

1981 BILL 55

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Third Session, 19th Legislature, 30 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 55**

**THE WILDERNESS AREAS AMENDMENT ACT, 1981**

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MR. STROMBERG

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 55  
Mr. Stromberg

## BILL 55

1981

### THE WILDERNESS AREAS AMENDMENT ACT, 1981

(Assented to \_\_\_\_\_, 1981)

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

1 *The Wilderness Areas Act is amended by this Act.*

2 *The title of the Act is amended by adding “, **ECOLOGICAL RESERVES AND NATURAL AREAS**” after “**WILDERNESS AREAS**”.*

3 *The preamble of the Act is amended by adding “, ecological reserves and natural areas” after “wilderness areas”.*

4 *Section 1 is amended*

*(a) in clause (a) by adding “and Ecological Reserves” after “Areas”;*

*(b) by renumbering clause (a1) as clause (a.1);*

*(c) by adding the following after clause (a.1):*

## Explanatory Notes

1 This Bill will amend chapter 114 of the Statutes of Alberta, 1971.

2 The title of the Act presently reads:

### *THE WILDERNESS AREAS ACT*

3 The preamble presently reads:

*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.*

4 Section 1 presently reads in part:

*1 In this Act,*

*(a) "Advisory Committee" means the Advisory Committee on Wilderness Areas;*

*(c) "Minister" means the Minister of Recreation and Parks;*

(a.2) “ecological reserve” means land designated as an ecological reserve under section 3.1;

(d) *by repealing clause (c) and substituting the following:*

(c) “Minister” means

(i) in the case of a wilderness area or ecological reserve, the Minister of Recreation and Parks, and

(ii) in the case of a natural area, the Associate Minister of Public Lands and Wildlife;

(c.1) “natural area” means land designated as a natural area under section 11.2;

5 *Section 2 is amended*

(a) *in subsection (1)*

(i) *by adding “and Ecological Reserves” after “Areas”;*

(ii) *by striking out “not less than five and not more than 10” and substituting “12”;*

(b) *by repealing subsection (4) and substituting the following:*

(4) The Advisory Committee shall consist of

(a) 2 employees of the Department of Recreation and Parks,

(b) 3 employees of the Department of Energy and Natural Resources,

(c) 1 employee of the Department of Culture, and

(d) 6 persons who are not employed by the Government or a government agency.

(c) *by repealing subsection (7) and substituting the following:*

(7) The Advisory Committee shall receive and consider requests from the public regarding wilderness areas and ecological reserves and may make recommendations to the Minister regarding

(a) the establishment of new wilderness areas or ecological reserves,

**5** Section 2 presently reads:

*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 management, operation and utilization of wilderness areas and controlled buffer zones.*

*(8) The Minister shall refer any recommendations made by the Advisory*

- (b) the addition of lands to wilderness areas or ecological reserves,
- (c) the withdrawal of lands from wilderness areas or ecological reserves, and
- (d) the making of regulations for the administration, management, operation and utilization of wilderness areas, ecological reserves and controlled buffer zones.

6 *The following is added after section 3:*

**3.1(1)** The Lieutenant Governor in Council, in order to preserve public lands for ecological purposes, may by regulation designate as an ecological reserve any area of public land that, in his opinion,

- (a) is suitable for scientific research associated with the studies of natural ecosystems,
- (b) is a representative example of a natural ecosystem in the Province,
- (c) serves as an example of an ecosystem that has been modified by man and that offers an opportunity to study the recovery of the ecosystem from that modification,
- (d) contains rare or endangered native plants or animals that should be preserved, or
- (e) contains unique or rare examples of natural biological or physical features.

(2) No ecological reserve shall be established or disestablished, and the area constituting an ecological reserve shall not be altered, unless public notice of the proposed establishment, disestablishment or alteration is given.

