

1970 Bill 106

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 106**

**An Act respecting Wilderness Areas**

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THE MINISTER OF LANDS AND FORESTS

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 106

1970

An Act respecting Wilderness Areas

(Assented to \_\_\_\_\_, 1970)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as *The Wilderness Areas Act*.

2. In this Act,

- (a) "Advisory Committee" means the Advisory Committee on Wilderness Areas;
- (b) "Minister" means the Minister of Lands and Forests;
- (c) "public land" means land of the Crown in right of Alberta;
- (d) "wilderness area" means a wilderness area established pursuant to section 3.

3. (1) The public lands within the areas described in a Schedule promulgated by the Lieutenant Governor in Council are hereby established as wilderness areas.

(2) A reference in the Schedule to a township, section, quarter section or legal subdivision shall, in respect of unsurveyed territory, be deemed to refer to what would be a township, section, quarter section or legal subdivision if the land were surveyed in accordance with *The Alberta Surveys Act*.

4. Wilderness areas are established for the purpose of preserving their natural beauty and wilderness character and protecting them from impairment, settlement and industrial development, and thereby maintaining them unchanged by man for the benefit and enjoyment of the present and future generations.

5. (1) The Lieutenant Governor in Council may establish a committee called the "Advisory Committee on Wilderness Areas" consisting of five or more members, and shall designate one of the members as chairman.

## **Explanatory Notes**

**1.** This Bill proposes guidelines relative to the establishment of wilderness areas of modest size in various locations throughout the Province. The Government does not intend to proceed with this Bill during this session of the Legislature, but to use it as a basis for discussions in meetings to be held throughout the Province during the year.

This will permit any individual or group who wish to make their points of view available for consideration by government for implementation in an Act to be considered at the next session of the Legislature.

**2.** Definitions.

**3.** Establishment of wilderness areas.

**4.** Purpose of wilderness areas.

**5.** Advisory Committee on wilderness areas.

(2) A majority of the members appointed shall be persons who are not employees of the Government.

(3) The Lieutenant Governor in Council may authorize, fix and provide for the payment of remuneration and expenses to any of the members of the Advisory Committee who are not employees of the Government.

(4) The Advisory Committee shall meet at the call of the chairman.

(5) The Advisory Committee shall from time to time consider and make recommendations to the Minister for

- (a) establishing a new wilderness area, or
- (b) adding lands to an existing wilderness area, or
- (c) withdrawing lands from an existing wilderness area.

(6) The Advisory Committee shall refer any recommendations made by it under subsection (5) to the Environment Conservation Authority for its consideration.

**6.** The Advisory Committee shall, at least once a year or more often as required, hold public hearings for the purpose of receiving and hearing submissions and representations respecting

- (a) any recommendations made by it under section 5, subsection (5), or
- (b) any proposal made by the Minister or any other person or body of persons for the establishment of a new wilderness area or the addition of any lands to, or the withdrawal of any lands from, an existing wilderness area.

**7.** The Minister may carry out or cause to be carried out measures or programs in a wilderness area, or approve the carrying out by other persons of measures or programs in a wilderness area,

- (a) for the preservation of plant and animal life indigenous to the wilderness area,
- (b) for the maintenance of stable watershed conditions,
- (c) for ecological and other scientific research that does not involve any physical disturbance of the area, and
- (d) generally, for the preservation and protection of the wilderness area and for any other purpose for which wilderness areas are established.

**6.** Public hearings respecting proposals for new wilderness areas and changes in existing ones.

**7.** Programs for preservation and maintenance of wilderness areas.

8. (1) Subject to subsections (2) and (3), no disposition shall be made by or on behalf of the Crown of any estate or interest in public lands in a wilderness area under *The Public Lands Act, 1966*, *The Forests Act, 1961*, *The Mines and Minerals Act, 1962* or any other Act.

(2) Subsection (1) does not operate so as to relieve the Crown from making a disposition of an estate or interest in public lands in a wilderness area where

- (a) the Crown is under a legal liability to do so, and
- (b) the liability arose before the land concerned became part of a wilderness area by this Act or by an amendment to this Act.

