

1997 BILL 18

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 18

NATURAL RESOURCES CONSERVATION
BOARD AMENDMENT ACT, 1997

MS O'NEILL

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 18
Ms O'Neill

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1997

NATURAL RESOURCES CONSERVATION BOARD AMENDMENT ACT, 1997

(Assented to , 1997)

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

Amends SA
1990 cN-5.5

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

2 Section 1 is amended

- (a) in clause (e)(i) by adding “for which an environmental impact assessment report has been ordered” after “recycled fibre”;
- (b) in clause (f) by striking out “quarriable mineral” wherever it occurs and substituting “industrial mineral”;
- (c) by repealing clause (j) and substituting the following:
 - (j) “water management project” means
 - (i) a project to construct a dam, reservoir or barrier to store water or water containing any other substance for which an environmental impact assessment report has been ordered, or
 - (ii) a project to construct a water diversion structure or canal capable of conducting water or water containing any other substance for which an environmental impact assessment report has been ordered.

Explanatory Notes

1 Amends chapter N-5.5 of the Statutes of Alberta, 1990.

2 Section 1 presently reads in part:

1 In this Act,

(e) "forest industry project" means a project

(i) to construct a facility to be used to manufacture pulp, paper, newsprint or recycled fibre;

(ii) to construct a facility to be used to produce lumber, veneer, panelboard or treated wood for which an environmental impact assessment report has been ordered;

(f) "metallic or quarriable mineral project" means a project to construct a mine or quarry or to work and recover any metallic mineral or quarriable mineral as defined in the Mines and Minerals Act and the regulations under that Act for which an environmental impact assessment report has been ordered;

(j) "water management project" means

(i) a project to construct a barrier that is of a height exceeding the height prescribed in the regulations to store water or water containing any other substance or to control the level of a body of water or water containing any other substance;

3 Section 4(c) is amended by striking out “quarriable” and substituting “industrial”.

4 The following is added after section 9:

Amendment of
Board
approval

9.1(1) The Board may, on application by the holder of an approval or on its own motion, amend an approval granted under section 9(1).

(2) The prior authorization of the Lieutenant Governor in Council is required in respect of an amendment under this section unless the amendment is, in the opinion of the Board and the Minister of Environmental Protection, of a minor nature.

5 Section 12(1) is repealed and the following is substituted:

Membership of
Board

12(1) The Board shall consist of not more than 5 members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as Chairman.

6 Section 13 is amended

(a) in subsection (2) by striking out “a Vice-chairman” and substituting “a Board member designated by the Chairman”;

(b) by repealing subsections (3) and (4).

(ii) *a project to construct a new canal capable of conducting an amount exceeding the amount prescribed in the regulations of water or water containing any other substance;*

(iii) *a project capable of diverting an amount exceeding the amount prescribed in the regulations of water or water containing any other substance.*

3 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 type of project prescribed in the regulations;

(f) specific projects prescribed by the Lieutenant Governor in Council.

4 Allows Board to amend approvals.

5 Section 12(1) presently reads:

12(1) The Board shall consist of at least 3 members but not more than 5 members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as Chairman and another as Vice-chairman.

6 Section 13 presently reads:

13(1) The Chairman may act for, and in the name of, the Board in the execution, performance and carrying out of any act, matter or thing that is within the power of the Board, subject only to any express directions or decisions given or made by a resolution of the Board.

7 Section 24 is amended by striking out “deciding it” and substituting “granting an approval”.

8 Section 32 is amended by striking out “, the Vice-chairman”.

9 Section 33(1) is amended

(a) by striking out “, the Vice-chairman”;

(b) by striking out “, Vice-chairman”.

10 Section 43(1)(b), (c) and (d) are repealed.

(2) *At any time during which the office of Chairman is vacant or the Chairman is absent or is for any reason incapable of exercising his powers or performing his duties as Chairman, or on the direction of the Chairman, a Vice-chairman has and may exercise and perform the powers and duties conferred or imposed on the Chairman by this Act and the regulations.*

(3) *At any time during which the office of Vice-chairman is vacant or the Vice-chairman is absent or is for any reason incapable of exercising his powers or performing his duties as Vice-chairman, the Chairman may appoint a Board member as acting Vice-chairman.*

(4) *The acting Vice-chairman has and may exercise and perform the powers and duties conferred or imposed on the Vice-chairman by this Act and the regulations.*

7 Section 24 presently reads:

24 The Board may review, rescind, change, alter or vary an order or direction made by it, or may rehear an application for review before deciding it.

8 Section 32 presently reads:

32 Subject to section 25, the Chairman, the Vice-chairman or a Board member shall sign all notices, orders, directions or other documents issued by the Board.

9 Section 33(1) presently reads:

33(1) A notice, order, direction or other document purporting to be issued by authority of the Board, when signed by the Chairman, the Vice-chairman or Board member, shall be admitted in evidence to prove the contents of it without any proof of the signature or of the authority of the Chairman, Vice-chairman or Board member, as the case may be, to sign the document or of his appointment.

10 Section 43(1) presently reads:

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

(a) prescribing types of projects that are reviewable projects;

(b) prescribing the height of a barrier for the purpose of section 1(j)(i);

(c) prescribing the amount of water or water containing any other substance capable of being conducted for the purpose of section 1(j)(ii);

(d) prescribing the amount of water or water containing any other substance capable of being diverted for the purpose of section 1(j)(iii);

(e) prohibiting the delegation of any powers and duties of the Board under section 25.