of the Jasper Townsite Committee emphasized the importance that commercial operators, indeed all residents, attached to nominal land rents. In one of his letters to the Minister, the Chairman threatened that if nominal rents were not implemented the Townsite Committee would end its work as an advisory body.[10] The tone and content of the correspondence reflected the increasing frustration among residents and the deteriorating relations between them and federal officials.

The federal election called for May 22, 1979, was viewed by commercial operators as potentially advantageous to their demands for nominal rents. If the Conservatives won the election, Joe Clark, M.P., a professed supporter of lessees' rights, would be able to support their demands for nominal land rents from the office of the Prime Minister. The election resulted in a minority Conservative government and both Jasper and Banff, though in two different constituencies, were represented by Conservative M.P.'s, Mr. Clark (Yellowhead) and Mr. Gordon Taylor (Bow River). The new Clark government was to survive only nine months, and during this period events did not develop as lessees had hoped.

True to his earlier committment, in June 1979 Mr. Clark transferred responsibility for national parks to the Department of the Environment. In his view, this move was desirable both on ecological and administrative grounds, because the Department of the Environment was specifically concerned with ecological matters, and since it was more streamlined than

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[9]J.P. Olthius, Townsite Costs of Jasper and Banff, (Olthius Report) March, 1979.

[10]Dr. J.P. Betkowski, Chairman of Jasper Townsite Committee, Letter to Hugh Faulkner, M.P., February 19, 1979; see also Letter to Judd Buchanan, M.P., President of the Treasury Board, February 19, 1979; and Letter to Robert Andras, M.P., February 19, 1979.

the Department of Indian Affairs and Northern Development it could deal more efficiently with leasehold and townsite matters.[11] Mr. Clark's choice as Minister of the Environment was John Fraser, M.P. Local representatives in Jasper and Banff were not familiar with Mr. Fraser's position on the leasehold and land rental issues because he had not been involved directly with these issues in the past. In order to familiarize the new minister with their views, members of the Townsite Committee, the School Board, and the Chamber of Commerce in Jasper invited him to meet with them as soon as possible.[12] Two weeks later, on August 25, 1979, Mr. Fraser met with local representatives in Jasper where the Chamber of Commerce presented him with a brief calling for nominal rents on all leases.[13] Two months later Mr. Fraser travelled to Banff where he met with representatives of the local School Board, the Chamber of Commerce and the Advisory Council. These groups also argued for nominal rentals on all leases for the 1980 decennial review. While offering reassurances that the new rents would not result in hardships for lessees, the minister made no firm committments on the rental rates.[14]

As 1979 drew to a close, local representatives in Jasper and Banff were becoming increasingly concerned about the fact that Ottawa still had not made a firm committment on nominal rentals. Therefore, the Jasper Townsite Committee wrote Mr. Fraser urging him to approve the implementation of nominal rents before April, 1980, at which time

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[11] Barry Nelson and Bruce Patterson, "Parks Responsibility Shifted", in The Calgary Herald, June 7, 1979, p. A1.

[12] Dr. J.P. Betkowski, Chairman of Jasper Townsite Committee, Letter to John Fraser, M.P., August 13, 1979, with carbon copy to the Right Honorable Joe Clark, Prime Minister of Canada.

[13] Jasper Chamber of Commerce, "Representation to the Hon. John Fraser", August 25, 1979.

[14] "Minister's Meeting: Reassurances but no Committments", in Banff Crag and Canyon, October 24, 1979.

most leases would be subject to the decennial review.[15] Lessees in Banff were also becoming increasingly impatient with Ottawa's indecisiveness. They became particularly disconcerted when they realized that the non-confidence vote in the House of Commons, in December 1979, which had forced an early election, threatened both the re-election of the Conservative Government and what most lessees had initially considered a good opportunity to attain nominal land rentals.[16] In a last minute effort for change, on February 6, 1980 during the election campaign, the Joint Committee of the Banff School Board and the newly formed Banff Community Society, which superseded the Advisory Council, passed a resolution calling on Mr. Fraser and Mr. Clark to defer any proposed rental increases until negotiations on local self-government were completed.[17]

The resolution seems to have had an impact because on February 14, 1980, eight days after it was sent and only four days before the election, Mr. Clark approved two rather significant Orders in Council.[18] The first Order in Council (P.C. 1980-521) was a directive for the Minister of the Environment to defer until April 1, 1981, the collection of the increases of rentals payable for residential leases. The second Order in Council (P.C. 1980-522) authorized the Minister to negotiate with lessees of commercial, industrial, and cottage leases rental terms which would defer payment of two thirds of the assessment until 1988 and 1989. It must be noted that both Orders in Council called for the implementation or

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[15] Dr. J.P. Betkowski, Jasper Townsite Committee Chairman, Letter to John Fraser, M.P., November 3, 1979.

[16] Bruce Patterson, "Banff, Jasper Leaseholders Holding Breaths on New Rate", in Calgary Herald, February 14, 1980, p. C.20.

[17] Morna Schechtel, Chairperson of Joint Committee on Future Townsite Administration, Letter to John Fraser, M.P., February 8, 1980.

[18] Canada, Privy Council, Orders in Council P.C. 1980-521 and P.C. 1980-522, February 14, 1980.

negotiation of deferrals, not for nominal rents which lessees and their representatives preferred. Nevertheless, as a result of the Convervative Party defeat in the 1980 federal election, Mr. Clark was no longer in a position to ensure that the directives contained in the Orders in Council would be followed.

Approximately two weeks after the Orders in Council were passed, most lessees in Jasper and Banff received notices of increases in their land rents signed by J.B. Seaborn, Deputy Minister of the Environment.[19] Shortly thereafter they received another notice from Mr. Seaborn, dated February 29, 1980 informing them about the deferrals.[20] When leesees first received those notices they suspected that the Deputy Minister had sent them without the approval of either the departing Conservative Minister or the incoming Liberal Minister, John Roberts. Lessees maintained that the decision to send out the rental notices had been made solely by the Deputy Minister and other senior bureaucrats within the Parks Canada Branch during the post-election change in government. In an effort to avoid criticism for his role in the matter, Mr. Clark also attributed the problem to "the inevitable confusion of the transition period".[21] In retrospect however, the evidence indicates that permission to send out the rental notices had been given first by Mr. Clark and Mr. Fraser, and subsequently by Mr. Roberts in compliance with the directives of officials in the Treasury Board. This is substantiated both by newspaper reports, corres-

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[19] J.B. Seaborn, Deputy Minister of the Environment, Notices of Land Rentals, dated February 28, 1980.

[20] Idem, Notices of Rental Deferments, dated February 29, 1980.

[21] "Clark to Lobby For Jasper Leaseholders", in Edmonton Journal, April 12, 1980, p. B4.

pondence between Mr. Clark, Mr. Roberts, and local representatives, and finally by the content of those two Orders in Council approved by Mr. Clark in which the wording implied that the new rental rates which were being deferred had been finalized under the Conservative administration.[22]

Regardless of which party had implemented them, news of the new rental rates astounded and angered almost all lessees. Those holding residential leases were particularly surprised because they had been led to believe that the federal officials were committed to nominal rentals for such leases. Now they were being told that although they would get a one year reprieve, they would also have to pay high rents in the near future. Commercial leaseholders were equally astounded because, while they had anticipated rent increases, they had not anticipated that they would be approximately one-thousand percent higher than the previous year. For commercial leaseholders that meant average land rents ranging from $10,000 to $60,000 annually.[23]

Shortly after the rental notices were received, local representatives in Jasper and Banff were planning a strategy to contest the rent increases. They concluded that given the limited time available to deal with the rental issue before the due date, it was desirable to concentrate their influence attempts directly on the Minister of the Environment himself in an effort to negotiate a solution. As a first step, the local representatives sent telegrams, letters, and petitions to the Minister requesting that he grant both a one year deferral on rents for commercial, industrial and cottage leases as had been granted for residential leases, and that he consider the

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[22]e.g. Joe Clark, M.P., Letter to John Roberts, Minister of the Environment, March 28, 1980; see also Dr. J.P. Betkowski, Chairman of Jasper Townsite Committee, Letter to Joe Clark, M.P., April 17, 1980.

[23]Bruce Patterson, "National Parks: Leaseholders May be Worrying Too Soon About Rent Hikes", in The Calgary Herald, March 28, 1980, p. A7.

adoption of nominal rents on all leases.[24] In their view a deferral was necessary to provide time to negotiate with federal and provincial officials the local self-government option.

For their part, the Minister of the Environment and the President of the Treasury Board remained firm in their position that rents on commercial leases were to be paid by the due date of April 1, 1980, subject to the negotiable graduated rental scale that allowed lessees to pay lower rents at the beginning of the ten-year period and substantially more towards the end. Most lease-holders, however, firmly rejected that option.

The realization by lessees and their local representatives that the Minister would not easily concede to their demands, convinced them to resort to stronger confrontational tactics. Large public meetings were held in Jasper and Banff during March and April both to allow residents to voice their displeasure with the new rents and to develop a united front on that issue against the Minister of the Environment and his officials. Several M.P.s and M.L.A.s were invited to the meetings with the hope that they would pressure the Minister of the Environment and the President of the Treasury Board to accede to the lessees' demands. The political figures who attended the meetings included for the Progressive Conservative Party: Joe Clark, M.P. (Yellowhead), Gordon Taylor, M.P. (Bow River), Ian Reid, M.L.A. (Jasper-Edson), and Greg Stevens, M.L.A. (Banff-Cochrane); and for the New Democratic Party its federal finance critic Bob Rae, M.P.

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[24] e.g. Jasper Townsite Committee, Telegram to John Roberts, M.P., Minister of the Environment, March 13, 1980; see also Telegram to John Roberts, sent by Jasper Chamber of Commerce, Jasper School Board, and Jasper Townsite Committee, April 1, 1980; and Banff/Lake Louise Chamber of Commerce, "Memorandum to John Roberts", April 7, 1980; and a petition organized by Don Hawthorne from Banff containing 1,600 signatures, reported by Bruce Patterson, "Rent Policy Gets Mixed Reaction", in The Calgary Herald, August 12, 1980, p. A20.

(Broadview-Greenwood), and Alberta provincial leader Grant Notley, M.L.A. (Peace River).[25] The Liberals were not represented. Although they had been invited, the Minister and his senior officials refused to attend those meetings to explain or defend their land rental policy. The only federal representatives present to answer some of the questions were the Park Superintendents and the Townsite Managers.

At the meeting in Jasper, when asked why he had not resolved the rental question while he was Prime Minister, Mr. Clark replied that his term in office had been too short and because of "the imbued biases and intransigence of senior civil servants" within Parks Canada and the Treasury Board on that issue.[26] Mr. Clark was also challenged to defend the decision in February, 1980, to defer rent increases rather than adopt nominal rents as advocated by lessees. His reply was that being unable to convince both Parks Canada and Treasury Board officials to adopt a nominal rent policy, he wanted to ensure that regardless of the election outcome, lessees would at least be given an opportunity to reconsider the local self-government option before the high rents were implemented. The implication, of course, was that if residents opted for local self-government, rents would be renegotiated.

Clark's answers provide only a partial explanation of the decisions. A more complete explanation emerges when one considers a point of political expediency. It is likely that Mr. Clark approved the deferrals in order to defuse a negative reaction against him at the polls by Jasperites, and more importantly perhaps, to preclude such a reaction by lessees who were

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[25] e.g. Public Meeting on Land Rents, held in Banff, March 13, 1980. Annual Ratepayers Meeting, held in Jasper on March 19, 1980; also Public Meeting on Land Rents, held in Jasper in April, 1980

[26] Joe Clark, M.P., Speech at a Public Meeting in Jasper, April, 1980.

very influential within the Progressive Conservative Party Association in the Yellowhead constituency. Some of those Conservative party members concurred with the Chairman of the Jasper Townsite Committee who told Mr. Clark in a personal and confidential letter that by passing those Orders in Council he had weakened their argument with the Liberal Government because it suggested that he did not agree with the lessees' demands for nominal rents.[27] Furthermore, while senior bureaucrats may have opposed nominal rents, this opposition could have been overriden by a prime-ministerial directive. It seems plausible that Mr. Clark who had advocated local self-government since 1973 felt that the threat of significantly higher rents would encourage lessees to opt for autonomy. Local representatives had anticipated such a strategy by federal officials. For example, as early as 1978 at the Canadian National Parks Conference the Chairman of the Banff Advisory Council poignantly concluded that the exorbitant increases were intended to "really drive the people to demand self-government. Then. . .the federal government can graciously grant the request under federal terms. Just wait and see!"[28]

After a series of meetings in early March 1980, local representatives in Jasper and Banff agreed that it would require more than political pressure to reverse the position of the Federal Government. The general consensus was that the services of lawyers would have to be engaged both to advise lessees, especially those with commercial lots, how to avoid or postpone, the rental payments due on April 1, 1980, and to proceed with court action on their behalf.[29] Mr. Allen Sulatycky, the ex-M.P. for

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[27]Dr. J.P. Betkowski, Chairman of Jasper Townsite Committee, Letter to Joe Clark, M.P., April 17, 1980.

