

1999 BILL 15

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 15

NATURAL HERITAGE ACT

THE MINISTER OF ENVIRONMENTAL PROTECTION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 15

1999

NATURAL HERITAGE ACT

(Assented to , 1999)

Table of Contents

Interpretation and Application

Interpretation	1
Application respecting the Crown	2
Laws of general application	3
Application of legislation to land not designated	4

Part 1 Administration

Division 1 General Provisions

Minister's role over areas	5
Appointment of Director, and delegation	6
Director's general responsibilities and powers	7
Appointment, powers and duties of park guardians	8
Orders, and conditions to orders, dispositions, etc.	9
Permits	10
Signs	11
Fees	12
Acquisition of land and personal property	13
Land under Minister's administration	14
Collection and disclosure of information	15

Division 2 Management Plans

Management plans - general	16
Review and implementation of plans	17
Public consultation for plans	18
Zoning power of Director	19

Part 2
Designation of Areas and Zones

Purposes of designations of areas	20
Designations of areas and zones	21
Public notice and consultation	22

Part 3
Land Use

Interpretation of Part 3	23
Townsites, cottage subdivisions and commercial tourism facilities	24
Existing dispositions	25
Disposition, etc., activities	26
Prohibitions against disposition, etc., activities without disposition, etc.	27
Improvements	28
Residence	29
Activities under Wildlife Act	30
Director's power to grant, amend, cancel, etc., dispositions	31

Part 4
Visitor Use and Other Prohibitions and Restrictions

Part 4 application provisions	32
Contravention of orders, dispositions, etc.	33
False or misleading information	34
Signs, notices, advertisements, etc.	35
Interference with peace and enjoyment	36
Harm and damage to environment	37
Collection, removal, damage, etc., of heritage objects	38
Closure to the public	39
Camping	40
Fires	41
Explosives and fireworks	42
Waste matter	43
Travel other than on foot	44
Vehicles	45
Aircraft	46
Cycles	47
Horses and pack animals	48
Boating	49
Weapons	50
Hunting	51
Fishing	52
Feeding of wildlife and endangered animals	53

Part 5
Enforcement

Division 1
Conservation Officers

General enforcement powers of conservation officers	54
Inspection of objects, etc.	55
Conservation officer's right of entry and inspection	56
Entry and search without warrant	57
Seizure without warrant	58

Division 2
The Director

Director's orders in case of contraventions, etc.	59
Director's right of entry and inspection	60

Part 6
Offences, Penalties and Civil Proceedings

Division 1
Offences and Penalties

Contraventions constituting offences	61
Liability of directors, officers and agents of corporation	62
Vicarious liability	63
Due diligence defence for strict liability offences	64
Limitation period	65
Penalties	66
Additional fine if monetary benefits acquired	67
Penalty for continuing offences	68
Court orders relating to penalty	69
Disposal of things seized	70

Division 2
Civil Proceedings

Administrative penalty for disposition or permit contravention	71
Court order for compliance	72
Recovery of costs by Crown	73
Exemption from liability for damages	74
Evidence - prima facie proof	75
Appeals	76

Part 7
Miscellaneous Provisions

Service	77
Regulations	78
Transitional provisions	79
Consequential amendments	80

Repeals	81
Coming into force	82

Preamble WHEREAS Alberta's 6 natural regions, being its Rocky Mountain, Foothills, Grassland, Parkland, Boreal Forest and Canadian Shield Natural Regions, contain a diversity of natural landscapes and ecological processes that sustain Alberta's biological diversity and it is desirable to designate certain lands that are representative of those natural regions or that contain unique or special natural features as areas to be safeguarded from impairment caused by human use and activity in order to preserve that diversity and provide a lasting legacy for future generations; and

WHEREAS those areas will provide opportunities for present and future generations to understand, appreciate and experience Alberta's natural heritage; and

