

1994 BILL 219

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 219

NATURAL RESOURCES CONSERVATION BOARD
AMENDMENT ACT, 1994

MR. COLLINGWOOD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 219
Mr. Collingwood

BILL 219

1994

NATURAL RESOURCES CONSERVATION BOARD AMENDMENT ACT, 1994

(Assented to , 1994)

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

*1 The Natural Resources Conservation Board Act is amended by
this Act.*

2 Section 1 is amended

*(a) by renumbering clause (a) as clause (a.1) and by adding the
following before clause (a.1):*

*(a) "activity" includes an activity or part of an activity
listed in the Schedule to the *Environmental Protection and
Enhancement Act*;*

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

*(e.1) "mandatory activity" means an activity designated as
a mandatory activity by the Lieutenant Governor in
Council pursuant to section 57(a) of the *Environmental
Protection and Enhancement Act*;*

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

(k) "water consumption project" means a project

*(i) to use non-saline groundwater or surface water
for oil or mineral extraction;*

Explanatory Notes

- 1** Amends chapter N-5.5 of the Statutes of Alberta.

(ii) to use non-saline groundwater or surface water for a commercial or industrial use prescribed in the regulations;

(iii) to use either groundwater or surface water in such volume that there is the potential for a net reduction in the level of the groundwater or surface water; or,

(iv) to use such a volume of groundwater or surface water that there is the potential for negative impact on

(A) biodiversity within the water body,

(B) instream flow needs,

(C) downstream users who are licenced pursuant to the *Water Resources Act*, or

(D) transboundary flows.

3 *Section 2 is amended by adding "and activities" after "project" wherever it occurs.*

4 *Section 4 is amended by adding the following after clause (d):*

(d.1) water consumption projects;

5 *The following is added after section 4:*

4.1(1) The following are subject to review, at the discretion of the Board, in accordance with this Act and the regulations:

4 Section 4 presently reads:

4 *The following are subject to a review in accordance with this Act and the regulations:*

- (a) forest industry projects;*
- (b) recreational or tourism projects;*
- (c) metallic or quarriable mineral projects;*
- (d) water management projects;*
- (e) any other project prescribed in the regulations;*
- (f) specific projects prescribed by the Lieutenant Governor in Council.*

(a) mandatory activities which, in the opinion of the Board, it is in the public interest to review;

(b) activities which have been designated for further assessment pursuant to section 42(1)(b)(i) of the *Environmental Protection and Enhancement Act* if, in the opinion of the Board, it is in the public interest to review;

(c) activities which have not been designated for further assessment pursuant to section 42(1)(b)(ii) of the *Environmental Protection and Enhancement Act* if, in the opinion of the Board, it is in the public interest to review;

(d) activities in respect of which the Minister of Environmental Protection has ordered an environmental assessment impact report pursuant to section 45 of the *Environmental Protection and Enhancement Act* if, in the opinion of the Board, it is in the public interest to review;

(e) activities which the Board has been requested, in writing, to review by any person having a genuine interest in the review of that activity;

(2) Prior to deciding whether an activity is subject to review, the Board may hold such hearings or other proceedings as it requires to make its decision or to determine whether there is sufficient merit in a request made pursuant to subsection (1)(e) to justify a review.

(3) Where the Board decides that an activity is subject to review under this section, it shall notify the proponent, and the Minister of Environmental Protection of its decision and sections 46 through 50 of *Environmental Protection and Enhancement Act* shall apply to the review as if the Board were the Director under that Act.

6 *Section 8(2) is amended by striking out "persons who may be directly affected by" and substituting "any person with a genuine interest in".*

7 *The following is added after section 43(1)(e):*

(f) prescribing commercial or industrial uses of water for the purposes of section 1(k)(ii).

7 Section 43 presently reads in part:

43(1) The Lieutenant Governor in Council may make regulations

8 *This Act comes into force on Proclamation.*

8 Coming into force.