[28]Becker, op. cit., p. 600.

[29]Jasper Townsite Committee, Minutes of Special Meeting, March 16, 1980.

Rocky Mountain, was hired both by the Jasper Townsite Committee, and the Banff Community Society to advise them on legal matters pertaining to the land rental increases. For their part and for the same purpose, the Jasper Chamber of Commerce and the Jasper School Board jointly hired J. Redmond, Q.C., from Edmonton. The legal advisors suggested that lessees exercise their right either to appeal the rents to the Federal Court or to have them set by an arbitration board. As the due date for payment of the rents on commercial leases approached, the legal advisors also warned their clients that refusal to pay rents, as had been proposed by the Jasper Chamber of Commerce, could lead to the forfeiture of their leases. A safer alternative was to pay at least the minimal sum allowable under protest.[30] The forms needed both to appeal the rents and to pay under protest were drafted by the legal advisors and distributed to lessees who in turn signed and sent them to the Minister.[31]

Another legal measure used by the Jasper Chamber of Commerce in an effort to prevent the Minister from collecting the commercial rents was to file a court injunction on grounds that the new rents would cause "irreparable damage" to lessees. The application for the injunction filed in the Federal Court in Edmonton on April 29, 1980, led to a hearing and a court order which temporarily prevented the Minister from collecting the rents. At the hearing in October 1980, and again in April 1981 at a second hearing, the application for an injunction was refused on technical-

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[30] J. Redmond, Q.C., Letter to Jasper Chamber of Commerce, April 18, 1980, pp. 1-5.

[31] Jasper Townsite Committee, "Notice to All Leaseholders", in The Jasper Booster, April 9, 1980, p. 1.

ities pertaining to the procedural aspects of the application.[32] Eventually the plaintiffs were granted a hearing for January 20, 1982. At that hearing a judge of the Federal Court of Canada ruled that the Minister had acted within his legal powers and had not, as the lessees' lawyer argued, contravened the "principle of fairness".[33] Approximately two weeks later the lessees' legal counsel met with lessees in Jasper to discuss the possibility of an appeal. The consensus was that because they apparently did not have a strong legal case, a class action was undesirable.[34] Nevertheless, individual lessees could appeal to the courts on their own, but they did not.

During the legal proceedings representatives in Jasper and Banff had continued to pursue their objectives on land rentals and local self-government via the political route. They did so despite the warning of Mr. Allen Sulatycky who emphasized in a letter to the Chairman of the Jasper Townsite Committee that the political route would probably accomplish very little. In his words:

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[32] See Mr. Fitzpatrick, Jasper Chamber of Commerce President, Letter to Membership, April 25, 1980; see also, "Land Rental Bettle", in Jasper Booster, December 31, 1980, p. 1; "Injunction Hearings", in Jasper Booster, April 1, 1981, p. 1; and J.E. Redmond, Q.C., "Report to Jasper Chamber of Commerce on Injunction Application of April 7, 1981", dated May 11, 1981.

[33] "Court Rejects Jasper Rent Protest", in Jasper Booster, January 27, 1982, p. 1.

[34] "Commercial Land Rent Case To Be Addressed By Legal Counsel", in Jasper Booster, February 10, 1982, p. 1. Confirmed in Telephone Interview with Ms. Elizabeth Belshaw, Secretary of the Jasper Chamber of Commerce, March 17, 1982.

> While I do not wish to dissuade any of the interested groups or persons from taking such action as they honestly believe serve their interest, I am convinced that the history of the past 10 years clearly shows that a highly professional political approach will lead to a deadend. There is a very good case that can be made against exorbitant increases, but it must be handled tactfully and without confrontation. To approach it on a political basis will merely invite a political response, namely that the increases were approved by the former Government headed by the Member of Parliament for Jasper.[35]

Two weeks after Mr. Sulatycky wrote his letter, the local Chamber of Commerce in Banff proceeded along the political route by drafting a lengthy memorandum which was sent to their local M.P. Gordon Taylor; the Minister of the Environment, John Roberts; Minister of Labour and Sports, Gerald Regan; Minister of Communications, Francis Fox; Minister of Economic and Regional Development, Senator Bud Olsen; the former President of the Treasury Board, Judd Buchanan; and the M.L.A. for Banff-Cochrane, G.P. Stevens, the Parks Canada employee who had coordinated the work of the Steering Committees on Townsite Administration in Banff and Jasper. In that memorandum the Chamber of Commerce commented on the negative effects that the land rent increases could have on lessees and the local ecomony, noted that the appraisals on the properties were inaccurate, and that the final assessments were "excessive and inequitable both in absolute terms and between different leasehold properties".[36] The memorandum concluded that though rent increases were perhaps necessary, they were to be implemented according to the following three recommendations:

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[35]Allen Sulatycky, Letter to Chairman of Jasper Townsite Committee, March 28, 1980.

[36]Banff/Lake Louise Chamber of Commerce, "Memorandum", April 17, 1980, p. 4.

1. Any substantial rent increases should only be implemented following an express policy statement as to their objective.

2. Imposition of rental increases on both residential and commercial leases leasehold should be deferred for at least one year, or until obvious errors in the appraisals have been rectified.

3. Any substantial rental increases should be instituted gradually, over a three to five year period to allow the local economy to adjust without disruption.[37]

The Minister's refusal to reduce rental rates, together with the news that service taxes would be increased over the next three years to cover the total cost of such services, revived the residents' enthusiasm for local self-government. Whereas during the previous several years the local self-government options were being quietly negotiated between local representatives and senior officials both from the federal and provincial level, in 1980 the issue again received wide public attention among townsite residents. For example, at the Annual Ratepayers' Meeting of March 19, 1980, a resolution was passed authorizing the Jasper School Board to undertake negotiations with the Alberta Government which "will lead to local self-government in municipal affairs in terms that will be economically favourable to the residents of the Town of Jasper".[38]

In Banff, the Joint Committee on Future Townsite Administration, comprised of members from the School Board and the Banff Community Society, was also examining the desirability and feasibility of local self-govern-

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[37] Ibid.

[38] Jasper School Board, Minutes of Annual Ratepayers' Meeting, March 19, 1980.

ment and the means by which it could be implemented.[39] The general contention among proponents of autonomy was that by opting for some form of municipal government a new system of taxation could be implemented whereby residents would contribute a "fair share" toward the townsite operating costs while land rents were retained at a nominal level.

The proponents of autonomy found support for their position in the reports which had been prepared by the Alberta Government, at the request of local representatives, to provide a projection of the costs of autonomous municipal government. The reports, produced by the Urban Advisory Council in the Department of Municipal Affairs, were tabled in the Alberta Legislature two months after the notices on the land rental increases were issued by Ottawa.[40] The two reports, one for Jasper and the other for Banff, based their cost and revenue projections on the assumption that the townsites would be incorporated under Alberta provincial laws but that the existing leasehold system under the federal government would be retained. Proceeding on that assumption, both reports concluded that "given an appropriate Federal-Provincial agreement, the operation of a municipal government within the setting and constraints of a national park is feasible".[41] Moreover, the reports maintained that if the proposed system of municipal government were adopted "the anticipated municipal taxation levels would

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[39]"A Decade of Debate", in Banff Crag and Canyon, February 13, 1980, p. 2.

[40]Alberta, Municipal Affairs, Urban Advisory Group and Special Projects Branch, The Park Town of Banff: An Option For Local Government, March 1980; also The Park Town of Jasper: An Option For Local Government, March 1980.

[41]Ibid., p. 31.

be no higher than experienced by similar-sized Alberta towns".[42] Finally, it was stated that the decision regarding incorporation had to be made by park residents in a plebiscite.

Despite such information, residents remained divided and undecided on the local self-government option. Most local representatives thought it was premature to pursue autonomy until they had a firm committment from federal officials that land rentals would be nominal and service costs would be based on a "fair share formula" agreed to by Parks Canada and townsite residents. The Minister of the Environment, John Roberts, however, made no such guarantee. In fact, he even deviated from the position of his immediate predecessors by asserting that the two issues were not linked and could be, indeed should be, negotiated independently from one another. The position of his immediate predecessors is reflected in the Parks Canada Policy (1979) which stated that Parks Canada would "levy charges on residents . . . in cases where local government does not exist, to recover an an equitable portion of costs of developing and maintaining municipal services".[43] Implied in that statement, of course, was that if autonomy were achieved alternative arrangements would be required. On the question of local self-government for Jasper and Banff Mr. Roberts concurred with most of his predecessors and the Parks Canada Policy (1979) which stated that "the formation of local government to administer services and certain facilities will be encouraged".[44] However, he was reluctant to approve

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[42] Ibid., p. 30.

[43] Canada, Department of the Environment, Parks Canada, "National Parks", in Parks Canada Policy, (Ottawa: Supply and Services, 1980), p. 45.

[44] Ibid.

the so-called provincial-municipal option that required incorporation of the townsties by Alberta, preferring instead a federal-municipal option which would provide Ottawa with greater direct control.[45]

Given the Minister's refusal to go to the parks to meet with irate lessees and their local representatives to discuss land rents, service taxes, and local self-government, local representatives from Jasper and Banff decided to travel to Ottawa to meet with him on May 13, 1980. The delegation from the parks included representatives from both the Jasper and Banff Chamber of Commerce, the Jasper Townsite Committee and its legal counsel, Allen Sulatycky. Federal representatives at the meeting were the Minister, his Deputy Minister, J.B. Seaborn, and the Assistant Deputy Minister, A. Davison. Also present at the meeting were Gordon Taylor, M.P. (P.C. - Bow River), and Joe Clark, M.P. (P.C. - Yellowhead), who acted as chairman.[46] The Minister and his Deputies were presented a joint brief from the Jasper Townsite Committee and the Jasper School Board which reiterated their request for a deferral of all rentals until a decision was made on local self-government. The brief concluded with the recommendation that a joint committee comprised of representatives from the local, provincial, and federal level be established to determine the process to be used in implementing local self-government.[47] Both during that meeting and in subsequent correspondence, the Minister refused to comply with the demands of local representatives on commercial rents but indicated that he

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[45] see Jasper Townsite Committee, "Jasper Townsite Report", in Jasper Booster, November 25, 1980.

[46] Jasper School Board, Minutes of Special Meeting of Board of Trustees, May 21, 1980.

[47] Jasper School Board and Jasper Townsite Committee, "Brief to the Hon. John Roberts, Minister Environment Canada", May 13, 1980.

was prepared to grant nominal rents for residential leases.[48]

Eight days after that meeting, Mr. Sulatycky met with members of the Jasper School Board, the Chamber of Commerce, and the Townsite Committee to give his views on the meeting with the federal officials and to suggest a further course of action. At that time Mr. Sulatycky suggested that they should approach the Alberta Minister of Federal and Intergovernmental Affairs, Dick Johnston, to determine how his government could assist the townsties to negotiate the land rental and local self-government issues with Ottawa.[49] The local representatives agreed with that suggestion and a meeting was scheduled with Mr. Johnston for May 30, 1980.

The meeting with Mr. Johnston was attended by the Chairman and Secretary-Treasurer of the Jasper School Board, along with Mr. Sulatycky and Dr. Ian Reid, M.L.A. (Edson). Since the Alberta Minister endorsed the position of local representatives, most of the meeting was devoted to developing a strategy to convince the federal Minister to comply with the lessees' demands. Mr. Johnston indicated that although he had already contacted the Minister of the Environment in May, he and his officials would continue their discussions with their federal counterparts.[50] He had also made a similar promise in the Alberta Legislature when asked by the leaders of the opposition parties, R. Clark of the Social Credit, and G. Notley of the N.D.P., whether he would pressure Ottawa for lower land rentals and some form of local self-government. In his replies Mr. Johnston indicated

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[48]see "Joe Clark Meeting on Land Rentals" in Jasper Booster, May 21, 1980, p. 1.

[49]Jasper School Board, Minutes of Regular Meeting, May 21, 1980.