WHEREAS it is desirable to create different categories of areas based on the level of protection required to ensure preservation of ecological processes and biological diversity and to provide opportunities for outdoor recreation, tourism and experiencing of Alberta's natural heritage:

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

Interpretation and Application

- Interpretation **1(1)** In this statute,
- (a) "air cushion vehicle" has the meaning given it in the *Highway Traffic Act*;
 - (b) "area" means an ecological reserve, wildland park, provincial park, heritage rangeland or recreation area;
 - (c) "Crown" means the Crown in right of Alberta;
 - (d) "designation" means the designation of an area or a zone under section 21;
 - (e) "Director" means the individual appointed as the Director under section 6(1), and includes an acting Director appointed under section 6(2)(c);
 - (f) "disposition" means an instrument under any law by which an estate or interest in land belonging to the Crown is, was or would be granted or conveyed by or on behalf of the Crown;

- (g) “ecological reserve”, “heritage rangeland”, “provincial park”, “recreation area” or “wildland park” means land designated as such;
- (h) “environment” means, with respect to an area or a part of an area, the components of the world, including
 - (i) air, land and water,
 - (ii) the atmosphere, at all layers,
 - (iii) all organic and inorganic matter, and
 - (iv) the interacting natural systems that include components referred to in subclauses (i) to (iii),or any one or more of the separate components referred to in subclauses (i) to (iii);
- (i) “facility” means a structure or development provided for the recreational use, accommodation, safety or convenience of visitors to an area or that has a use incidental to a structure or development so provided;
- (j) “land” means
 - (i) an estate or interest in land, or
 - (ii) physical land, including improvements and any body of water on or flowing through physical land,depending on the context in which it is used;
- (k) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this statute;
- (l) “natural heritage” means natural landscapes and features and the ecosystems, ecological processes and biological diversity that they include, as well as their related historical, archaeological and paleontological resources, that are generally recognized as having significant value for present and future generations;
- (m) “offence” means an offence against this Act;
- (n) “off-highway vehicle” means an off-highway vehicle within the meaning of the *Off-highway Vehicle Act*, including an air cushion vehicle while over physical land (but not while over water);

- (o) “pack animal” means a mule, donkey, llama, alpaca, goat or any other prescribed animal, but does not include a horse;
 - (p) “permit” means an instrument referred to in section 10(1);
 - (q) “person” includes the Crown;
 - (r) “post”, used with respect to a sign or anything referred to in clause (u), includes erect, display, mark with and set up;
 - (s) “prescribed” means prescribed or otherwise provided for by the regulations;
 - (t) “road” includes the road’s right of way or an undeveloped road allowance;
 - (u) “sign” means a sign-post, notice, communication device, barricade tape or other means of communicating with the public that has been or is to be posted under section 11(1);
 - (v) “special preservation zone” means a zone designated as a special preservation zone under section 21(2);
 - (w) “this Act” includes the regulations;
 - (x) “vehicle” means a device in, on or by which a person or thing may be transported or drawn;
 - (y) “wildlife” has the meaning assigned to it in the *Wildlife Act*.
- (2) The Minister may, for the purposes of this statute or specified provisions of this statute, by regulation define any expression used but not defined in this statute, in which case the expression has the meaning so defined.
- (3) In this statute,
- (a) a reference to engaging in an activity is also a reference to omitting to act, and
 - (b) a reference to any other statute, whether specific or general, is also a reference to regulations under that statute.
- (4) For the purposes of this statute,
- (a) a person is in possession of a thing when the person has it in personal possession or knowingly

- (i) has it in the actual possession or custody of another person, or
- (ii) has it in any place for the use or benefit of that person or of another person,

and

- (b) when one of 2 or more persons, with the knowledge and consent of the rest, has anything in custody or possession, it is deemed to be in the possession of each and all of them.

(5) Where a section or subsection in Part 3 or 4 contains prohibitions or restrictions relating to a given subject-matter that are stated

- (a) to apply specifically to special preservation zones, and
- (b) also to apply specifically or generally to wildland parks, provincial parks or heritage rangelands,

the references that include those parks or rangelands are to be taken as excluding the special preservation zones in those areas.

