

1978 Bill 202

Fourth Session, 18th Legislature, 27 November 1978

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

THE ECOLOGICAL RESERVES ACT

MR. STROMBERG

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 202
Mr. Stromberg

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THE ECOLOGICAL RESERVES ACT

(Assented to _____, 1978)

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

1. In this Act

- (a) "ecological reserve" means
 - (i) an area suitable for scientific research and educational purposes associated with studies of the natural environment and natural productivity;
 - (ii) an area that is a representative example of a particular type of ecosystem;
 - (iii) an area that has been modified by man and that offers an opportunity to study the recovery of the natural ecosystem from such modification; or
 - (iv) an area in which rare or endangered native plants and animals may be preserved in their natural habitat;
- (b) "Ecological Reserves Advisory Board" means the board appointed by the Minister of Recreation, Parks and Wildlife;
- (c) "ecology" means the study of the interrelation between man and animal and plant life in their natural environment;
- (d) "ecosystem" means a natural system of animal and plant life in a defined area, together with the environment comprising their habitat;
- (e) "environment" means the soil, water, air and natural conditions under which man and animal and plant life exist and interact;
- (f) "Minister" means the Minister of Recreation, Parks and Wildlife.

Explanatory Notes

General: This Act provides for the reservation of areas of the Province as ecological reserves for the protection, preservation and study of natural areas and the animal and plant life therein.

I. Definitions.

2. (1) Subject to subsection (2) the Lieutenant Governor in Council may by Order in Council establish one or more ecological reserves, abolish an ecological reserve or alter the boundaries of an ecological reserve.

(2) The creation, abolition or alteration of an ecological reserve may be

- (a) on Crown land, or
- (b) on private land acquired by the Minister by agreement to purchase or lease or expropriation under *The Expropriation Act* providing that money has been appropriated to that purpose by the Legislature.

(3) Prior to the establishment, abolition or alteration of an ecological reserve the Minister shall cause a notice to be inserted in the Alberta Gazette and in a daily newspaper, circulating in the area in which the reserve is or will be situated, describing the area and stating that any person may, within ten days of the notice, advise the Minister that he wishes to make a representation to the Minister at a hearing, at a date and place specified in the notice, to be no sooner than 15 nor more than 45 days after the date of the notice.

(4) If the Minister does not receive any advice pursuant to subsection (3) he may cancel the hearing.

(5) The Minister shall communicate the substance of any representation made to him pursuant to subsection (3) to the Lieutenant Governor in Council prior to the establishment of the ecological reserve.

3. Where the Lieutenant Governor in Council establishes, abolishes or alters an ecological reserve pursuant to section 2:

- (a) the Order in Council shall be published in the Alberta Gazette and shall come into force no earlier than the date of such publication; and
- (b) a notice of the Order in Council shall be placed in a daily newspaper circulating in the area in which the ecological reserve is established, abolished or altered, once a week for three successive weeks, and prior to the day it comes into force.

4. No ecological reserve shall continue in existence on any land in respect of which a lease granted to or agreement made with the Minister has expired or has been terminated.

5. The Minister shall appoint an Ecological Reserves Advisory Board, which

- (a) shall consist of seven members of whom one shall be a member of the Legislative Assembly and no more than two shall be members of the public service;
- (b) shall consider recommendations from the public and submit the recommendations, along with the Board's recommendations, to the Minister;
- (c) shall make recommendations concerning policy and the management of ecological reserves to the Minister;

2. Power to establish ecological reserves; publication of prior notice; hearing.

3. Publication of Order establishing reserve.

4. Reserve terminates with lease.

5. Ecological Reserves Advisory Board established.

- (d) shall advise the Minister on any matter concerning ecological reserves;
- (e) shall meet at the call of the chairman, at the direction of the Minister or at the request of a majority of the members;
- (f) may be paid such remuneration as the Minister may prescribe, providing that money has been appropriated to that purpose by the Legislature.

6. There may be appointed, in accordance with *The Public Service Act* such employees as may be required for the purposes of this Act and the regulations providing that money has been appropriated to that purpose by the Legislature.

7. Any area established as an ecological reserve under this Act shall be immediately withdrawn and reserved from any further disposition that might otherwise be granted under the provisions of any Act or law in force in the Province, including, without limiting the generality of the foregoing, dispositions under *The Public Lands Act*, *The Forests Act, 1971* or *The Mines and Minerals Act*.

8. (1) No person shall enter an ecological reserve unless he holds a permit to do so from the Minister.

(2) No person shall hunt, fish, trap, conduct forestry, agricultural or mining operations, conduct exploration, boring, prospecting, levelling or construction work in an ecological reserve unless he holds a permit to do so authorised by the Lieutenant Governor in Council.

(3) The Minister may issue a permit on such conditions as he sees fit, to a person applying therefor, to enter an ecological reserve for purposes only of research, observation or study and may require an applicant to show such evidence of his suitability to receive a permit as the Minister may require.

(4) A person who enters an ecological reserve pursuant to a permit shall not leave anything in the reserve nor remove anything from the reserve except as may be specified in his permit nor do any damage in the reserve to any animal or plant life or the environment.

9. The Minister may issue regulations permitting activity in and access to ecological reserves for forest protection purposes and in emergencies involving the health or safety of animal or plant life, persons or property.

10. Any person who contravenes any provision of the Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$2500 or three months imprisonment or to both fine and imprisonment.

11. This Act comes into force on a date to be fixed by Proclamation.

6. Appointment of employees.

7. Reserve excluded from other disposition.

8. No entry without permit; offences.

9. Regulations.

10. Penalties.