[50]George Krefting, Secretary Treasurer of the Jasper School Board, Letter to the Board of Trustees, June 3, 1980.

that whereas his government would continue to assist lessees in pursuit of their goals, ultimately only the federal government had the authority to decide on such matters.[51]

By mid-June the Minister of the Environment and his officials had finalized the details of a proposal giving commercial operators the option of paying a percentage of their gross revenue rather than the assessments calculated at a percentage of appraised land value.[52] Although Cabinet approval was granted for that option, commercial operators rejected the offer and continued to press for nominal rents. In a letter dated July 22, 1980, the Minister reasserted that he did not plan to change his position on rents for commercial leases and emphasized that ultimately such decisions were made in conjunction with the Treasury Board and Cabinet, not by himself alone.[53]

On August 8, 1980, lessees were very surprised when the Minister and his officials issued two press releases stating that Cabinet approval had been given to grant nominal rentals on residential leases and a reduction on cottage leases.[54] According to the press release on residential leases, a reduction in rents would be granted provided that lessees

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[51]Alberta, Legislative Assembly, Alberta Hansard, April 14, 1980, No. 15, pp. 311-312; also April 29, 1980, No. 26, pp. 637-638; and May 6, 1980, No. 31, pp. 786-787.

[52]Bruce Patterson, "Banff Leaseholders Feeling Frustrated Despite Reprieve", in Calgary Herald, June 12, 1980, p. B6.

[53]John Roberts, M.P., Minister of the Environment, Letter to President of Jasper Chamber of Commerce, M. Fitzpatrick, July 22, 1980.

[54]R.W. Maslin, Chairman of Task Force on Townsite Administration, "Residential Lease Rents Reduced in National Park Townsites"; and "Reduction of Rental Charges for National Park Cottage Lots", Press Releases dated August 8, 1980.

accepted a "need to reside" clause in their leases restricting occupancy to people "who have a need to reside in the town because they work or have a business there".[55] Those who were unwilling to have such a clause inserted in their leases would be charged the full amount specified in their rental notices of February 28, 1980. The Minister and his officials saw the lease substitution program as a means to standardize leases, and more importantly perhaps, to put an end to the use of homes as seasonal chalets as was happening in Banff and to a lesser extent in Jasper.[56]

Initially almost all holders of residential leases were willing to have the "need to reside" clause included in their leases in exchange for nominal rents ranging from a minimum of $100 to a maximum of $250 until the next decennial review. However, lessees were reluctant to sign the leases when they were alerted that the federal government could increase rents again in 1990, the need to reside clause would remain for the entire leasing term. Even greater consternation among lessees resulted when it was recognized that the wording of the "need to reside clause" limited the transferability of their leases and perhaps even jeopardized the lessees' right to their own leases if they, their dependants or those occupying the premises, did not meet the provisions of that clause. Moreover, whereas lessees had initially thought that if they failed to comply with the new provisions of the leases their land rental would revert to 6% of appraised value, subsequently they were informed that at such time their leases could

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[55]John Roberts, M.P., cited by John Bakogeorge, "Banff Residents Escape Rent Hikes", in Calgary Herald, August 9, 1980, p. A3.

[56]Stan Wright, Jasper Townsite Manager, Telephone Interview, August 29, 1981.

be terminated and there were no provisions in the new leases for compensation. Local representatives, in culsultation with their legal counsel, advised lessees to have the new leases reviewed by lawyers before signing them.[57]

As the deadline for accepting the Minister's offer approached, lessees reluctantly continued to sign the new leases. Eventually they received further assurances from federal officials that the new leases would not seriously jeopardize their leasehold rights. By February 1982, however, some lessees had still not signed the new leases and when they attempted to do so they were informed that they had missed the due date and would therefore not be granted nominal rents. The lessees, through their local representatives, appealed to their local M.P. Joe Clark to convince the Minister of the Environment that given the uncertainties surrounding the new leases more flexible deadlines should have been offered. Mr. Clark contacted the Minister and subsequently those lessees were allowed to sign the new leases and they were also granted nominal land rents.[58] Despite the savings gained during the period before the next decennial review, lessees were still apprehensive that in 1990 they faced either high land rents or further concessions to keep the rents at a nominal level. In short, most lessees felt that such tactics by federal officials were a continuation of what one writer described two years

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[57]see "Residential Leaseholders" in Jasper Booster, October 29, 1980, p. 1; see also Paul E. Height, "Letter To The Editor", in Jasper Booster, September 2, 1981, p. 2; and "Amendments to Park Leases", in Jasper Booster, September 2, 1981, p. 1; "Land Rental Amendment", in Jasper Booster, September 9, 1981, p. 1.

[58]Roy Everest, Member of the Jasper Townsite Committee, Telephone Interview of March 21, 1982.

earlier as "blackmail".[59]

As previously mentioned, cottage leaseholders were also offered a reduction in rents in August, 1980. According to the Department's press release those leaseholders were granted a phase-in option allowing them to pay 2% of appraised land value the first year with a 1% increase bi-annually until 1990. The option amounted to a net reduction of 2% of the appraised value over previous assessments until the next decennial review. Cabinet also authorized the Minister to grant special reductions to cottage owners and especially to pensioners who could show that the new rates would create "economic hardships". However, the reduction was to be carried as a debt against the lease which would have to be paid before the lease would be reassigned.[60] This particular authorization was given by Cabinet apparently at the insistence of the Liberal Minister Lloyd Axworthy, M.P. (Fort Garry), who had publicly promised cottagers in Riding Mountain National Park that he would encourage the Environment Minister to reconsider the rental assessments.[61] Cottage owners in all parks were still not satisfied with that rent reduction, however, and they also considered challenging the rents in court if their fight for nominal rents via the political route proved unsuccessful.[62]

The major point of contention in relations between the federal government and local representatives, in Jasper and Banff remained the continual refusal by federal officials to reduce rents on commercial proper-

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[59]Editorial, "From Crag to Crag", in Banff Crag and Canyon, May 3, 1978.

[60]Parks Canada, "Memorandum to Directors of Regional Offices and Park Superintendents", August 8, 1980.

[61]See "Axworthy Wants Review of Park Rents", in Winnipeg Free Press, March 19, 1980.

ties. Although by the second-half of 1980 it seemed that their only chance for a significant rent reduction was either a favourable ruling on the court injunction or autonomy, commercial operators, through their local representatives, continued to pursue their objectives within the political arena.[63] With the assistance of their local M.P.s, namely Joe Clark (Yellowhead) and Gordon Taylor (Bow River), local representatives in Jasper and Banff continued to concentrate their lobbying activity primarily on the Minister of the Environment and a few other select members of Cabinet.[64] By the fall of 1980, however, a new strategy proposed by their legal counsel, Allen Sulatycky was being considered.

The new strategy required that local representatives from Jasper and Banff broaden their lobbying activity to include as many parliamentarians as possible from all parties. Mr. Sulatycky contended that most parliamentarians were not aware of the problems faced by leaseholders in the national parks, therefore it was necessary to contact them, make them aware of those problems and enlist their support. Such support, it was argued, could not only prove useful in resolving the commercial rent issue, but could also be very useful when legislation to grant Jasper and/or Banff local self-government was introduced in Parliament. According to one local representative, Mr. Sulatycky maintained that it was reasonable to believe that "the Minister and his Cabinet colleagues would be more likely to make decisions which are favourable to lessees if they see that they have the support of most Parliamentarians, particularly of those within their own

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[63] e.g. Jack Krecsy, Chairman of Banff Community Society, quoted by Bruce Patterson, "Banff Leaseholders Feeling Frustration Despite Reprieve", in Calgary Herald, June 12, 1980.

[64] e.g. Banff-Lake Louise Chamber of Commerce, "Memorandum to John Roberts, Gerald Raegan, Francis Fox, Judd Buchanan, Gordon Taylor, Bud Olson, and Greg Stevens", April 7, 1980.

party caucus".[65] The same advice had been given to Jasper residents by Mr. Joe Clark during a public meeting in April 1980.[66]

Acting on the advice of Mr. Clark and Mr. Sulatycky, in October of 1980 a delegation comprised of members of the Jasper Chamber of Commerce, the Jasper School Board, the Jasper Townsite Committee, and Mr. Sulatycky, travelled to Ottawa to meet with approximately forty Parliamentarians and/or their assistants from the various parties. The delegation had agreed to "forego active lobbying of leases and rents, and to concentrate on an education process on the need for local self-government".[67]

The delegation met privately with their M.P. Joe Clark, Leader of Official Opposition, who encouraged the group to continue the lobbying and "educational" activity both at the federal, provincial, and local level to ensure that when legislation on autonomy was introduced opposition to it would be minimal. Before leaving Ottawa the delegation also met with the Assistant Deputy Minister responsible for Parks Canada, Al Davidson, and the Chairman of the Federal Task Force on Townsite Administration, Ron Maslin, both of whom advised the local representatives that nominal rents on commercial leases was not a saleable proposition in Ottawa.

Those federal officials again reminded local representatives that it was Cabinet as a whole and not they or their Minister alone who ultimately decided on rental levels. At that time the two senior officials also informed the delegation that the Minister, in conjunction with the Treasury

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[65] M. Fitzpatrick, President of the Jasper Chamber of Commerce Telephone Interview of November 11, 1980.

[66] Joe Clark, M.P. (Yellowhead), statements made at a special public meeting in Jasper, in April 1980.

[67] Joint Delegation from Jasper School Board, Chamber of Commerce and Townsite Committee, "Summary of Ottawa Trip to Lobby Caucus with Regard to Land Rental Issue", October, 1980.

Board and the Department of Public Works had finalized the decision to phase-in higher service taxes which within three years would cover 100% of the total cost of townsite services, namely water, sewage, and garbage collection.[68] Shortly thereafter, lessees, especially commercial leaseholders, were angered further when they received notices of the increased service taxes.

Evidently, the delegation was somewhat successful both in familiarizing parliamentarians with leasehold problems faced by residents in the national parks and in generating some support for their cause. Approximately three weeks after that trip, in November 1980, the Conservative caucus gave two of its members, W. Dinsdale, M.P. (Brandon-Souris), and R. Mayer, M.P. (Portage-Marquette), permission to co-sponsor a motion in the House of Commons calling on the Minister of the Environment to announce immediately that he would consult with leaseholders in the western national parks in an effort to arrive at a fair and equitable increase on all land rents.[69] Although the Liberal majority in the House defeated that motion it still served in making other M.P.'s aware that the rent issue was still not resolved to the lessees' satisfaction and, more importantly perhaps, it also reminded parliamentarians that local representatives were still considering local self-government as a possible solution to the dispute.

Encouraged by the reception that the Jasper delegation had received from parliamentarians in October, 1980, local representatives planned another lobby for February, 1981. According to the Chairman of the Townsite Committee that lobby was specifically planned in order to continue the work of the previous delegation to Ottawa in generating "political aware-

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[68] Rory Flanagan, Superintendent Jasper National Park, "Parks Charges: Cost Recovery in April", in Jasper Booster, December 17, 1980, p. 1.

[69] Debates, November 12, 1980, p. 458.

ness, sympathy and support for the concerns of Jasperites".[70] This delegation or lobby was, like the first, comprised of representatives of the three major representative groups in the townsite and Mr. Sulatycky. While in Ottawa the delegation again met individually with nearly forty parliamentarians and/or their assistants from the various parties.

The most important meetings, however, were those with members of the special all party ad-hoc committee comprised of the Liberal M.P., M. Foster, New Democratic Party M.P.'s, B. Rae and J. Fulton, and Conservative M.P., S. Paproski the committee coordinator, all of whom had agreed to lobby their respective party caucuses on behalf of park residents and to act as a "local liaison in Ottawa to keep pressure on the people who have to make the decision on local government".[71]

At that time the Jasper delegation also met with the Minister of the Environment, John Roberts, who was accompanied by his Assistant Deputy Minister, Al Davidson, and the Chairman of the Task Force on Townsite Administration, Ron Maslin, to review their position on rentals and local self-government, but no major decision resulted from that meeting. The discussion revolved around some of the major questions which were raised during a meeting between Mr. Maslin and local representatives in Jasper two weeks earlier.[72]

Although a formal meeting was not scheduled with Prime Minister Trudeau, a member of the delegation approached him on two occasions and

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[70] Ron Steers, Jasper Townsite Committee Chairman, "Townsite Committee Report", in Jasper Booster, January 21, 1981, p. 10.

[71] Jasper Townsite Committee, School Board, and Chamber of Commerce, Minutes of the Special Joint Meeting, February 3, 1981.

