

1983 BILL 62

---

First Session, 20th Legislature, 32 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 62**

**LAND SURFACE CONSERVATION AND  
RECLAMATION AMENDMENT ACT, 1983**

---

---

THE MINISTER OF THE ENVIRONMENT

---

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

---

Bill 62

## BILL 62

1983

### LAND SURFACE CONSERVATION AND RECLAMATION AMENDMENT ACT, 1983

(Assented to \_\_\_\_\_, 1983)

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

*1 The Land Surface Conservation and Reclamation Act is amended by this Act.*

*2 Section 1(s)(ii) is amended by adding "contamination," before "degradation".*

*3 Section 15 is amended*

*(a) in subsection (2)*

*(i) by repealing clause (b) and substituting the following:*

**(b) 2 deputy chairmen of the Council who shall be employees of the Department of Energy and Natural Resources, one of whom shall be designated by the Minister of Energy and Natural Resources and one of whom shall be designated by the Associate Minister of Public Lands and Wildlife;**

*(ii) in clause (d) by striking out "by the Lieutenant Governor in Council";*

*(b) in subsection (9) by striking out "one of the deputy chairmen of the Council" and substituting "an employee of the Department of the Environment";*

*(c) by adding the following after subsection (9):*

**(10) The Minister of Energy and Natural Resources and the Associate Minister of Public Lands and Wildlife shall, for**

## Explanatory Notes

**1** This Bill will amend chapter L-3 of the Revised Statutes of Alberta 1980.

**2** Section 1(s) presently reads:

*1 In this Act,*

*(s) "surface disturbance" means*

*(i) the disturbance, exposure, covering or erosion of the surface of land in any manner, or*

*(ii) the degradation or deterioration in any manner of the surface of land;*

**3** Section 15 presently reads in part:

*(2) The Council shall consist of the following members:*

*(b) 2 deputy chairmen of the Council, who shall be employees of the Department of Energy and Natural Resources designated by the Minister of Energy and Natural Resources;*

*(d) those employees of the Government or of government agencies who are appointed as members by the Lieutenant Governor in Council pursuant to section 37;*

*(9) The Minister of the Environment shall designate one of the deputy chairmen of the Council to be the acting chairman of the Council in the event of the absence or inability to act of the chairman or in the event of a vacancy in the office of chairman.*

each deputy chairman designated under subsection (2)(b), designate an employee of the Department of Energy and Natural Resources as an acting deputy chairman to act in the event of the absence or inability to act of the deputy chairman or of a vacancy in the office of the deputy chairman.

4 *Section 23(1) is amended by adding the following after clause (f):*

- (f.1) the construction, operation or abandonment of a plant
  - (i) for the manufacture of petroleum products or natural gas products,
  - (ii) for the manufacture of chemical and allied products,
  - (iii) for the manufacture of pulp and paper products,
  - (iv) for the manufacture of steel, clay or glass products,
  - (v) for the manufacture of cement and lime products,
  - (vi) for the manufacture of fertilizer or processing of animal by-products,
  - (vii) for primary metal production or metal processing purposes,
  - (viii) for the processing of wood or wood products,
  - (ix) for the processing of coal or oil sands,
  - (x) for the processing of natural gas or its derivatives,
  - (xi) for the production or processing of chemicals,
  - (xii) for the manufacture of asphalt or ready-mixed concrete,
  - (xiii) for gravel crushing,
  - (xiv) for meat packing, food processing or beverage processing purposes,
  - (xv) for generating thermal electric power or steam, or
  - (xvi) for any other industrial, manufacturing or processing purposes;

5 *Section 29(3) is amended by striking out “\$100” and substituting “\$1000”.*

6 *Section 33(2)(d) and (3)(c) are amended by striking out “53(4)(b)” and substituting “56(4)(b)”.*

7 *Section 36(1) and (2)(a) are amended by adding “or the Associate Minister of Public Lands and Wildlife” after “Minister of Energy and Natural Resources” wherever it occurs.*