Application
respecting the
Crown

2(1) The Crown is bound by this Act, except to the extent specified in this statute or, in the case of regulation provisions, prescribed.

(2) Where a provision of this Act exempts the Crown from an enactment, the exemption also extends to park guardians and to other individuals, including unpaid volunteers and members of non-profit groups assisting in the management or monitoring of an area, who lawfully act under the direction of the Minister, the Director or a conservation officer in the administration or enforcement of this Act.

(3) The protections afforded by this Act or any other law to a conservation officer or park guardian extend to other individuals while and to the extent that they are assisting the officer or guardian under that person's direction in the administration or enforcement of this Act.

Laws of
general
application

3 Laws of general application apply in respect of an area except to the extent that they are inconsistent with this Act.

Application of legislation to land not designated

4 The Minister may, by regulation, with respect to land under the Minister's administration that is not designated as an area,

- (a) declare any provision of this Act to be applicable to that land as if it were an area or an area of the kind specified, or
- (b) declare that land as included in any reference made to an area or to an area of the kind specified that is contained in a provision of any other Act,

and may establish conditions under which, or periods of time during which, any provision referred to in clause (a) or (b) applies to that land.

PART 1

ADMINISTRATION

Division 1 General Provisions

Minister's role over areas

5 The Minister has the overall responsibility, in accordance with this Act, for

- (a) establishing and maintaining a network of areas designed to preserve Alberta's natural heritage and to provide opportunities for outdoor recreation, tourism and appreciation of Alberta's natural heritage, and
- (b) establishing and maintaining programs designed to ensure the protection of Alberta's natural heritage and the lasting preservation of those areas for the benefit, use, education and enjoyment of future generations.

Appointment of Director, and delegation

6(1) The Minister shall in writing appoint one employee of the Crown under the Minister's administration to be the Director for the purposes of this Act.

(2) The Director may in writing

- (a) delegate to any employee or class of employees of the Crown any power or duty conferred or imposed on the Director by this Act or, unless the Minister has otherwise stipulated, subdelegate a power or duty relating to this Act that has been delegated to the Director under section 9(1) of the *Government Organization Act*,
- (b) delegate to any person the power to issue permits, and

- (c) appoint any employee of the Crown under the Minister's administration as an acting Director to act in the Director's place in the event of the Director's absence or inability to act.

(3) The Director may specify any limitations on the scope of a delegation, subdelegation or appointment under subsection (2).

Director's
general
responsibilities
and powers

7(1) Subject to section 5, the Director is responsible for the protection, planning, management and monitoring of the areas.

(2) The Director may, by order,

- (a) close an area or part of an area in the public interest on account of any hazardous conditions, emergency or concern for wildlife or for any other reason,
- (b) prohibit or restrict access to indicated locations in areas to protect any objects within the meaning of section 38(1) or to ensure public safety,
- (c) prohibit or restrict travel in an area or part of an area, permanently or temporarily, or
- (d) prohibit temporarily or restrict fires in an area or part of an area,

and, in the case of any such restriction, specify what the restrictions are.

(3) Where a commercial vehicle within the meaning of the *Highway Traffic Act* is being operated for commercial purposes on a road under the Minister's administration in an area, the Director may require the owner, operator or person in possession of the vehicle to deposit security in a form and amount set by the Director.

Appointment,
powers and
duties of park
guardians

8(1) The Director may in writing appoint park guardians.

(2) Park guardians have the powers and duties that are prescribed and the other administrative or regulatory duties that are given to them in writing by the Director.

(3) Park guardians shall act, in the exercise and performance of their powers and duties under this Act, on the directions of the Director or a conservation officer.

Orders, and conditions to orders, dispositions, etc.

9(1) All orders under this Act must be in writing (which writing includes signs, where applicable) except where specifically stated in this Act.