[72] "Jasper Townsite Committee News", in Jasper Booster, February 11, 1981, p. 1.

briefly explained to him the purpose of the lobby. For his part Mr. Trudeau asked for a written brief and indicated that, once he received it, he would discuss the matter of local self-government with excisement both with the Minister of the Environment and Justice Minister, Jean Chretien.[73]

Finally, on Mr. Sulatycky's suggestion, the delegation also made a special effort to meet with Mr. Jim Coutts from the Prime Minister's Office whom it was believed could have been very influential in determining Liberal support for local self-government. In reporting on its trip the delegation concluded that it had not encountered any opposition to the option of local self-government with excisement and that in fact most parliamentarians had given assurances of their support. However, it was noted that some bureaucratic opposition to local self-government for the townsites was evident and would have to be dealt with in future.[74]

Approximately three weeks after the Jasper delegation returned to the park, local representatives again approached Alberta provincial officials to discuss a timetable for establishing local self-government with excisement. The provincial officials explained that they could not make a committment until the federal government resolved the legal questions pertaining to excisement under the Natural Resources Transfer Act.[75] At that time, provincial officials were concerned that there would be major delays in the negotiations because their federal counterparts were still opposed to provincial incorporation and excisement.[76]

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[73]Jasper Townsite Committee, School Board, and Chamber of Commerce, Minutes of Special Joint Meeting, February 23, 1981.

[74]M. Fitzpatrick, President of Jasper Chamber of Commerce, in Minutes of Regular Meeting of the Jasper Townsite Committee, March 4, 1981

[75]Jasper Townsite Committee, Minutes of Meeting, March 11, 1981.

[76]Ibid.

By that time local representatives in Jasper and Banff were again concerned that despite federal and provincial reassurances that park residents would have the major say on the timing and type of municipal government, a danger existed that the two senior governments would negotiate a mutually suitable arrangement and attempt to impose it on the residents. Therefore, in June 1981 the Jasper Townsite Committee and the Banff Community Society, both of whom were committed to achieve local self-government, passed a joint resolution calling on the federal and provincial governments not to impose any arbitrary solutions and to respect the fact that Jasper and Banff may wish to adopt different systems of municipal government.[77] Those local bodies also wanted some guarantee that they would be consulted on the options to be included on the ballot in a local self-government plebiscite.

The federal and provincial governments had agreed on the fall of 1981 as target date for such a plebiscite, but when they met to finalize their plans the Minister of the Environment, John Roberts, and Alberta Minister of Federal and Intergovernmental Affairs, Dick Johnston, could not agree on what system of local self-government to pursue. Apparently Mr. Roberts was not convinced that provincial incorporation, especially with excisement, was undesirable from a federal perspective because it could significantly curtail Ottawa's control over townsite development. The Alberta government on the other hand traditionally supported provincial incorporation of the townsites with excisement, but realized that Ottawa had the legal right to consent or refuse.[78]

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[77]"Resistance in the Rockies: Jasper and Banff Count the Costs of Autonomy", in Alberta Report, June 12, 1981, Vol. 8, #27, p. 11.

[78]See Alberta, Legislative Assembly, Alberta Hansard, October 13, 1978; pp. 1320-1321; see also, "Up to Residents: Alberta to Rule Banff-Jasper", in Edmonton Journal, October 14, 1978.

On November 16, 1981 the Jasper Townsite Committee was informed of that impasse when it met with the Chairman of the Federal Task Force on Townsite Administration, Ron Maslin, and two Alberta Deputy Ministers, R. Dalon from Federal and Intergovernmental Affairs, and B. Russell from Municipal Affairs.[79] After that meeting, the Jasper Townsite Committee issued a statement in the local newspaper asking residents to write Mr. Roberts and express their views on autonomy.[80] This was intended to pressure the Minister to continue negotiations with provincial and local representatives. However, only one letter was sent and that was in opposition to autonomy.[81]

Meanwhile in Banff, the Joint Committee on Future Townsite Administration passed a resolution that the Minister of the Environment be advised that a plebiscite on local self-government would be held in May of 1982. In that resolution the Joint Committee outlined two alternate proposals for local municipal government. The first was the provincial-municipal option with excisement, and the second was basically the so-called federal-municipal option in which Parks Canada would appoint a full time townsite administrator to work alongside a locally elected council.[82]

At a meeting of February 5, 1982 of the Banff Joint Committee with the Alberta Deputy Minister of Federal and Intergovernmental Affairs, Richard Dalon, and the Chairman of the Federal Task Force on Townsite

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[79]"Jasper Townsite Report", in Jasper Booster, November 25, 1981, p. 1.

[80]Ibid.

[81]Jasper Townsite Committee, "Self Government for Jasper", in Jasper Booster, February 25, 1982, p. 1.

[82]"Banff Plebiscite Options", from Banff Crag and Canyon, in Jasper Booster, December 9, 1981, p. 25.

Administration, Ron Maslin, it was announced that the federal government would not permit excisement of the townsites.[83] When the Alberta Government adopted the position that Ottawa had the right to make such a decision some local representatives felt betrayed by provincial officials. They realized that Ottawa had ultimate authority but they felt that Alberta should have fought harder. With the excisement option eliminated local representatives in Jasper and Banff had to revise their plebiscite options. The Jasper Townsite Committee maintained that the two remaining options were either the status quo or "full municipal self-government under the province of Alberta with . . . land remaining under federal jurisdiction".[84]

Given those developments in the negotiations between federal, provincial, and local representatives, the target date for plebiscites was changed from May 1982 to the fall of that year. Once again, the major reason for the delay was that local representatives were still hopeful that federal officials would either consent to excisement of the townsites, or at least to provide some guarantee that regardless of the plebiscite, on the next decennial review lessees would have both reasonable land rents and security of tenure. Thus, at its meeting of February 9, 1982, the Jasper Townsite Committee passed a resolution stating that "the land rents question be decided prior to or along with a plebiscite regarding local self-government".[85] The Minister of the Environment and his officials, however, refused to make such a guarantee.[86]

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[83]"Local Control but Parks Keep Land", from Banff Crag and Canyon, reprinted in Jasper Booster, February 17, 1982, p. 1.

[84]Jasper Townsite Committee, "Self Government for Jasper", in Jasper Booster, February 17, 1982, p. 1.

[85]Ibid.

[86]"Local Control but Parks Keep Land", from Banff Crag and Canyon, reprinted in Jasper Booster, February 17, 1982, p. 1.

A second reason for delaying the plebiscite was that support for the local self-government option among lessees had again subsided when residential rents were reduced. In Jasper this was evidenced by the poor response to a newspaper poll conducted by the Townsite Committee asking residents whether they preferred the status quo, municipal government without excisement, or municipal government with excisement.[87] After a week only eight people had responded. An equally poor response resulted when the Townsite Committee again asked lessees to write the Minister of the Environment and the Alberta Minister of Federal and Intergovernmental Affairs stating their preference on the following: "a) local self-government; b) control of land; c) land rent; and d) land lease."[88] However, with the threat of high land rents temporarily aside, at least for residential leaseholders, demands for local government quickly subsided to the point where the Jasper Townsite Committee proclaimed that Jasper "was besieged by a level of apathy which defies diagnosis".[89] In fact, some lessees again began to express the view that local self-government was perhaps less desirable than the status quo when taking into account the existing taxation levels and the quality of municipal services.[90]

Commercial leaseholders, on the other hand, were generally less enthusiastic by the status quo because they had to pay what they considered

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[87]Jasper Townsite Committee, "Self Government for Jasper", in Jasper Booster, February 17, 1982, p. 1; see also "Poll Regarding Self Government", in Jasper Booster, February 24, 1982, p. 3.

[88]Ibid.

[89]Ibid.

[90]e.g. Bill MacDonald, "Letter to theEditor", in Jasper Booster, February 17, 1982, p. 2; see also Rajo Vuksanovich, "Letter to the Editor, Re: Jasper Autonomy", in Jasper Booster, February 24, 1982, p. 2.

exorbitant land rents. The difference in the levels of land rents for commercial and residential leases contributed to the split on autonomy among park residents. Some local representatives viewed this as the effect of what at least one local representative described as the traditional "federal strategy of divide and conquer".[91] Such statements are indicative of the recurring suspicion characteristic of the deterioration in the relations between local representatives and federal officials. As one looks ahead it appears that the next series of intense negotiations and perhaps even confrontation between local representatives and federal officials will arise either when they attempt to finalize the details of local self-government both before and after a plebiscite, at the time of the next decennial review, or possibly both.

In summary, the evidence presented in this chapter indicates that when local representative groups became convinced that they would not be able to convince the Environment Minister and his officials to retain nominal rents on all properties through an accomodative approach they resorted to confrontationist tactics. This included holding large public meetings within the townsites both to generate publicity and support for the lessees' position. Members of Parliament and Alberta provincial M.L.A.'s from various party caucuses were invited to those meetings and asked to side with lessees in their demands for nominal rents on all land leases. Local representatives again enlisted the support of the Alberta government to pressure Ottawa for lower rents and some form of local self-government. Local representatives also initiated and coordinated letter campaigns and petitions directed at the Environment Minister who constituted the main

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[91] Roy Everest, Member of the Jasper Townsite Committee, Telephone Interview, March 20, 1982.

target of influence attempts.

When the Minister refused to travel to the parks to discuss the matter with lessees, local representatives organized lobby groups to travel to Ottawa where they met with the Minister and some of his officials and also broadened their lobbying activity to include as many M.P.'s as possible. Local representatives reasoned that even if their appeals to members of the various party caucuses would not assist them in their battle on land rents, they could prove useful in the future when legislation for local self-government was introduced in Parliament. For that reason, they also appealed to the Principal Secretary of the Prime Minister's Office, on the advice of their legal advisor and former M.P., A. Sulatycky, who understood the importance of central agencies in the government's decision-making process. Such lobbying reflected the growing sophistication of local groups in dealing with Ottawa. Their efforts to ensure that the federal and provincial governments would not decide on a form of local self-government without consulting residents, is also indicative of that growing political awareness or sophistication among local groups.

In pursuing their objectives via the political route using confrontationist tactics, local representatives were only partially successful; while they were granted nominal rents on residential leases, rents on commercial leases were not reduced. Hence, as a last resort, local representatives challenged the high commercial rents in the courts. However, although that strategy delayed the collection of the rents, eventually the Federal Court ruled that the commerical rents set by the Environment Minister were legal and had to be paid. This entire episode was a definite setback in the relations of local representatives with the Minister of the Environment and his officials. It remains to be seen what effect this will have on their future initiatives and interaction.

CONCLUSION

The main purpose of this study was to catalogue and analyze the initiatives and interactions of local representative and/or governing groups in Jasper and Banff vis-a-vis the federal government concerning the various facets of the land leasing debate from 1885 to 1982. More specifically, the objective has been to answer the following four research questions: 1) who were the local pressure groups involved in the land leasing debate, where did they fit in Pross's typology, and what were their objectives; 2) what was the locus of their lobbying activity . . . was it primarily Cabinet members, bureaucrats or legislators; 3) what was the nature of their lobbying activity . . . was it primarily access-oriented or media-oriented, and accommodative or confrontationist; and 4) did their behaviour conform to Pross's propositions for pressure groups in their category? This chapter draws together the evidence presented in the main body of the thesis in order to answer these questions. It concludes with some general suggestions for local representatives in Jasper and Banff towards more effective lobbying strategies.

The evidence indicates that the major local representative and/or governing groups from Jasper and Banff involved in the land leasing-debate were the Chambers of Commerce, the School Boards, and the now defunct Advisory Councils which were superseded by the Jasper Townsite Committee and the Banff Community Society. In addition to these more established groups, special committees were also formed periodically, consisting mainly of representatives from the above groups. Such committees included the Jasper and Banff Residents' Associations of the mid-sixties established to supplement the efforts of the aforementioned groups in pressuring Ottawa to reinstate perpetual leases; the Jasper Autonomy '73 Committee established to lead the campaign for local self-government; the various Steering Committees,

including the Banff Provisional Administration Board, formed in the mid-seventies to study possible reforms to the leasehold and townsite administration systems; and more recently, the Banff Joint Committee on Future Townsite Administration to study the local self-government options for that townsite.

For all intents and purposes of this study, those special joint committees must be regarded as extensions of the major local representative and/or governing groups, not as independent pressure groups. The possible exception to this are the Residents' Associations of the mid-sixties which though organized at the initiative and with the support of the more established groups, recruited their leadership from their general membership. Their decision for doing so was to give a stronger impression of widespread support among lessees for the rentention of perpetual leases. This indicates that occasionally the more institutionalized groups considered it advantageous to foster the formation of ad-hoc or issue-oriented groups which were valuable allies in disputes with the federal government.

