

1991 BILL 228

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 228

ECOLOGICAL RESERVES AND HERITAGE RIVERS ACT

MR. MITCHELL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 228
Mr. Mitchell

BILL 228

1991

ECOLOGICAL RESERVES AND HERITAGE RIVERS ACT

(Assented to , 1991)

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

1 The Wilderness Areas, Ecological Reserves and Natural Areas Act is amended by this Act.

2 The title of the Act is struck out and the following is substituted:

WILDERNESS AREAS, ECOLOGICAL RESERVES, HERITAGE RIVERS AND NATURAL AREAS ACT

3 Section 1 is amended

(a) in clause (d)(i) by adding ", heritage river" after "wilderness area"; and

(b) by adding the following after clause (c):

(c.1) "heritage river" means a river designated under the Canadian Heritage Rivers System.

4 Section 2(1) is amended by striking out "and shall designate one of the members as chairman" and substituting "and shall designate one of the members appointed by the Environment Council of Alberta as chairman".

5 Section 2(4) is repealed and the following is substituted

(4) The Advisory Committee shall consist of

Explanatory Notes

1 This Bill will amend chapter W-8 of the Revised Statutes of Alberta, 1980.

2 Amends the title of the Act.

3 Adds a definition of heritage river and includes this term in the definition of "Minister".

4 Provides for the chairman to be a designate of the Environment Council of Alberta.

5 Alters the membership structure of the committee by including representation from the Department of the Environment and the Department of Agriculture and empowering the Environment Council of Alberta to nominate 6 members.

- (a) 1 employee of the Department of Recreation and Parks;
- (b) 1 employee of the Department of Forestry, Lands and Wildlife;
- (c) 1 employee of the Department of the Environment;
- (d) 1 employee of the Department of Culture and Multiculturalism;
- (e) 1 employee of the Department of Agriculture;
- (f) 1 employee of the Department of Energy;
- (g) 6 persons nominated by the Environment Council of Alberta.

6 *Section 2(7) is amended*

(a) *by striking out "and ecological reserves" and substituting " , ecological reserves and heritage rivers";*

(b) *by adding the following after clause (b)*

(b.1) the recommendation of heritage rivers for inclusion in the Canadian Heritage River System;

(c) *in clause (d) by adding "heritage rivers" after "wilderness areas".*

7 *Section 3.1 is amended by adding the following at the end of it*

(4) The Lieutenant Governor in Council shall ensure that, no later than January 1, 2000

(a) at least one ecological reserve has been established to represent each of the 17 natural regions of Alberta;

(b) each ecological reserve is of adequate size to ensure the indigenous natural ecosystem is able to survive as an integral unit.

8 *The following is added after section 3.1:*

3.2 The Lieutenant Governor in Council shall enter into an agreement to join Alberta into the Canadian Heritage Rivers System and appoint a representative to the Canadian Heritage Rivers System Board.

6 Inserts references to heritage rivers in the provision for the advisory committee considering requests from the public.

7 Establishes objectives for the designation of ecological reserves in the Province by January 1, 2000.

8 Provides for Alberta to join the Canada Heritage Rivers System and requires 12% of the Province to be protected land by January 1, 2000.

3.3 The Lieutenant Governor in Council shall ensure that by January 1, 2000 no less than 12% of the area of the Province is encompassed by designations under section 3, 3.1, 3.2 and 12 of this Act, the *Provincial Parks Act* and *The National Parks Act (Canada)*, as land protected in its natural state for future generations.

9 *Section 4 is amended*

(a) *by repealing subsection (1) and substituting:*

"When requested by the Lieutenant Governor in Council, public hearings shall be heard in accordance with the *Environmental Assessment Act*, for the purpose of receiving and hearing submissions and representations respecting any proposal made by the Executive Council for the establishment of a new wilderness area, ecological reserve or heritage river or the addition of any land to, or the withdrawal of any land from, an existing wilderness area, ecological reserve or heritage river area", *and*

(b) *by adding the following at the end of it:*

(3) The Minister, acting on the advice of the Advisory Committee, shall establish a panel to receive, review and report on submissions presented at the public hearings referred to in subsection (1).

(4) A panel established by the Minister shall not include any employee of the Crown.

(5) (a) The Advisory Committee may establish round table meetings between representatives of the government and any person who owns, leases or has the right of occupancy or access to land affected by the establishment of any area mentioned in subsection (1);

(b) A round table meeting shall prepare a report and submit the report to the Lieutenant Governor in Council.

10 *Section 6 is amended by adding the following at the end of it*

(4) Notwithstanding subsections (2) and (3), no land may be withdrawn from a wilderness area, ecological reserve, natural area, heritage river area or any other area designated to preserve its natural condition, unless there is designated in its place in the case of a wilderness area, ecological reserve or natural area, land of comparable wilderness or ecological value and area and in the case of a heritage river, a river of comparable heritage value and area.

9 Provides for public hearings under the Environmental Assessment Act. Establishes a panel for a review process at public hearings and guarantees those with an interested in affected land a representation at the hearing.

10 Guarantees that land which is withdrawn from a designated category will be replaced by equivalent land.

11 Section 7(1)(b) is amended by striking out "(a) to (d)".

12(1) , "heritage river" is added after "wilderness area" where it occurs in the following provisions:

section 5(a), (b) and (c);
section 6(1);
section 7(1)(a), (2) and (3);
section 8(1)(e), (f), (h), (i) and (k);
section 10(1) and (2);
section 14(1).

(2) Section 14(2) is amended by adding , "heritage rivers" after "wilderness areas".

11 Section 7(1)(b) presently reads

Subject to section (6), the Crown

(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).

12 Adds references, where appropriate, to heritage rivers.