(2) An order under this Act relating to the control or direction of traffic referred to in section 11(1)(a) or an order to an individual or group to stop or to move may be given orally or by signal.

(3) An order, disposition, permit or other authorization under this Act may be made by the person making or giving it subject to the terms and conditions that are considered appropriate and that are, if written, specified in or attached to the instrument or, if not written, are notified orally.

Permits

10(1) The Director may, in accordance with the regulations, issue an instrument known as a permit that is not a disposition but that authorizes the activity specified in it, being an activity that would or might otherwise be contrary to this Act.

(2) Permits are to be classified according to the prescribed kinds and issued in the form and manner determined by the Director.

(3) The Director may amend the terms or conditions of a permit already issued, and may recall the permit for the purpose of updating it.

(4) A permit may not be transferred.

(5) The right to undertake the activity referred to in subsection (1) is subject to any actions taken by the Director or a conservation officer pursuant to powers given them by this Act.

(6) The Director may cancel or suspend a permit

(a) at the request of the permit holder or in an emergency,

(b) if the Director considers that the holder has contravened a provision of this Act or, in an area, a provision of any other Act,

(c) if the area or a part of the area to which the permit relates is closed, or

(d) if the activity allowed by the permit has resulted or could result in a significant adverse impact on the environment.

Signs **11(1)** The Crown may post a sign-post, notice, communication device, barricade tape or other means of communicating with the public in an area

- (a) controlling, restricting or prohibiting the movement of vehicular, pedestrian, equestrian, pack animal or other traffic,
- (b) specifying a location in the area in which specific activities are permitted, prohibited or restricted, and
- (c) in the case of restrictions, specifying the restrictions.

(2) The Director shall post signs, and may use any other means considered necessary to advise the public, indicating closures, prohibitions and restrictions under section 7(2).

Fees **12(1)** The Director may set fees respecting

- (a) applications under this Act,
- (b) dispositions, permits and other authorizations under this Act,
- (c) the use of areas and facilities and related matters, and
- (d) services, goods and other things provided under this Act or in or in relation to an area.

(2) The Director may authorize a person who operates an area or facility under an agreement with the Crown to set fees with respect to anything referred to in subsection (1)(c) and (d).

Acquisition of land and personal property **13(1)** The Minister may, for any of the purposes of this Act, acquire land, exchange land under the Minister's administration or acquire or exchange personal property.

(2) The Minister may receive any donation, bequest or transfer for any of the purposes of this Act, but shall make all reasonable efforts to ensure that any trust conditions attaching to the transaction are complied with.

(3) The Lieutenant Governor in Council may authorize the expropriation by the Minister of land that the Minister considers is needed for the creation or expansion of an area.

Land under
Minister's
administration

14 Areas and land acquired under section 13, including roads in areas that are not primary highways or secondary roads within the meaning of the *Public Highways Development Act*, are under the Minister's administration.

Collection and
disclosure of
information

15(1) In this section, "personal information" means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*.

(2) The Director may collect, and may authorize any person to collect on the Director's behalf, either directly or indirectly, such information, including personal information, as is considered necessary to enable the administration of this Act.

(3) The Director shall disclose or make available to the public in the prescribed form and manner prescribed information and documents, including personal information, that are in the Director's custody as a result of administering this Act.

Division 2 Management Plans

Management
plans -
general

16(1) The Director shall, as soon as reasonably practicable after the designation of an area, ensure that a management plan is completed with respect to the planning, preservation, protection, management and monitoring of the area.

(2) The primary objective of a management plan

(a) for an ecological reserve, wildland park, provincial park or heritage rangeland is to ensure, through the preservation and protection of the environment, that the structures and functions of the ecosystems in the area are maintained, and

(b) for a recreation area is to ensure the provision or enhancement of outdoor recreation opportunities.

(3) A management plan must outline the objectives for managing the area and contain the means and strategies designed to implement those objectives.