Furthermore, the existence of the various joint-committees within each of the townsites involving representatives from the major groups is significant, because it confirms the point, made throughout this study, that invariably the major local groups banded together and shared some of the legal and tactical costs incurred in their disputes with federal officials over leasehold and townsite matters. This tendency to band together is attributed to a common or overlapping membership, common objectives, and a common antagonist in the federal government. The latter two factors also provided a bond between groups from Jasper, Banff, and at times even those from Waterton Lakes. Such collaboration occurred on an informal and ad-hoc basis as no joint inter-townsite committees were formed. The only effort in that direction was the short lived Mountain Parks Motel Owners'

Association of the late-fifties/early-sixties, comprised of motel owners from the parks. Yet, in the absence of formalized coordinative mechanisms the major groups in those townsites maintained close communications, occasionally attended each others' meetings, exchanged information, drafted joint petitions, and even shared the costs for legal advisors.

Their common objectives included, nominal land rents for all leases, security of tenure and preferably freehold title, compensation on termination of leases, equitable service taxes, ample land for residential, commercial, and recreational purposes, a greater degree of resident input on decisions regarding townsite management, and the possible implementation of local self-government. It is only on this latter objective that lessees were divided. They could not agree on the desirability of local self-government, and they were uncertain, indeed apprehensive, both about its cost in terms of taxes, and possible mismanagement of the townsites by a municipal council.

In terms of Pross's typology the above objectives can be described as multiple, closely related, broadly defined, and collective. According to Pross, such objectives are characteristics of fledgling and mature and to some extent even institutionalizes groups, but not issue-oriented groups. Hence, the groups in this study seem to fall, at least on this dimension, primarily in the middle to upper middle range of Pross's pressure group typology. It remains to consider where they fit in the typology given their organizational features.

The organizational nature of the major pressure groups from Jasper and Banff indicates that they exemplify a hybrid of characteristics ascribed to pressure groups in the fledgling and mature, moreso than the issue-oriented or institutionalized, categories. Furthermore, it must be acknowledged that since their inception those groups have undergone what

Pross refers to as "institutionalization", which means that they have experienced some organizational growth or maturation which provided their upward movement on Pross's typology continuum. It is difficult to determine precise stages in their evolution but a noticeable difference can be detected in these groups before and after the mid-fifties/early-sixties. To be sure, the evidence on these groups reflects more sophisticated lobbying strategies and knowledge of the process during the most recent quarter century than in the formative years.

Further indication of such "institutionalization" is that over time the groups progressed to the point where they included a membership that could support a small staff. At the same time, the groups in Jasper and Banff developed alliances with each other, as well as with the Edmonton and Calgary Chambers of Commerce, and more importantly, with the Alberta government. Furthermore, though difficult to quantify, the evidence indicates that those groups also possessed a hybrid or degree of characteristics such as organizational continuity and cohesion, some knowledge of those sectors of government that affected them and their clients, a relatively stable membership, operational objectives that were immediate and concrete, and organizational imperatives that were more important than any particular objective. Hence, all the above mentioned factors suggest that those groups have oscillated within the fledgling and mature categories of Pross's typology.

Of course, some of the groups examined in this study more closely approximate the mature or fledgling categories than others. For example, a difference seems to exist between the Advisory Councils including the Jasper Townsite Committee and the Banff Community Society on one hand, and the School Boards and the Chambers of Commerce on the other. The former seemed to possess lower organizational continuity and certainly a much

lower sense of organizational imperatives than did the latter. This is reflected in the rather checkered history of the Jasper Advisory Council which along with its counterpart in Banff folded. Moreover, during their relatively short history the Jasper Townsite Committee and the Banff Community Society, which replaced the Advisory Councils, also threatened to fold if federal officials did not accede to various demands on leasehold and townsite matters. Furthermore, unlike the Chambers of Commerce and the School Boards, the advisory bodies did not have an enlisted membership per se, from whom they could collect membership dues. They were only comprised of elected representatives and given operational grants by the School Boards. Hence, for all of the above reasons it is difficult to say with a high degree of conviction or reliability whether the advisory groups, or even the other groups for that matter, qualify as fledgling or mature. Nevertheless, the point remains that the advisory bodies were less "institutionalized" than the other major local and/or governing groups from Jasper and Banff.

Given the organizational differences among these groups one should find, according to Pross, a corresponding difference in their behaviour. As will be discussed below, however, while all groups became more sophisticated over time, no perceptible difference existed in the style of their lobbying activities. This may be accounted for by the fact that their lobbying activities were generally intertwined. Moreover, if one examined the executive members of those bodies closely, it would reveal a high incidence of overlapping membership which, undoubtedly, was also conducive to close liaison, and also common strategies and focus in their lobbying activity. Another plausible explanation of course, is that the degree of difference in their organizational features was not sufficient to produce significantly different behaviour patterns.

With regards to the locus of the lobbying activity of all these groups the evidence indicates that generally they all tended to concentrate most of their lobbying activity on successive ministers responsible for national parks. Generally, they devoted little attention to other members of the executive or bureaucrats. Two interrelated explanations for that occurrence are first, that groups in Jasper and Banff felt that the ministers responsible for parks were the critical or key decision makers in that sector of the governmental process which affected them, and secondly, their suspicion of departmental officials whom they considered a threat to their leasehold rights.

Despite their tendency, indeed preference, to concentrate lobbying activity primarily on ministers responsible for parks, in the mid to late-seventies they also devoted attention to some senior bureaucrats and some other Cabinet members. It must be emphasized, however, that the contacts with bureaucrats, which included numerous meetings in the parks on matters of mutual concern, occurred more due to the initiatives by the bureaucrats themselves than a concerted effort by local representatives. Nevertheless, by mutual consent, from 1974 until 1979 they were able to conduct their relations on an unprecendented cordial basis. That series of events is indicative of how much these pressure groups depended on senior bureaucrats to grant them access or an invitation to participate actively in the process. In 1973, the parliamentary Standing Committee on Indian Affairs and Northern Development might have been initially responsible for drafting a general plan of action which the Minister approved, but ultimately it was the senior bureaucrats' discretion that determined how much access and information local representatives would be granted.

The evidence also indicated that after the mid-seventies local representatives occasionally contacted the President of the Treasury Board.

That occurrence, however, did not result from an understanding of the importance of the Board's role on parks matters, but accidentally when the former Minister responsible for parks, Judd Buchanan, whom local representatives trusted, became President of the Treasury Board. Then, during the lobbying activities over the proposed rental increases of 1980, the Banff Chamber of Commerce again broadened its lobbying activity within the executive arena when, in addition to the Minister of the Environment, it also sent copies of a memorandum protesting the rental increases to Senator Bud Olson, Minister of Economic Development, Francis Fox, Secretary of State and Minister of Communications, Gerald Regan Minister of Labour, and even to Mr. Buchanan who did not hold a cabinet post after the 1980 election.

Apart from the Minister of the Environment who was responsible for national parks, and perhaps Senator Bud Olson who was the only Albertan in the Cabinet, it is not clear why the Chamber of Commerce chose to send such a memorandum to that particular group of Cabinet Ministers and not to others, such as, for example the President of the Treasury Board, the Minister of Public Works, the Minister of Justice, the Minister of Finance, and even the Prime Minister, all or whom are more directly involved in decisions regarding leasehold and townsite matters. That particular lobbying effort and others like it, tend to suggest that despite a growing sophistication of local groups over time, their lobbying activities still suffered both from inadequate understanding of the federal policy and decision making process, and careful planning. One can only speculate on how many more problems they would have encountered had they not been assisted by one of their local M.P.'s in planning some of their lobbying strategies.

In addition to a consultative role, actors in the legislative arena also provided local representatives with a valuable appeal mechanism. Although to some extent local representatives communicated frequently with two

Alberta Senators, namely Senator Lougheed in the early period and Senator Don Cameron in recent decades, most of their appeals within the legislative arena were made to M.P.'s. More specifically, they focussed on M.P.'s representing Jasper and Banff and to some extent other Alberta M.P.'s from constituencies near the parks who were supportive of the lessees' objectives. It must be emphasized, however, that M.P.'s were never viewed by local representatives as primary targets of their lobbying activity. Rather, they viewed them as appeal mechanisms, ombudsmen, intermediaries, and in some ways even as lobbyists for their cause, when ministers responsible for national parks and their officials refused to comply with lessees' demands.

From the lessees' point of view, in several instances those parliamentarians were rather successful in the aforementioned roles. Local representatives realized that it was those M.P.s who were instrumental in encouraging the Standing Committee on Indian Affairs and Northern Development to hold hearings in the parks both in 1966 and again in 1973, where lessees publicized their grievances on leasehold and townsite matters with the hope that committee members would in turn, pressure the government to comply with their demands. Some of the recommendations of those Committees were heeded by the federal government. For example, on the Committee's suggestion, the government consented to attain a judicial decision on perpetual leases in 1966, and in 1973 to authorize extensive studies on possible reforms to leasehold and townsite management with an eye on establishing local self-government.

Undoubtedly, the fact that in both instances there was a minority government situation cannot be overlooked as a major factor in the Committees' ability to attain parliamentary consent to travel to the parks and, subsequently, to sway the government to adopt at least some of its recommendations. Furthermore, the fact that in both instances the townsites were represented

by opposition M.P.s is also significant, because they were neither constrained by party discipline to restrain their criticism of the government's management practices, nor did they have to attempt to pacify park residents about those matters. In fact, it gave them an opportunity to score political points both in the House and in their constituency. By the early-seventies local representatives realized that the support of opposition M.P.s for their cause was predicated on partisan political considerations. Evidently, some of those M.P.s wanted to exploit the issue for political advantage and refused to comply with the suggestion of local representatives not to unnecessarily antagonize the Minister responsible for parks prematurely. Hence, local representatives learned that while M.P.s may act as ombudsmen and lobbyists, by no means are they either neutral or unselfishly dedicated to the lessees' cause.

The growing sophistication of local groups was again exemplified during the latest episode of the land leasing debate when they appealed to actors in the legislative arena. On the advice of their legal counsel and former M.P. for that area, Allen Sulatycky, local representatives in Jasper broadened their lobbying activity to include as many M.P.'s as possible from all parties in anticipation of legislation on local self-government. Then during that lobbying process, at the sgugestion and with the assistance of their M.P., Joe Clark, they encouraged at least one M.P. from each of the major parties to form an all-party committee to ensure that if legislation regarding the park townsites were introduced, they would act as the principal liaison officers between their respective party caucuses and local representatives from the parks. The value of that committee remains to be seen because at the time of writing no such legislation had been introduced, and given the continued indecision by lessees on that issue it might be a while before that committee will have to act.

Nevertheless, the efforts of local representatives to contact M.P.s and form that committee reflects a growing understanding of the importance of lobbying in the pre-parliamentary stage of the policy process and to appeal to all parties.

Another important appeal mechanism for local representatives from Jasper and Banff when federal authorities proved intransigent on various leasehold and townsite matters was the Alberta government. Although there is evidence that even as early as the 1930's Alberta premiers were sympathetic to the grievances of lessees against Ottawa, it was only after the early-fifties that the Alberta government began giving local representatives a valuable amount of political, tactical, technical, and even financial assistance in their disputes with Ottawa. Such assistance included, for example, granting the local School Boards power to collect school taxes and various municipal and recreational grants, preparing reports on the feasibility of local-self government for the townsites, representations to Ottawa on behalf of lessees, giving local representatives advice on legal and political questions concerning the land leasing debate, and even providing some financial assistance in the lessees' court battle with Ottawa over the elimination of the perpetual leases.

The willingness of successive Alberta governments to aid lessess, however, has not been altruistic or without aim. Provincial officials realized the importance of well developed resort towns such as Jasper and Banff in attracting tourists to Alberta. In fact, the Alberta government often indicated its desire to have the transportation corridors and the townsites excised from the parks and turned over to the province so that it could develop them to its own specifications. A further consideration in extending that assistance, lessees realized, was partisan party politics. The various Alberta provincial parties could gain electoral support in

those communities by advocating the lessees' cause. In the most recent round of negotiations over local self-government, the lessees' representatives questioned provincial motives more than ever before. Some suspected that perhaps provincial officials were neglecting the views of park residents and treating the issue strictly as a federal-provincial conflict. In short, those groups found that exploiting the federal structure of the system had advantages and also disadvantages. While it provided them with a strong appeal mechanism and ally in the provincial government, that ally was suspected of exploiting the group's case for its own gain vis-a-vis the federal government.

