

1977 BILL 81

Third Session, 18th Legislature, 26 Elizabeth II

~~THE~~ LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 81

**THE DEPARTMENT OF THE ENVIRONMENT
AMENDMENT ACT, 1977 (NO. 2)**

THE MINISTER OF THE ENVIRONMENT

First Reading

Second Reading

Third Reading

Bill 81

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THE DEPARTMENT OF THE ENVIRONMENT AMENDMENT ACT, 1977 (NO. 2)

(Assented to , 1977)

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

1 The Department of the Environment Act is amended by this Act.

2 Section 9(1) is amended by striking out "any estate or interest in land and" and substituting "or expropriate any estate or interest in land and may purchase".

3 Section 15(1) is amended by adding ", or" at the end of clause (d) and by adding after clause (d) the following:

(e) confining to land within the Area

(i) any operation, activity, use, development or occupation of land

(A) that adversely affects or is likely to adversely affect the quality or quantity of any natural resource, or

(B) that destroys, disturbs, pollutes, alters or makes use of a natural resource or is likely to do so,

or

(ii) any emission, discharge, noise or other envi-

Explanatory Notes

1 This Bill will amend chapter 24 of the Statutes of Alberta, 1971.

2 The amendment will permit the Minister to expropriate land required for government use where no sale can be consummated. Section 9(1) presently reads:

9(1) The Minister may purchase any estate or interest in land and any personal property in conjunction therewith

(a) for the purpose of implementing or carrying out the provisions of any agreement or arrangement entered into between the Government of Canada and the Minister on behalf of the Government of Alberta, or

(b) for the purpose of any program or development project relating to the conservation, utilization or management of natural resources, or

(c) for the purposes of environmental conservation or improvement, the abatement or prevention of pollution of a natural resource, research or the disposal of toxic materials or for any other purpose in relation to a matter under the administration of the Minister.

3 Section 15(1) presently reads:

15(1) The Lieutenant Governor in Council may by regulation establish any part or parts of Alberta as a "Restricted Development Area" or a "Water Conservation Area" (in this section called "the Area") upon the report of the Minister that the establishment of the Area is necessary in the public interest to coordinate and regulate the development and use of the Area for the purpose of

(a) preventing, controlling, alleviating or stopping the destruction, damage or pollution of any natural resources in or adjacent to the Area, or

(b) protecting a watershed in or adjacent to the Area, or

(c) retaining the environment of the Area in a natural state or in a state suitable for recreation or the propagation of plant or animal life, or

ronmental pollutant, or the source thereof, whether from any commercial, industrial or other operation, activity, use, development or occupation of land,

or

(f) separating

(i) any operation, activity, use, development or occupation of land

(A) that adversely affects or is likely to adversely affect the quality or quantity of any natural resources, or

(B) that destroys, disturbs, pollutes, alters or makes use of a natural resource, or is likely to do so,

or

(ii) any emission, discharge, noise or other environmental pollutant, or the source thereof, whether from any commercial, industrial or other operation, activity, use, development or occupation of lands

from any operation, activity, use, development or occupation of adjacent land.

4(1) Where, before the commencement of this Act, any regulations were made under section 15 of The Department of the Environment Act establishing any Restricted Development Area and where the result of the establishment of the Restricted Development Area is to achieve any or all of the purposes specified in section 15(1) of The Department of the Environment Act, as amended by section 3 of this Act, the regulations shall be conclusively presumed to have been made and to have the same effect as though they had been made on the basis of a report specifying that purpose or purposes.

(2) Subsection (1) does not apply to Regulations to Amend The Edmonton Restricted Development Area Regulations, filed as Alberta Regulation 262/76.

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

(d) preventing the deterioration of the quality of the environment of the Area by reason of the development or use of land in the Area incompatible with the preservation of that environment.

4 Previous regulations.