(4) The Director may prepare an interim management plan for land referred to in section 4, the plan's primary objective being the provision of interim protection and management preparatory to the land's designation as an area.

Review and implementation of plans	<p>17(1) The Director shall ensure that management plans, including interim ones, are implemented, and shall review each one not later than 10 years after its completion and thereafter at least every 10 years.</p> <p>(2) The Director shall ensure that an up-to-date management plan is issued or reissued following each review, with or without changes depending on the review.</p>
Public consultation for plans	<p>18 The Director shall consult with the public, on a basis considered appropriate, during the development and review of a management plan other than an interim one.</p>
Zoning power of Director	<p>19 In addition to the zoning under sections 21(2) and (3) and 24(2), the Director may by order zone an area or part of an area in accordance with the management plan for the purposes of managing visitor activities and land use and to protect specific land and features in the area.</p>

PART 2

DESIGNATION OF AREAS AND ZONES

Purposes of designations of areas	<p>20(1) Ecological reserves are established to ensure the preservation and protection of natural landscapes in an undisturbed state as examples of naturally functioning ecosystems and gene pools for scientific research and education.</p> <p>(2) Wildland parks are established to ensure the preservation and protection of natural landscapes with minimal interference with naturally functioning ecosystems, while providing opportunities for back-country recreation and the experiencing of nature in an undisturbed state.</p> <p>(3) Provincial parks are established to ensure the preservation and protection of natural landscapes while providing opportunities for outdoor recreation, tourism or appreciation of Alberta's natural heritage, or for any combination of those purposes, that are dependent on and compatible with the protection of the environment.</p> <p>(4) Heritage rangelands are established to ensure the preservation and protection of natural landscapes that are representative of Alberta's prairies, using grazing to maintain the grassland ecology.</p> <p>(5) Recreation areas are established</p>
-----------------------------------	---

- (a) to ensure the preservation and protection of sites of local interest,
- (b) to provide access for outdoor recreation to lakes, rivers, reservoirs and adjacent land belonging to the Crown, and
- (c) to support outdoor recreation and tourism,

or for any combination of those purposes.

Designations
of areas and
zones

21(1) The Lieutenant Governor in Council may designate land referred to in subsection (5) as

- (a) an ecological reserve,
- (b) a wildland park,
- (c) a provincial park,
- (d) a heritage rangeland, or
- (e) a recreation area,

and, in any such designation, shall specify the name of the designated area.

(2) The Lieutenant Governor in Council may designate as a special preservation zone a portion of a wildland park, provincial park or heritage rangeland that contains unique natural features or objects of geological, ethnological, historical, anthropological, archaeological, paleontological, cultural or scientific importance that are of such significance as to require special protection beyond the protection provided as a result of the area designation.

(3) The Lieutenant Governor in Council shall designate special use zones in accordance with section 24(2).

(4) Where an ecological reserve, wildland park, provincial park or heritage rangeland has land removed from it or where its designation as such is cancelled, the Lieutenant Governor in Council shall add equivalent land of equal or higher quality to the overall size of the land base of the areas of those 4 kinds taken together.

(5) The land referred to in subsection (1) is land belonging to the Crown or in respect of which the Minister has entered into an agreement that gives the Crown the right to designate it as an area.

