

1971 Bill 67

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 67

The Wilderness Areas Act

THE MINISTER OF LANDS AND FORESTS

First Reading

Second Reading

Third Reading

BILL 67

1971

THE WILDERNESS AREAS ACT

(Assented to _____, 1971)

WHEREAS the continuing expansion of industrial development and settlement in Alberta will leave progressively fewer areas in their natural state of wilderness; and

WHEREAS it is in the public interest that certain areas of Alberta be protected and managed for the purpose of preserving their natural beauty and primeval character and influence and safeguarding them from impairment and industrial development and from occupation by man other than as a visitor who does not remain; and

WHEREAS to carry out those purposes it is desirable to establish and maintain certain areas as wilderness areas for the benefit and enjoyment of the present and future generations; and

WHEREAS it is desirable that each wilderness area should not exceed 144 square miles unless topographical considerations make a larger area desirable.

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. In this Act,

- (a) "Advisory Committee" means the Advisory Committee on Wilderness Areas;
- (b) "government agency" means
 - (i) a corporation that is an agent of the Crown in right of Alberta, or
 - (ii) any corporation, commission, board or other body empowered to exercise quasi-judicial or governmental functions and whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council, or a Minister of the Crown, or any combination thereof;
- (c) "Minister" means the Minister of Lands and Forests;
- (d) "provisional wilderness area" means a provisional wilderness area referred to in section 3, subsection (1);

Explanatory Notes

General. This Bill will initially establish under this Act three provisional wilderness areas referred to in the Schedule which are presently established by Order in Council. The Advisory Committee on Wilderness Areas is directed to examine these provisional wilderness areas with a view to recommending the establishment of portions of them as wilderness areas at the 1972 Session of the Legislature. The object of the Bill is to preserve the wilderness character of these areas so that industrial and commercial activities and settlement will not be allowed to impair their natural state.

1. Definitions.

- (e) "public land" means land of the Crown in right of Alberta;
- (f) "wilderness area" means an area of land that is hereafter established by the Legislature as a wilderness area under this Act.

2. (1) The Lieutenant Governor in Council shall establish a committee called the "Advisory Committee on Wilderness Areas" consisting of not less than five and not more than 10 members and shall designate one of the members as chairman.

(2) The Lieutenant Governor in Council may prescribe the term of office of any member of the Committee or the term of office of the chairman.

(3) The Minister shall designate a member of the Advisory Committee as the secretary to the Committee.

(4) A majority of the members of the Advisory Committee shall be persons who are not employees of the Government or of a government agency.

(5) 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 or of a government agency.

(6) The Advisory Committee shall meet at the call of the chairman, or at the direction of the Minister.

(7) The Advisory Committee shall accept requests from the public regarding wilderness areas and shall from time to time consider the requests and make recommendations to the Minister regarding

- (a) the establishment of a new wilderness area, or
- (b) the addition of lands to a wilderness area, or
- (c) withdrawing lands from a wilderness area, or
- (d) regulations for the administration and management of wilderness areas.

(8) The Minister shall refer any recommendations made by the Advisory Committee under subsection (7) to the Executive Council for its consideration.

3. (1) The areas referred to in the Schedule to this Act are hereby established as provisional wilderness areas.

(2) The Advisory Committee shall during 1971 examine and conduct a study into each of the provisional wilderness areas and shall submit a report to the Lieutenant Governor in Council not later than October 31, 1971 recommending,

2. Advisory Committee on Wilderness Areas.

3. Establishment of provisional wilderness areas and study of them by the Advisory Committee during 1971. The Committee must recommend portions of these for establishment as wilderness areas by amendment to this Act in 1972.

in the case of each provisional wilderness area, which portion of it would be most suitable for establishment as a wilderness area.

(3) In a report by the Advisory Committee under subsection (2), the land recommended for establishment as a wilderness area shall not exceed 144 square miles in size, unless in its opinion, topographical considerations make a larger area desirable.

(4) The Government shall consider the report of the Advisory Committee with a view to introducing a Bill at the first session of the Assembly in 1972 for the amendment of this Act

- (a) for the establishment of all or a portion of each of the provisional wilderness areas as wilderness areas, and
- (b) for the removal of provisions and references in this Act relating to provisional wilderness areas.

4. The Environment Conservation Authority when requested by the Lieutenant Governor in Council shall hold public hearings for the purpose of receiving and hearing submissions and representations respecting

- (a) any recommendations made by the Advisory Committee under section 2, subsection (7) or the report of the Advisory Committee under section 3, subsection (2), or
- (b) any proposal made by the Executive Council 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, or
- (c) any other matters pertaining to the administration and management of wilderness areas.