(3) A public notice under subsection (2) shall

- (a) state whether the proposed action under this section involves the establishment, disestablishment or alteration of an ecological reserve,
- (b) state the effective date of the proposed action,
- (c) give the legal description of the public land affected by the proposed action,
- (d) if a public hearing is to be held under section 4, give the date of the public hearing,
- (e) give the name and address of the person to whom rep-

*Committee under subsection (7) to the Executive Council for its consideration.*

*(9) A copy of any recommendation made by the Advisory Committee under subsection (7) shall be laid before the Legislative Assembly by the Minister if it is in session and if not, within 15 days after the commencement of the next ensuing session.*

**6** The Lieutenant Governor in Council may designate public land as an ecological reserve.

resentations may be made, and

(f) be published at least 60 days prior to the effective date of the proposed action in

(i) The Alberta Gazette,

(ii) at least one issue of a daily newspaper in Calgary, Edmonton, Lethbridge and Red Deer, and

(iii) at least one issue of a daily or other periodical newspaper, if any, that has a regular circulation in the immediate vicinity of the public land affected by the proposed action.

7 *Section 4 is amended*

(a) *by striking out* “The Environment Council of Alberta when requested by the Lieutenant Governor in Council shall hold” *and substituting* “The Minister may authorize the holding of”;

(b) *in clause (c) by adding* “or ecological reserves” *after* “areas”.

8 *Section 5 is amended by striking out “and” at the end of clause (b) and by adding the following after clause (b):*

(b.1) for the furtherance of public education and interpretation, and

9 *Section 6 is repealed and the following is substituted:*

6(1) Subject to subsections (2) and (3), if at the time any public land is established as part of a wilderness area or ecological reserve or is added to a wilderness area or ecological reserve a person other than the Crown holds, in respect of that land, an interest under or pursuant to

(a) a disposition granted under *The Public Lands Act* and the



**7** Section 4 presently reads:

*4 The Environment Council of Alberta 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*

*(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.*

**8** Section 5 presently reads in part:

*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 a 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.*

**9** Section 6 presently reads:

*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*

*(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*

regulations under that Act,

(b) a lease, permit, easement or other disposition under *The Special Areas Act* and the regulations under that Act,

(c) a timber disposition as defined in *The Forests Act, 1971*,

(d) a surface disposition granted under any other Act or regulation, or

(e) a disposition as defined in *The Mines and Minerals Act*,

the Minister of the Crown who is charged with the administration of the relevant Act referred to in clauses (a) to (e) shall ensure as far as practicable that the interest is withdrawn, cancelled or otherwise terminated as soon as possible.

(2) Subsection (1) does not apply so as to require the Minister of Energy and Natural Resources to withdraw, cancel or otherwise terminate an interest under a petroleum or natural gas disposition in an ecological reserve.

(3) The Minister of Recreation and Parks may, when an ecological reserve is established or added to, permit interests under

(a) dispositions granted under *The Public Lands Act* or *The Special Areas Act* and the regulations under those Acts in connection with a petroleum or natural gas disposition made under *The Mines and Minerals Act*,

(b) other dispositions granted under *The Public Lands Act* and the regulations under that Act,

(c) leases, permits, easements and other dispositions under *The Special Areas Act* and the regulations under that Act,

(d) timber licences and timber permits under *The Forests Act, 1971*, and

(e) permits to graze livestock granted under *The Forest Reserves Act* and the regulations under that Act

that exist on or relate to the ecological reserve or the land added to the ecological reserve at the time the ecological reserve is established or added to, as the case may be, to continue until their expiry and to be renewed, but no interest referred to in clauses (a) to (e) may be continued or renewed unless the Minister of Recreation and Parks consents in writing to the continuation or renewal.

*(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.*

10 *Section 7(1) is repealed and the following substituted:*

**7(1)** Subject to section 6, the Crown

(a) shall not, on land that has been established as a wilderness area, dispose or permit the disposition on its behalf of any of the interests referred to in section 6(1), and

(b) shall not, on land that has been established as an ecological reserve, dispose or permit the disposition on its behalf of any of the interests referred to in section 6(1)(a) to (d).

11 *Section 8(1) is amended*

(a) *in clause (f) by striking out “Lieutenant Governor in Council,” and substituting “Minister, collect, destroy or”;*

(b) *by adding “or” at the end of clause (g) and by adding the following after clause (g):*

(h) introduce into, deposit in or add to a wilderness area or ecological reserve a material or substance that is or may be harmful to plant or animal life in the wilderness area or ecological reserve, or

(i) operate a motorized vehicle or motor boat in an ecological reserve except on routes or in areas designated for that purpose under the regulations, or

(j) light or maintain an open fire in an ecological reserve, or

(k) without the consent of the Minister

(i) construct, reconstruct or add to an improvement on, or

(ii) do any act that will alter or disturb the surface of

land within a wilderness area or ecological reserve.