Having discussed the locus of their influence attempts and their avenues for appeal, let us consider the nature of the lobbying activity employed by those groups. The research has revealed that though in the initial stages of negotiations group representatives generally attempted to employ access-oriented techniques of an accomodative nature, frequently they deemed it necessary to resort both to access and media oriented techniques of a confrontationist nature in lobbying the federal government. Most negotiations were conducted by correspondence rather than in person, except on rare occasions when the ministers travelled to the parks or as happened in the most recent decade, when local delegations travelled to Ottawa for such meetings. Yet, once the initial cordial negotiations were conducted, if the federal ministers refused to accept their recommendations, local representatives abandoned accomodation and resorted to confrontation.

Confrontationist tactics of an access-oriented variety included, strongly worded petitions, letters, briefs, resolutions, and even meetings with federal officials, condemming the government's initiatives. Media-oriented techniques included, publicizing the aforementioned materials or events, presentation of anti-government briefs to public bodies such as

parliamentary committees and federal commissions of inquiry, appeals to federal legislators and also to the Alberta government and outside groups to pressure the federal government to adopt the recommendations of park residents. The fact that many of these techniques and strategies, were more common during the most recent quarter century than in the formative years is further evidence of those pressure groups became increasingly sophisticated over time.

Failing to obtain their objectives via the political route using both accommodative and confrontationist tactics, those groups hired lawyers and launched battles on the legal front. On three main occasions when they went to court -- over the elimination of the "perpetual clause from leases in the mid-sixties, the size of rental increases in 1973 and the same issue again in 1980 -- local representatives used a class action suit approach rather than individual contests by lessees. As a way of saving time and money for lessees, representative cases were selected and local groups shared the costs of such legal action. Their success rate in the legal arena was marginal. Although they were successful in the case on "perpetual clause" they lost both cases challenging the right of the Minister to set rents at certain levels. Hence, both because of the uncertainty of court decisions, along with costs and time delays involved, the legal route was seen as a means of last resort.

In contrast to the extensive series of conflicts in the land leasing debate there was that unique five year period from 1974 to 1979 when confrontation was superseded by accommodation. While it is true that there were other brief accomodative interludes during that century -- for example, in the early nineteen-twenties when Senator Lougheed was Minister, and during the early thirties with the Bennett government -- in the most recent period accommodation was more pervasive than ever before and included

senior bureaucrats as well as the ministers. The accommodative atmosphere resulted in local representatives and Parks Canada officials from the national and regional offices organizing joint-committees to study such matters as local self-government, the opening up of more lots in the townsites, improvements in townsite facilities, the retention of the C.N. terminal in Jasper, land rents, and service taxes.

The accommodation seems to have resulted from a mutual willingness on the part of federal officials as well as lessees to foster closer consultation and cooperation in achieving their respective goals. The fact that accommodation persisted only until the federal government refused to comply with the lessees' recommendation on commercial rents, supports Pross's contention about groups that fall outside the institutionalized category; that is, if they are not satisfied with governmental decisions they are quite prepared to abandon cordial relations and resort to confrontation.

As previously mentioned, according to Pross's pressure group typology, the groups from Jasper and Banff can be characterized roughly as fledgling to mature. The evidence indicates that at least in a general way, their behaviour conforms to Pross's tentative propositions for groups in those categories. In other words, like their organizational features, their behavious is a hybrid of that ascribed to issue-oriented and institutionalized groups. But, given inherent difficulties in establishing exactly where they fit in that mid-range of Pross's continuum, and Pross's vagueness about the expected behaviour of groups in the fledgling and mature categories, it is difficult to establish with a high degree or precision the extent to which the findings in this research support Pross's propositions. Hence, we can only conclude that, at least in a general way, they seem to do so.

Pross readily admits that his analytical framework is not definitive; the group typology is based on central tendencies not quantifiable characteristics, and the propositions are tentative. Having utilized that framework in this research, it is proferred that its utility could be enhanced first, by offering clearer guidelines for differentiating between group types, especially fledgling and mature, secondly, by explaining some of the central concepts and suggesting ways of operationalizing the same (e.g. collective, and selective objectives), and thirdly, by providing more explicit propositions on the expected behaviour of fledgling and mature groups. More explicit propositions, however, will probably have to await the results of further research which will provide a more solid data base. Then again, it may well be that such data base will not be very fruitful if those methodological refinements are not first made. Yet, despite the needed refinements, in its present form Pross's model and analytical framework are useful in identifying, even if only in a general way, both the major organizational features of pressure groups, the nature of their objectives, and the various techniques that they use in communicating with governments.

Still on a theoretical note, Pross indicates that three of the major factors shaping a group's behaviour are the structure of the political system, the nature of the policy process, and the organizational features of the group. Although it is difficult to generalize from a single case study, the evidence contained in this research suggests that perhaps even more important determinants of pressure group behaviour, especially the nature of their relations with governments, is the importance that both group and government representatives attach to certain objectives, and their feelings towards each other. For example, if the objectives of federal officials and local representatives had been consonant and there was a greater degree of trust between them, local groups might have had less cause

to resort to confrontation and to appeal either to opposition M.P.s, the Alberta government or the courts. This observation is substantiated by the finding that it was primarily attitudinal changes, not organizational or systemic changes that produced the accommodative interlude from 1974 to 1979. Furthermore, the research also indicated that there were some issues on which pressure groups were more prone to resort to confrontation. For example, in the land leasing debate, land rents and changes to leases were more volatile issues than local self-government. The reason for this seems to have been that where rents and leases were involved the costs to lessees were more direct and calculable. This observation suggests that in refining Pross's analytical framework, it might also be useful to incorporate a psychological or behavioural dimension which takes into account more explicitly the perceptions of the central actors about each other and of the issues involved. Although it could make the framework more difficult to operationalize, the findings would probably be much more conclusive.

Finally, by way of suggestions for the pressure groups from Jasper and Banff toward more effective lobbying strategies, four key points emerged in this research which shall now be stated more explicitly. First, the local groups should realize by now that the Minister responsible for national parks does not decide on major park matters alone. This has been especially true with recent changes to the executive system under Trudeau and Clark where ministers have worked within the framework of an elaborate cabinet committee system which includes the "envelope system" for departmental budgets, and a monitoring role by central agencies. Other Cabinet members which figure prominently in decisions over leasehold and townsite matters, in addition to the Minister of the Environment, are the President of the Treasury Board, and Minister of Public Works, the Minister of Finance, the Minister of Justice, and, of course, also the Prime Minister along with

other members of the Priorities and Planning Committee. Other important targets in the executive arena are influential members of central agencies, namely the Principal Secretaries of the Prime Minister's Office (PMO), the Privy Council Office (PCO) and the Federal-Provincial Relations Office (FPRO). While the PMO provides advice and coordination for the Prime Minister and the PCO does the same for the entire Cabinet, the FPRO is the one responsible for coordinating and advising on negotiations with provinces which in this case includes negotiations with Alberta on local self-government and excisement of the townsites from the parks. In short, these individuals are important because they are influential in planning the government's agenda and coordinating its activities.

Secondly, local representatives cannot continue to ignore the fact that Cabinet members, including the Minister responsible for national parks, rely extensively on their senior bureaucrats for advice on leasehold policies, land rents, service taxes, and townsite management. Instead, local representatives should devote much more time lobbying those bureaucrats. Given the central role which senior bureaucrats in general are said to have in the governmental process, and the findings of this research indicate that it is also true in the sector involving national parks, such lobbying could prove even more significant than that on the elected officials. In this regard, local representatives should perhaps encourage senior bureaucrats within the national and regional offices of Parks Canada to meet with them more frequently to discuss matters of mutual concern. Towards that end, the existing local groups could either request more meetings with federal officials, or alternately they could consider forming a standing joing-committee involving local representatives from Jasper and Banff and senior bureaucrats, required to meet regularly during each year. Such a committee would be especially useful in the absence of local self-government

to ensure that lessees have more input into decisions on leasehold and townsite matters. Ultimately, of course, the success of such a committee would depend both on the powers that it was given, and the willingness of local representatives and federal officials to cooperate.

Thirdly, local representatives should perhaps also broaden and improve their lobbying activity within the legislative arena. Rather than lobbying M.P.s on a periodic, random and ad-hoc manner, they could initiate a more regular and formalized consultative process. Among other strategies, that could include regular consultations either in person or by correspondence with members of the parliamentary standing committee that reviews the policies and programs of the Department of the Environment presently responsible for Parks Canada. At the same time local representatives should also be cognizant of the possibility that opposition parties in Parliament might eventually form the government, therefore in anticipation of that outcome, they should lobby the "shadow-cabinets". By doing so it will not only provide those legislators with information and an incentive to question the Minister responsible for parks, but in case they form the next government it could make them more receptive to the recommendations of local representatives. From past experience, however, local groups should be careful when providing M.P.s with sensitive information which might be used for partisan political purposes in the House, and which in turn might aggravate their own relations with members of the executive and bureaucratic arenas.

Fourthly, in lobbying the actors both the executive, legislative, and bureaucratic, arenas it is important for local representatives to be more conscious of the timing of their influence attempts. The research suggests that except for their latest round of lobbying in preparation for anticipated legislation for local self-government, most of their lobbying

attempts tended to be reactive rather than preemptive. In other words they tended to lobby after a decision was made, and in cases involving legislation, such as Bill C-152, they tended to wait for the parliamentary stage to launch an offensive. Local representatives should realize that it is usually easier to influence decisions and legislation in the early formative stages. Their ability to do so of course will depend first, on their ability to have clearly formulated objectives before negotiations with the government even begin, and secondly, on their ability to monitor, and gain access into, the decision making process so that they have advance warning and information on government plans.

Finally, with respect to the point on gaining access into the decision-making process, local representatives must realize, and probably do by now, that they do not have the "political leverage" to force their way into the centers of power within the executive-bureaucratic arena; they can only enter by invitation. Their ability to procure, utilize, and retain such an invitation may well be the key in achieving their goals in the future.

BIBLIOGRAPHY

BOOKS

Adie, Robert F., and Thomas, Paul G. Canadian Public Administration: Problematical Perspectives. Scarborough: Prentice Hall, 1982.

Campbell, Colin. The Canadian Senate: A Lobby From Within. Toronto: Macmillan of Canada, 1978.

Dahl, Robert. Modern Political Analysis. Englewood-Cliffs: Prentice Hall, 1963.

Dexter, Lewis Anthony. Elite and Specialized Interviewing. Evanston: North-Western University Press, 1970.

Doerr, Audrey D. The Machinery of Government in Canada. Toronto: Methuen Publishers, 1981.

Engelmann, F.C., and Schwartz, M.A. Political Parties and the Canadian Social Structure. Scarborough: Prentice Hall, 1967.

Hustak, Allan. Peter Lougheed. Toronto: McClelland and Stewart, 1979.

Jackson, Robert J., and Atkinson, Michael. The Canadian Legislative System. Toronto: Macmillan of Canada, 1974.

Key, V.O., Jr. Politics Parties and Pressure Groups. Fifth edition. New York: Thomas Y. Crowell, 1964.

Lothian, W.F. A History of Canada's National Parks. Three Volumes. Ottawa: Parks Canada, 1976-1979.

Luxton, E.G. Banff: Canada's First National Park. Banff: Summerthought Press, 1975.

Nelson, J.G., ed. Canadian Parks in Perspective. Montreal: Harvest House, 1970.

Nelson, J.G., and Scace R.C., eds. The Canadian National Parks: Today and Tomorrow. Two volumes. Calgary: U. of Calgary Duplicating Services, 1968.

Nelson, J.G., Needham, R.S., Nelson, S.H., and Scace, R.C., eds. The Canadian National Parks: Today and Tomorrow Conference II. Two volumes. Waterloo: U. of Waterloo Graphic Services, 1979.

Presthus, Robert. Elite Accomodation in Canadian Politics. Toronto: Macmillan of Canada, 1973.

Pross, Paul A., ed. Pressure Group Behaviour in Canadian Politics. Toronto: McGraw Hill Ryerson, 1975.

Simeon, Richard. Federal-Provincial Diplomacy: The making of recent policy in Canada. Toronto: University of Toronto Press, 1972.

Vanloon, R.J., and Whittington, M.S. The Canadian Political System: Environment Structure and Process. First edition. Toronto: McGraw Hill, 1971.

Welsh, William A. Studying Politics. Third edition. New York: Praeger Publishers, 1975.

Wootoon, Graham. Interest Groups. Englewood Cliffs: Prentice Hall, 1970.

ARTICLES

Anderson, J.E. "Pressure Groups and the Canadian Bureaucracy." Public Administration in Canada, pp. 292-301. Edited by K. Kernaghan. Toronto: Methuen, 1977.

Aucoin, Peter. "Pressure Groups and Recent Changes in the Policy-Making Process." Pressure Group Behaviour in Canadian Politics, pp. 174-192. Edited by Paul A. Pross. Toronto: McGraw Hill Ryerson, 1975.