5. 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 the wilderness area,

- (a) for the preservation of the environment of the wilderness area,
- (b) for environmental research that does not involve any physical disturbance of the wilderness area, and
- (c) generally, for the preservation and protection of the wilderness area.

6. Where at the time any land is established as part of a wilderness area or is added to a wilderness area, a person other than the Crown holds any estate or interest in that land

4. Referral of recommendations or proposals regarding wilderness areas to the Environment Conservation Authority.

5. Programs carried out by the Minister for the protection of wilderness areas, research etc.

6. Acquisition or expropriation by the Crown of any privately-held freehold land, leases etc. in wilderness areas.

- (a) the Minister shall acquire, or commence proceedings to expropriate, that estate or interest not later than one year after the date on which the land became part of the wilderness area, and
- (b) no person shall, within the wilderness area, construct an improvement or reconstruct or add to an improvement on that land, or do any act that will alter or disturb the surface of that land, without the consent of the Minister.

7. (1) No disposition shall be made by or on behalf of the Crown of any estate or interest in land in a provisional wilderness area or a wilderness area pursuant to The Public Lands Act, The Forests Act, The Mines and Minerals Act or any other Act.

(2) No Minister of the Crown or government agency, or other person authorized by an Act to do so, shall grant any permission, whether termed as approval, consent, permit, licence, certificate, order or otherwise, which would in the absence of this subsection empower the person to whom it is granted to expropriate or acquire any estate or interest in land in a provisional wilderness area or a wilderness area.

(3) No Minister of the Crown, government agency 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 provisional wilderness area or a wilderness area, or
- (b) expend or authorize expenditure of any moneys for any of those purposes.

(4) No person shall, within a provisional wilderness area, construct an improvement, or reconstruct or add to an improvement on any land, or do any act that will alter or disturb the surface of land, without the consent of the Minister.

8. (1) No person shall

- (a) travel in a wilderness area except on foot, or
- (b) hunt or trap animals in a wilderness area, or
- (c) fish in a wilderness area, or
- (d) land an aircraft in a wilderness area, or
- (e) deposit any litter, garbage or refuse in a wilderness area except in places provided and designated for that purpose, or

7. The Government and government agencies are prohibited from making sales, leases etc. of Crown land, from granting any authority to expropriate land to anyone else or from constructing or maintaining any public works, highways etc. in a provisional wilderness area or a wilderness area.

8. Prohibited activities in a wilderness area.

- (f) unless authorized by the Lieutenant Governor in Council, remove any plant life or animal life (or bird eggs) or excavate or remove fossils or other objects of geological, ethnological, historical or scientific interest in a wilderness area.

(2) A person who contravenes subsection (1) is guilty of an offence.

9. Section 7, subsection (3) and section 8 do not apply to any of the following actions by the Minister or by persons authorized by the Minister, namely,

- (a) the carrying out of measures or programs referred to in section 5, and
- (b) the use of any equipment or means of transportation for the purpose of, or 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.

10. (1) Any person who destroys or damages or pollutes any land, water, plant life or animal life in a wilderness area is guilty of an offence.

(2) Subsection (1) does not apply to any person who destroys or damages plant life or animal life in a wilderness area in the course of removing it under the authority of an order of the Lieutenant Governor in Council made under section 8, subsection (1), clause (f).

11. (1) The Minister may by order prohibit or restrict travel in a provisional wilderness area or a wilderness area during any period either absolutely or except under the authority of a permit issued by or on behalf of the Minister.

(2) Every person who contravenes an order of the Minister under subsection (1) is guilty of an offence.

12. Any person who is guilty of an offence under this Act is liable on summary conviction

- (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,

9. Exceptions to sections 7 (3) and 8.

10. Offence re damaging, destroying or polluting of natural resources.

11. Travel restrictions.

12. Offence re destroying, damaging or polluting natural resources of a wilderness area.

- (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, and
- (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 Lieutenant Governor in Council may make regulations for the management, operation and utilization of provisional wilderness areas and wilderness areas.

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

SCHEDULE

PROVISIONAL WILDERNESS AREAS

1. The Siffleur Wilderness, as described in the Schedule to Alberta Regulation 554/65.
2. The White Goat Wilderness, as described in the Schedule to Alberta Regulation 554/65.
3. Ghost River Wilderness Area, as described in Alberta Regulation 182/67.

13. Regulations.