**4** Section 23(1) presently reads in part:

*23(1) The Lieutenant Governor in Council may by regulation designate any kind of operation or activity as a regulated surface operation if the operation or activity is also of a kind falling within the following descriptions:*

**5** Corrects printing error.

**6** Corrects printing error.

**7** Section 36(1) and (2)(a) presently read:

*36(1) The Lieutenant Governor in Council may by regulation transfer to the Minister of Energy and Natural Resources the administration of any of the provisions of this Part*

8 Section 37(1) is amended by striking out “Lieutenant Governor in Council” and substituting “Minister”.

9 Section 39 is amended by striking out “35” and substituting “38”.

10 Section 40(a) is amended by striking out “by the Lieutenant Governor in Council” and substituting “pursuant to section 37(1)”.

11 Section 42(1) is amended by adding the following after clause (a):

(a.1) to prevent, contain, control, remove or remedy any contamination, degradation or deterioration of the surface of the land,

(a.2) to remove and conserve top soil,

12 Section 46 is amended

(a) in subsection (1) by adding “, with the written consent of the Minister,” after “chairman”;

(b) by repealing subsection (2).

(a) with respect to all or any part of Alberta, and

(b) with respect to the kinds of operation specified in the regulation.

(2) If a regulation is made under subsection (1) and transfers administration to the Minister of Energy and Natural Resources, then, with respect to the part of Alberta affected by the regulation and with respect to the kinds of operations specified in the regulation,

(a) the deputy chairman designated by the Minister of Energy and Natural Resources shall, in his capacity as deputy chairman, exercise and perform the powers and duties of the chairman, and

**8** Section 37(1) presently reads:

*37(1) The Lieutenant Governor in Council may appoint as members of the Council*

(a) any employees of the Government other than employees of the Department of the Environment, or

(b) employees of a government agency.

**9** Corrects error.

**10** Consequential. Section 40(a) presently reads:

*40 Subject to this Act and the regulations, all inquiries conducted by the Council under this Part shall be made by*

(a) one or more members appointed under the Public Service Act or appointed by the Lieutenant Governor in Council, and

**11** Section 42(1) presently reads:

*42(1) When the Council is authorized to make a reclamation order under this Part, the order may direct the performance of any work that is necessary in the opinion of the Council to do any or all of the following in respect of the land that is the subject of the inquiry by the Council:*

(a) subject to subsection (3), to condition, maintain or reclaim the land or any part of it, and land adjacent to it,

(b) to destroy or prevent the growth of noxious weeds or weed seeds,

(c) to remove or remedy any hazard to human life, domestic livestock or wildlife, or to the conduct of agricultural or other operations, or

(d) to install or repair any fence, gate, cattle guard, culvert or other thing.

**12** Section 46(1) and (2) presently read:

*46(1) If a reclamation order is not complied with, the chairman may cause any work to be done to remedy the default and the expenses incurred shall be paid by the Minister out of funds voted by the Legislature for that purpose.*

*(2) The chairman shall not cause any work to be done pursuant to subsection (1) except with the approval of the Minister and, in cases where the estimated cost of the work is over \$100 000, with the approval of the Lieutenant Governor in Council.*

*13 Section 58(1)(a) and (b)(ii) are amended by striking out “by the Lieutenant Governor in Council” and substituting “pursuant to section 37(1)”.*

---

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



**13** Consequential. Section 58(1) presently reads:

*58(1) If a review is requested by the owner or occupant or an operator within 30 days of the issue of the reclamation certificate, an inquiry shall be held to review the certificate by the following members of the Council:*

*(a) one or more members appointed pursuant to the Public Service Act or by the Lieutenant Governor in Council but who were not involved in the issue of the reclamation certificate under review, and*

*(b) either*

*(i) a member appointed by the regional planning commission, if the land is located within a regional planning area, or*

*(ii) if the land is not located in a regional planning area, a member appointed by the Lieutenant Governor in Council who is an employee of the Provincial Planning Office and designated by the Director of Provincial Planning.*