_____, "Pressure Groups and Recent Changes in the Policy-Making Process." Pressure Group Behaviour in Canadian Politics, pp. 10-38. Edited by Bruce Doern and Peter Aucoin. Toronto: Macmillan, 1971.

Becker, D.F., "The Resident in a National Park." The Canadian National Parks: Today and Tomorrow Conference II, Vol. 2, pp. 593-604. Edited by J.G. Nelson, et al. Waterloo: U. of Waterloo Graphic Services, 1979.

Bodsworth, F., "The Beauty and the Buck: Honky-Tonk Invasion of Our Magnificent National Parks." Maclean's, (March 23, 1963), pp. 26: 40-45.

Burton, T.L. "The Promises and Problems of Coordination in Parks Development and Management." The Canadian National Parks: Today and Tomorrow Conference II, Vol. 1, pp. 313-327. Edited by J.G. Nelson, et al. Waterloo: U. of Waterloo Graphic Services, 1979.

Cairns, Alan C. "The Governments and Societies of Canadian Federalism." Canadian Journal of Political Science, Vol. X,4 (December, 1977), pp. 695-725.

Chretien, Jean. "Our Evolving National Park System." The Canadian National Parks: Today and Tomorrow, Vol. 1, pp. 7-15. Edited by J.G. Nelson and R.C. Scace. Calgary: U. of Calgary Duplicating Services, 1968.

Clubb, Jerome M. "The Historical-Analytical Approach." Foundations of Political Science: Research Methods and Scope, chapter 20. Edited by Donald M. Freeman. New York: Free Press, 1977.

Dawson, H.J. "National Pressure Groups and the Federal Government." Pressure Group Behaviour in Canadian Politics, pp. 29-60. Edited by Paul A. Pross. Toronto: McGraw-Hill Ryerson, 1975.

Eggleston, Wilfrid. "The Cabinet and Pressure Groups." Proceedings of the Annual Conference of the Institute of Public Administration of Canada, pp. 157-167. Kingston: IPAC, 1953.

Eckstein, Harry. "Case Study and Theory in Political Science." Handbook of Political Studies, pp. 79-135. Edited by F.I. Greenstein and N.W. Polsby. Don Mills: Addison-Wesley, 1975.

Franks, C.E.S. "The Dilemma of the Standing Committees of the Canadian House of Commons." Canadian Journal of Political Science, Vol. X,4 (December,1971), pp. 461-476.

Goldstein, Jonah. "Public Interest Groups and Public Policy: The Case of the Consumers' Association of Canada." Canadian Journal of Political Science, Vol. XII,1 (March, 1979), pp. 137-155.

Goode, W.J., and Katt, Paul K. "The Interview: A Data Collection Technique." The Conduct of Political Inquiry: Behavioural Political Analysis, pp. 115-120. Edited by L.D. Hays, and R.D. Hedlund. Englewood-Cliffs: Prentice Hall, 1970.

Hannan, H.H. "The Interest Group and its Activities." Proceedings of the Annual Conference of the Institute of Public Administration of Canada, pp. 171-181. Kingston: IPAC, 1953.

Hockin, Thomas. "The Advance of Standing Committees in Canada's House of Commons: 1965 to 1970." Canadian Public Administration, Vol. 12 (Summer, 1970), pp. 185-202.

Hodgetts, J.E. "Challenge and Response: A Retrospective View of the Public Service of Canada." Public Administration in Canada, pp. 41-53. Edited by K. Kernaghan. Toronto: Methuen, 1977.

Hoffman, David. "Liaison Officers and Ombudsmen: Canadian M.P.s and their Relations with the Federal Bureaucracy and Executive." Apex of Power, first ed., pp. 146-162. Edited by Thomas Hockin. Scarborough Prentice Hall, 1971.

Hunt, C.D. "People and Parks: Selected Legal Issues in Canada." The Canadian National Parks: Today and Tomorrow Conference II, Vol. 2, pp. 605-627. Edited by J.G. Nelson, et al. Waterloo, U. of Waterloo Graphic Services, 1979.

Hyson, Stewart, "The Role of the Backbencher." Parliamentary Affairs, Vol. 27, (1973-74), pp. 262-272.

Jackson, Marni. "The Battle for Banff: Is the Paternalism of Ottawa any worse than the Commercialism that would likely dominate Local Government?" Saturday Night, (April, 1981), pp. 72-83.

Leroy, G.A. "A Paper Submitted by Banff Advisory Council." The Canadian National Parks: Today and Tomorrow, Vol. 2, pp. 799-805. Edited by J.G. Nelson, and R.C. Scace. Calgary: U. of Calgary Duplicating Services, 1968.

McGillivray, Don. "Lobbying in Ottawa." Politics: Canada, third edition, pp. 163-172. Edited by Paul Fox. Toronto: McGraw-Hill, 1970.

McKim, W. "Townsite Administration and Management in Canadian National Parks." The Canadian National Parks: Today and Tomorrow, Vol. 2, pp. 759-769. Edited by J.G. Nelson, and R.C. Scace. Calgary: U. of Calgary Duplicating Services, 1968.

Nation, Rosemary. "National Parkland Acquisition and the 1979 Policy Statement." Park News, (Winter, 1979-80), pp. 4-8.

Nelson, J.G. "Canadian National Parks and Related Reserves: Research Needs and Management." Managing Canada's Renewable Resources, pp. 173-193. Edited by Ralph K. Krueger, and Bruce Mitchell. Toronto: Methuen, 1977.

_____. Man and Landscape Change in Banff National Park: A National Problem in Perspective." The Canadian National Parks: Today and Tomorrow, Vol. 1, pp. 111-150. Edited by J.G. Nelson and R.C. Scace. Calgary: U. of Calgary Duplicating Services, 1968.

_____. Canadian National Parks, Past Present and Future." Canadian Geographical Journal, Vol. 86:3 (March 1973), pp. 68-89.

Nord, Douglas C. "M.P.s and Senators as Middlemen." Parliament Policy and Representation, pp. 181-193. Edited by H.D. Clark, et al. Toronto: Methuen, 1980.

Presthus, Robert. "Interest Groups and the Canadian Parliament: Interaction, Legitimacy and Influence." Canadian Journal of Political Science, Vol. 4, (December, 1971), pp. 444-460.

Pross, Paul A. "Canadian Pressure Groups in the 1970's: their Role and their Relations with the Public Service." Canadian Public Administration, Vol. 18(1975) pp. 121-135.

_____. "Pressure Groups: Adaptive Instruments of Political Communication." Pressure Group Behaviour in Canadian Politics, pp. 1-26. Edited by Paul A. Pross. Toronto: McGraw Hill Ryerson, 1975.

_____. "Pressure Groups: Talking Chameleons." Canadian Politics in the 1980's, pp. 221-242. Edited by M.S. Whittington, and Glen Williams. Toronto: Methuen 1981.

Reid, John M. "The Backbencher and the Discharge of Legislative Responsibilities." The Legislative Process in Canada, pp. 139-145. Edited by W.A. Neilson, and J.C. MacPherson. Montreal: Institute for Research on Public Policy, 1978.

Roder, Mary-Lou, "The Dilemma of Residents and National Parks." Park News, (January, 1978), pp. 10-14.

Scace, R.C. "Banff Townsite: An Historical Geographical View of Urban Development in a Canadian National Park." The Canadian National Parks: Today and Tomorrow, Vol. 2, pp. 770-793. Edited by J.G. Nelson, and R.C. Scace. Calgary: U. of Calgary Duplicating Services, 1968.

_____. "Townsites and Other Facilities and Services in Canadian National Parks." The Canadian National Parks: Today and Tomorrow Conference II, Vol. 2, pp. 529-549. Edited by J.G. Nelson, et al. Waterloo: U. of Waterloo Graphic Services, 1979.

Schultz, R. "Interest Groups and Intergovernmental Relations." Canadian Federalism: Myth or Reality, third edition, pp. 375-396. Edited by J.P. Meekison. Toronto: Methuen, 1977.

Stanbury, W.T. "Lobbying and Interest Group Representation in the Legislative Process." The Legislative Process in Canada, pp. 167-207. Edited by W.T. Neilson and J.C. MacPherson. Montreal: Institute for Research on Public Policy, 1978.

Thomas, Paul G. "Parliament and the Purse Strings." Parliament Policy and Representation, pp. 160-180. Edited by H.D. Clark, et al. Toronto: Methuen, 1980.

_____. "The influence of Standing Committees of Parliament on Government Legislation." Legislative Studies Quarterly, Vol. 3,4 (November, 1978), pp. 683-704.

Thompson, Fred, and W.T. Stanbury. "The Political Economy of Interest Groups." The Canadian Legislative Process, third edition, pp. 224-249. Edited by R. Schultz et al. Toronto: Holt Rinehart Winston, 1979.

GOVERNMENT PUBLICATIONS

Alberta, Legislative Assembly. Alberta Hansard.

Canada, Parliament of Canada. Canada Gazette.

_____. House of Commons Debates.

_____. Journals of the House of Commons.

_____. Senate Debates.

_____. Statutes of Canada.

_____. Statutory Orders and Regulations.

_____. House of Commons Standing Committee on Northern Affairs and National Resources. Minutes of Proceedings and Evidence.

_____. House of Commons Standing Committee on Indian Affairs and Northern Development, Minutes of Proceedings and Evidence.

Canada. Department of the Environment, Parks Canada, Parks Canada Policy, (1979). Ottawa: Supply and Services, 1980.

_____. Department of Indian Affairs and Northern Development, National Parks Branch, National Parks Policy, (1969). Ottawa: Queen's Printers, 1969.

_____. Department of Indian Affairs and Northern Development, Parks Canada, Parks Canada: Who Are We, What We do. Ottawa: Parks Canada Information Division, 1977.

_____. Department of the Interior, Department of the Interior Reports.

_____. Department of Northern Affairs and National Resources, National Parks Branch, National Parks Policy, (1964). Ottawa: Queen's Printers, 1964.

_____. Department of Supply and Services, National Parks Act. Hull: Supply and Services, 1978.

_____. Exchequer Court of Canada. Canada Law Reports.

_____. Federal Court of Canada, "Cascade Inn, et al. v. Regina." March 1, 1978, (Mimeographed.)

_____. Supreme Court of Canada, Supreme Court Reports.

REPORTS

Acres Western Limited. Jasper Business Viability Study, 1971. (Mimeographed.)

Alberta, Department of Municipal Affairs. Banff-Jasper Autonomy Report, 1972. (Mimeographed.)

_____. Urban Advisory Group and Special Projects Brnach. The Park Town of Jasper an Option For Local Government, March, 1980. (Mimeographed.)

_____. Urban Advisory Group and Special Projects Branch. The Park Town of Banff an Option For Local Government, March, 1980. (Mimeographed.)

Canada, Department of Indian Affairs and Northern Development, Parks Canada. Jasper C.N. Study - Consolidated Report to the Minister of Indian Affairs, 1975. (Mimeographed.)

_____. Royal Commission on Government Organization. Report, Vol. 2, Section 5(2) pp. 28-40. Ottawa: Queen's Printer, 1962.

Canadian National Railways. Jasper National Park C.N. Study, August, 1975. (Mimeographed.)

Craigie, Kenneth, R., and Associates Limited. Options for Local Government and Townsite Administration for Banff Townsite in Banff National Park, April 1973. (Mimeographed.)

_____. A Study for Local Self-Government and Townsite Administration (in Banff), April 1974. (Mimeographed.)

Crawford K.G., et al. Banff, Jasper, and Waterton Lakes National Parks: A Report Prepared for the Department of Northern Affairs and National Resources. Kingston: Queen's University, The Institute of Local Government, 1960. (Mimeographed.)

Macdonald, W.A. Report of the Commission, 1929. (Mimeographed.)

North, Lincoln. Banff Townsite Administration Study. May, 1974. (Mimeographed.)

Olthius, J.P. Townsite Costs of Jasper and Banff, March, 1979. (Mimeographed.)

Pard Associates Limited, Jasper Townsite Plan, March, 1979. Two Volumes.

Plunkett, Thomas J. A Form of Municipal Government and Administration for Banff Townsite in Banff National Park, 1962. (Mimeographed.)

Shlosberg, Amos, Law and Government Division Research Branch, Library of Parliament. Municipal Status For Jasper, April 2, 1981. (Mimeographed.)

BRIEFS AND OTHER SUBMISSIONS

Banff Advisory Council. "Brief Presented by the Banff Advisory Council." In Minutes of Proceedings and Evidence, of the Standing Committee on Indian Affairs and Northern Development, August 23, 1973, Vol. 25, pp. 23-29.