(3) A disposition may be made by or on behalf of the Crown of an estate or interest in public lands in a wilderness area if the disposition is made in favour of a person who is empowered to expropriate that estate or interest from the Crown.

(4) A disposition made in contravention of this section is void.

9. (1) Subject to subsection (2), no Minister of the Crown or any person authorized by an Act to do so shall grant any permission, whether termed approval, consent, permit, licence, certificate, or other term, which would in the absence of this subsection, empower the person to whom it is granted to expropriate any estate or interest in land in a wilderness area.

(2) A permit may be issued under *The Pipe Line Act, 1958* for the construction of a pipe line in a wilderness area where the pipe line is to be used

- (a) for the transmission of minerals recovered in the wilderness area, or
- (b) for the transmission of oil, gas, water or other substance in connection with any order made, or any scheme or operation approved under *The Oil and Gas Conservation Act, 1969* that pertains wholly or partly to the recovery of oil or gas in the wilderness area, or
- (c) for the transmission of gas or water in connection with drilling or production operations for minerals in the wilderness area.

10. (1) Except as permitted under section 11, subsection (2), no Minister of the Crown or other person on behalf of the Crown shall

- (a) construct, maintain, repair or operate any public work, road, railway, aircraft landing strip, helicopter base, structure or installation in a wilderness area, or

**8.** Disposition of public lands in wilderness areas.

**9.** Construction of certain utilities in a wilderness area prohibited. Pipe-line permits are restricted in a wilderness area to cases connected with the recovery of minerals where the mineral rights were acquired prior to the establishment of a wilderness area.

**10.** Government prohibited from constructing roads, airstrips, etc. in wilderness areas.

- (b) expend or authorize the expenditure of any moneys for any of those purposes.

(2) Subsection (1) applies *mutatis mutandis* to a Crown corporation or other corporation, board, commission or body the members of which are appointed by an Act of the Legislature, the Lieutenant Governor in Council or a Minister of the Crown or any combination thereof.

**11.** (1) Subject to subsection (2), no person shall

- (a) travel in a wilderness area except on foot, on horseback, or by means of a vehicle or boat that is not motor-powered, or
- (b) enter or travel within a wilderness area except for the purpose of walking, hiking, skiing, snowshoeing, boating, fishing or bicycling, or
- (c) land an aircraft in a wilderness area, or
- (d) deposit any litter, garbage or refuse in a wilderness area except in areas and containers provided for that purpose.

(2) The following acts are permitted in a wilderness area:

- (a) the carrying out of measures or programs authorized or approved by the Minister pursuant to section 7, and
- (b) the use of any means of transportation or any equipment and the doing of any act in connection with
  - (i) the prevention or extinguishing of forest fires, or
  - (ii) the prevention of damage to natural resources or property, or
  - (iii) emergencies involving the health or safety of persons, or
  - (iv) operations arising from rights conferred by dispositions referred to in section 8, subsection (2).

(3) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$50 and not more than \$500 and in default of payment to imprisonment for a term not exceeding three months.

**12.** Any person who, without lawful justification or authority, destroys or damages or pollutes any land, water, plant life or animal life in a wilderness area is guilty of an offence and liable on summary conviction



**11. Prohibited use of wilderness areas.**

**12. Penalties for damage, etc. to a wilderness area.**

- (a) for the first offence, to a fine of not less than \$50 and not more than \$1,000 and in default of payment to imprisonment for a term of not more than 60 days,
- (b) for a second offence, to a fine of not less than \$100 and not more than \$5,000 and in default of payment to imprisonment for a term of not more than 120 days,
- (c) for a third or subsequent offence
  - (i) in the case of a natural person to imprisonment for a term of not less than one month and not more than six months, or
  - (ii) in the case of a corporation, to a fine of not less than \$10,000 and not more than \$50,000.

**13.** The Minister may prohibit or restrict travel in a wilderness area during any period either absolutely or except under the authority of a permit issued by or on behalf of the Minister.

**14.** This Act comes into force on the day upon which it is assented to.

**13. Travel restrictions.**