12 *Section 10(2) is amended by striking out “authority of an order of the Lieutenant Governor in Council made under section 8, subsection (1), clause (f)” and substituting “authority of the Minister given under section 8(1)(f) or while carrying out an activity consented to by the Minister under section 8(1)(k)”.*

13 *Section 11.1 is amended*

(a) *in subsection (1) by adding “public” after “of”;*

**10** Section 7(1) presently reads:

*7(1) No disposition shall be made by or on behalf of the Crown of any estate or interest in land in a wilderness area pursuant to The Public Lands Act, The Forests Act, 1971, The Mines and Minerals Act or any other Act.*

**11** Section 8(1) presently reads:

*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*

*(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, or*

*(g) take into or use in a wilderness area a horse or pack animal or any motorized vehicle.*

**12** Section 10(2) presently reads:

*(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).*

**13** Section 11.1 presently reads in part:

*11.1(1) The Lieutenant Governor in Council may, by regulation, designate any area of land adjoining a wilderness area as a controlled*

(b) in subsection (2)(b) by striking out “Minister” and substituting “Associate Minister of Public Lands and Wildlife”;

(c) by repealing subsection (3)(a) and substituting the following:

(a) no licence, interim licence or permit shall be issued under *The Water Resources Act* for any diversion, undertaking or works, and

14 *The following is added after section 11.1:*

**11.2(1)** The Lieutenant Governor in Council may, in order to

(a) protect sensitive or scenic public land from disturbance, and

(b) ensure the availability of public land in a natural state for use by the public for recreation, education or any other purpose,

by regulation designate any area of public land as a natural area.

(2) Land that has been designated as a natural area under *The Public Lands Act*, *The Provincial Parks Act, 1974* or a predecessor of either of those Acts is deemed to have been designated under this Act, and the designation is continued under this Act.

(3) No disposition as defined in *The Public Lands Act* or timber disposition as defined in *The Forests Act, 1971* shall be made by or on behalf of the Crown in relation to land in a natural area without the consent of the Minister.

15 *Section 13 is repealed and the following is substituted:*

**13(1)** The Lieutenant Governor in Council may make regulations respecting the administration, management, operation and utilization of wilderness areas, ecological reserves, natural areas and controlled buffer zones.

(2) A regulation under subsection (1) may, without restricting the generality of subsection (1), transfer to any Minister of the Crown powers and duties under this Act in relation to all or any part of a wilderness area, ecological reserve, natural area or

*buffer zone.*

(2) *Upon an area of land being designated as a controlled buffer zone*

*(b) the Minister shall not issue or renew a lease under The Public Lands Act which would permit the use of the surface of any land in a controlled buffer zone for the purpose of strip mining or quarrying, and*

(3) *Upon an area of land being designated as a controlled buffer zone*

*(a) the Director of Water Resources shall not issue a licence, interim licence or permit under The Water Resources Act for any diversion, undertaking or works, and*

**14** The Lieutenant Governor in Council may designate natural areas.

Dispositions of interests in land in natural areas prohibited without consent of the Minister.

**15** Section 13 presently reads:

*13 The Lieutenant Governor in Council may make regulations for the management, operation and utilization of wilderness areas and controlled buffer zones.*

controlled buffer zone.

*16 In the following provisions, “or ecological reserve” is added after “wilderness area” wherever it occurs:*

section 4;  
section 5;  
section 7(2) and (3);  
section 8(1)(b), (c), (d), (e) and (f);  
section 10;  
section 11(1);  
section 11.1(1).

*17 The Public Lands Act is amended*

*(a) in section 8(e)(i) by adding “ecological reserves,” after “natural areas,” and*

*(b) by repealing section 13.*

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*In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.*



**16** Consequential.

**17** Consequential amendment to chapter 297 of the Revised Statutes of Alberta 1970.