Banff Advisory Council, and Banff/Lake Louise Chamber of Commerce. "Brief on the Banff National Park Provisional Master Plan." April, 1971. (Mimeographed.)

Banff Community Action Group '73. "Brief Presented to Standing Committee on Indian Affairs and Northern Development." In Minutes of Proceedings and Evidence, of the Standing Committee on Indian Affairs and Northern Development, August 23, 1973, Vol. 25, pp. 64-67.

Banff/Lake Louise Chamber of Commerce. "Memorandum to John Roberts, Gerald Regan, Francis Fox, Judd Buchanan, Gordon Taylor, Bud Olson, and Greg Stevens." April 7, 1980. (Mimeographed.)

Banff Provisional Administration Board, Report to the Minister Responsible for National Parks. Edited by K.R. Craigie, and C. Hunter, Calgary: The Alberta Job Press, 1976.

Betkowski, J.P., and Dowling, R.W., Executive Members of the Jasper Chamber of Commerce. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, December 3, 1966, Vol. 20, pp. 812-821.

Bishop, E.E. Barrister Representing the Mountain Parks Motel Association. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, December 3, 1966, Vol. 20, pp. 830-835.

Brewster Claude, and Eldon Walls, Members of the Banff-Lake Louise Chamber of Commerce. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, December 1, 1966, Vol. 20, pp. 705-714.

Callegari, P.R., Vice-Chairman of Jasper School Board. "Brief to the Hon. Warren Allmand, Minister Indian Affairs and Northern Development," July 14, 1977. (Mimeographed.)

Cameron, Donald, Senator, Member of the Banff National Park Citizens' Association. "Brief to Standing Committee." In Minutes of Proceedings and Evidence, of Standing Committee on Northern Affairs and National Resources, November 30, 1966, Vol 20, pp. 673-680.

Clarke, John A., Chairman of the Jasper Residents' Assocation. "Brief and Testimony to Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, May 26, 1966, Vol. 6, pp. 135-182.

Craig, Hugh, President of the Waterton Lakes Chamber of Commerce. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, December 1, 1966, Vol. 20, pp. 714-716.

Dowling, Bob. "Submission of the Progressive Conservative Party of Alberta to the National Parks Hearings Held in Edmonton on April 22, 1971." (Mimeographed.)

Everest, Roy, Vice-President of Jasper Chamber of Commerce. "Brief to the Hon. Warren Allmand, Minister of Indian Affairs and Northern Development",July 14, 1977. (Mimeographed.)

Forbes, Alex, Chairman of the Banff School Board, "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, December 1, 1966, Vol. 20, pp. 687-691.

Jasper Chamber of Commerce. "Brief at Conference on Northern Development," 1957. (Mimeographed.)

_____. "Brief and Resolution to Annual Meeting of Canadian Chamber of Commerce at Victoria, B.C., 1957." (Mimeographed.)

_____. "Brief to the Hon. Jean Chretien," May 14, 1969. (Mimeographed.)

_____. "Address at Meeting with Jack Austin, Executive Assistant to Mr. Laing," July 31, 1965. (Mimeographed.)

_____. "Brief to the Public Hearings Committee on National Parks--Re: Jasper National Park," April, 1971. (Mimeographed.)

_____. "Representation to the Hon. John Fraser," August 25, 1979. (Mimeographed.)

Jasper Chamber of Commerce, Local Affairs Committee, "Recommendations," May 6, 1977. (Mimeographed.)

Jasper Chamber of Commerce, Jasper School Board, and Jasper Townsite Committee, "Telegram to John Roberts, M.P., Minister of the Environment," April 1, 1980.

Jasper School Board, "Brief Presented by Michael H. Porter, Barrister and Solicitor, on behalf of Board of Trustees of the Jasper School Board." In Minutes of Proceedings and Evidence, of the Standing Committee on Indian Affairs and Northern Development, August 24, 1983, Vol. 25, pp. 107-109.

_____. "Brief From School District of Jasper #3063." In Minutes of Proceedings and Evidence, of the Standing Committee on Indian Affairs and Northern Development, August 24, 1973, Vol. 25, pp. 88-89.

_____. "Brief From Local Government Committee School District of Jasper." In Minutes of Proceedings and Evidence of Standing Committee on Indian Affairs and Northern Development, August 24, 1973, Vol. 25, pp. 110-111.

Jasper School Board, and Banff School Board. "Petition to the Hon. Jean Chretien, Minister of Indian Affairs and Northern Development," April, 1970. (Mimeographed.)

Jasper School Board, and Jasper Townsite Committee. "Brief to the Hon. John Roberts, Minister of Environment Canada," May 13, 1980 (Mimeographed.)

Jasper Townsite Committee. Recommendations to the Minister Responsible For National Parks. July, 1978. (Mimeographed.)

_____. "Telegram to John Roberts, M.P., Minister of the Environment," March 13, 1980.

Martlett, D.F., General Manager of Edmonton Chamber of Commerce. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, December 3, 1966, Vol. 20, pp. 829-830.

Matthews, Roy, Member of Jasper Residents' Association. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, December 3, 1966, Vol. 20, pp. 821-828.

Roberge, W.R., President of the Banff Advisory Council. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of Standing Committee on Northern Affairs and National Resources, November 30, 1966, Vol. 20, pp. 680-686.

Scott, Fred, Member of Calgary Chamber of Commerce, Parks Committee. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and National Resources, December 1, 1966, Vol. 20, pp. 737-748.

Shredwicke, A., Member of the Committee for Retention of Jasper Terminal. "Brief to the Standing Committee." In Minutes of Proceedings and Evidence, of the Standing Committee on Indian Affairs and Northern Development, August 24, 1983, Vol. 25, pp. 104-106.

Steer, G.H., Legal Counsel for the Chembers of Commerce and Residents' Associations of Banff, Jasper, and Waterton. "Brief to the Chairman and Members of the Standing Committee on Northern Affairs and National Resources" June 24, 1966, pp. 1-32. (Mimeographed). Later printed in Minutes of Proceedings and Evidence, of the Standing Committee on Northern Affairs and

National Resources, December 1, 1966, Vol. 20, pp. 716-724.

_____. "National Park Leases", June 16, 1966. (Mimeographed.)

Steering Committee of the Banff Townsite Administration Study. A Report to the Minister of Indian Affairs and Northern Affairs (sic.), 1974. (Mimeographed.)

MISCELLANEOUS

Banff Provisional Administration Board. Minutes of Meetings and Working Papers. (Typewritten.)

Chretien, Jean, M.P., Minister of Indian Affairs and Northern Development. "Minister's Notes Jasper National Park." May 13, 1969. (Mimeographed.)

Horner, Hugh, M.P. "Speech to Jasper Chamber of Commerce." July, 1966. (Mimeographed.)

Jasper Chamber of Commerce. Minutes of Regular and Special Meetings. (Typewritten.)

Jasper School Board. Minutes of Regular and Special Meetings. (Typewritten.)

_____. Tape Recording of Public Meeting with Judd Buchanan, M.P. May 11, 1971. (On File in School Board Offices.)

Jasper School Board, Jasper Chamber of Commerce, and Jasper Townsite Committee. "Summary of Trip to Lobby Caucus with Regard to Land Rental Issue." October, 1980. (Mimeographed.)

Jasper Townsite Committee. "Jasper Townsite Committee Report." September 8, 1980. (Mimeographed.)

_____. "Jasper Townsite Committee Status Report -- October 1980." (Mimeographed.)

_____. "Jasper Townsite Local Government Evaluation Process." July 15, 1976. (Mimeographed.)

_____. Minutes of Regular and Special Meetings. (Typewritten.)

_____. "Jasper Townsite Committee -- Past Present and Future." June 9, 1976. (Press Release.)

Lougheed, Peter, M.L.A. "Speech to Calgary Downtown Rotary Club." May 17, 1966. (Mimeographed.)

McLeod, Don P. "The Great Autonomy Debate - Jasper 1973." (Mimeographed.)

Nicol, John I., Director General of Parks Canada. "Statement To The Standing Committee on Indian Affairs and Northern Development." November 6, 1973. (Mimeographed.)

Parks Canada. "Memorandum to Directors of Regional Offices and Park Superintendents." August 8, 1980. (Mimeographed.)

_____. "Residential Lease Rents Reduced in National Park Townsites." August 8, 1980. (Press Release.)

_____. "Reduction of Rental Charges for National Park Cottage Leases." August 8, 1980. (Press Release.)

Redmond, J.E., Report to Jasper Chamber of Commerce on Injunction Application of April 7, 1981." May 11, 1981. (Typewritten.)

Steering Committee on Banff Townsite Joint Study, of Banff Advisory Council, Banff School Board, and Parks Canada. Minutes of Meetings and Working Papers. (Typewritten.)

Stevens, G.P., Banff Administration Study Coordinator. "National Parks Act and Regulations." February 12, 1974. (Mimeographed.)

_____. "Summary -- The Banff-Jasper Autonomy Report, Department of Municipal Affairs, Province of Alberta." March 19, 1974. (Mimeographed.)

_____. "National Park Policy -- Summary." March 20, 1974. (Mimeographed.)

_____. "Final Summary and Analysis of Observations Expressed During Interview Process February - March 1974." April 2, 1974. (Mimeographed.)

_____. "A Summary of the Observations and Findings by North, Hughes and Associates Ltd.," May 22, 1974. (Mimeographed.)

_____. "A Summary of the Report of Kenneth R. Craigie and Associates." May 27, 1974. (Mimeographed.)

_____. "Steering Committee Jasper Townsite Administrative Study, Jasper Townsite Committee." May 1974. (Mimeographed.)

_____. "A Summary of the Recommendations of Kenneth R. Craigie and Associates Ltd., Banff Townsite Administration Study." May, 1974. (Mimeographed.)

_____. "A Summary of the General Observations and Findings of Lincoln W. North, of North and Hughes Associates." May, 1974 (Mimeographed.)

_____. "Notes on Meeting of Jasper Townsite Committee and the Director Western Region." July 9, 1974. (Mimeographed.)

_____. "Steering Committee, Jasper Townsite Administration Study, Jasper Townsite Committee and Parks Canada." (Mimeographed.)

_____. "Notes on Joint Meeting of Banff Options Review Committee and Jasper Townsite Committee." March 13, 1975. (Mimeographed.O

_____. "Presentation - Public Meeting April 17, 1975." (Mimeographed.)

Thomas, Bryn C., and Porter, Michael H. "Report to the Jasper Townsite Committee from the Jasper Townsite Observers of the Banff Townsite Administration Joint Study." June 3, 1974. (Mimeographed.)

Van Kirk, Sylvia M. "The Development of National Park Policy in Canada's Mountain National Parks 1885-1930." Master of Arts History Thesis, University of Alberta, 1966.

INTERVIEWS

Belshaw, Elizabeth. Secretary of Jasper Chamber of Commerce. Interview, March 17, 1982.

Boyce, Henry, Chief of Realty Division Parks Canada Prairie Region. Interviews, October 15, 1980, and April 16, 1981.

Clark, M.E. Member of Jasper Chamber of Commerce. Interview, July 16, 1981.

Dowling, R.W. Former Executive Member of Jasper School Board and Chamber of Commerce and Alberta M.L.A. Interview, July 23, 1981.

Downhaniuk, Wally. Former President of Banff Advisory Council. Interview, May 16, 1982.

Everest, Roy. Member of Jasper Chamber of Commerce, Jasper Townsite Committee, and former Member of Jasper School Board. Interview, March 21, 1982.

Fitzpatrick, M. Member of the Jasper Chamber of Commerce. Interview November 11, 1980.

Gould, Chris. Constituency Secretary to Joe Clark, M.P. (Yellowhead). Interview, October, 1980.

Mohr, Roland. Member of Jasper Chamber of Commerce. Interview, November 24, 1981.

Schechtel, Morna. Member of Banff School Board. Interviews, March 21 and May 16, 1982.

Sulatycky, Allen. Former M.P. (Rocky Mountain) and Legal Counsel to Jasper and Banff School Boards, Interview, July 10, 1981.

Steers, Ron. Chairman of Jasper Townsite Committee and Former Member of Jasper School Board. Interviews, May - July 1981.

Wright, Stan. Jasper Townsite Manager. Interviews, August 29, 1981 and March 17, 1982.

NEWSPAPERS AND MAGAZINES

The Alberta Report.

The Banff Crag and Canyon.

The Calgary Herald.

The Edmonton Journal.

The Financial Post.

The Jasper Booster.

The Jasper Totem.

The Toronto Globe and Mail.

The Winnipeg Free Press.

Maclean's.

Park News.

Saturday Night.