Public notice
and consult-
ation

- 22(1)** The Director shall provide public notice of a proposal for
- (a) the designation of an ecological reserve, wildland park, provincial park or heritage rangeland,
 - (b) an increase in the size of such a designated area, other than one due to the addition of land received by the Minister as a donation or bequest, through the purchase of private land or as a result of an agreement referred to in section 21(5),
 - (c) a decrease in the size of such an area, other than a decrease to a provincial park or heritage rangeland due to the withdrawal of land required to amend an existing right of way to improve traffic safety on a primary highway or secondary road within the meaning of the *Public Highways Development Act*,
 - (d) a change in the name of such an area, or
 - (e) the cancellation of the designation of such an area, except where there is also a concurrent redesignation and the cancellation and redesignation are only for the purpose of correcting an error in the legal land description contained in the order in council designating or modifying the area where that description did not correctly reflect the land intended to be designated.
- (2)** The public notice must
- (a) specify the nature of the action proposed,
 - (b) state the effective date of the action proposed, if known,
 - (c) give the name and location of the area or land affected by the action proposed,
 - (d) if a public hearing or meeting is to be held, state the date, time and location of it and the name and address of the person to whom representations may be made with regard to it, and
 - (e) be published at least 60 days before the effective date of the action proposed in
 - (i) the Gazette,
 - (ii) at least one issue of a daily newspaper published in Alberta, and
 - (iii) at least one issue of a newspaper that has a regular circulation in the vicinity of the area or land

affected, if the newspaper referred to in subclause (ii) does not serve that function.

PART 3

LAND USE

Interpretation
of Part 3

23 In this Part,

- (a) “commercial tourism facility” means a hotel, motel, recreational vehicle park, golf course, downhill ski area, heli-skiing operation or similar facility, but does not include a campground, rustic hostel or rustic rental cabin operation, a hut not accessible by road or any similar rustic fixed-roof accommodation, a commercial trail riding facility or any facility owned by the Crown;
- (b) “cottage subdivision” means land containing a number of cottage lot dispositions in a subdivision;
- (c) “resource extraction or industrial activity” includes
 - (i) any activity related to mining, quarrying, petroleum or natural gas production, geological or geophysical exploration or commercial logging,
 - (ii) construction of a railway, aircraft landing strip or pipeline corridor or a hydro development or transmission line within the meaning of the *Hydro and Electric Energy Act*, and
 - (iii) construction of a major water management structure or dam;
- (d) “townsite” means an unincorporated location containing a combination of residential and commercial development and services.

Townsites,
cottage sub-
divisions and
commercial
tourism
facilities

24(1) A townsite, a cottage subdivision or one or more commercial tourism facilities, or a combination of those developments, that immediately before the commencement of this subsection existed in a provincial park or recreation area, is continued by and under this Act as such.

(2) The Lieutenant Governor in Council shall, in the initial order on or following the commencement of this subsection designating a provincial park in which a development or developments continued by subsection (1) is or are located,

- (a) identify that existing development or those existing developments and designate it or them as a special use zone for the purpose of a townsite, cottage subdivision or commercial tourism facility or facilities, or a combination of those developments, as the case may be,
- (b) establish and define the boundaries of that zone by reference to the extent to which the location was lawfully developed, or commitments were in place by the Crown to allow future development, or the management plan for the provincial park allowed for further development, immediately before the commencement of this subsection, and
- (c) designate as or include in a special use zone for the purpose of a commercial tourism facility or facilities, or a combination of developments including them, a location in a provincial park in respect of which there were, before the commencement of this subsection, decisions or plans in place by the Crown to allow development after that commencement, or where the management plan for the provincial park before that commencement provided for development of the new commercial tourism facility after that commencement.

(3) The Crown shall not create or authorize

- (a) in any area a new townsite or cottage subdivision, or
- (b) in an ecological reserve, wildland park, provincial park or heritage rangeland a new commercial tourism facility, except at a location in a provincial park established as or included in a special use zone under subsection (2).

(4) A person other than the Crown shall not undertake any development within a townsite, cottage subdivision or commercial tourism facility established before the commencement of this subsection, except in accordance with a disposition.

Existing
dispositions

25(1) Where there is a designation of an area in which there was an existing disposition immediately before the designation, the Crown remains bound by the disposition, and neither the designation nor anything in this Act is to be taken as affecting contractual rights acquired by any person under the disposition except to the extent that the disposition

- (a) is lawfully suspended, withdrawn, cancelled, exchanged or otherwise terminated, or

(b) is amended by agreement between the disposition holder and the Minister responsible for the disposition.

(2) Notwithstanding any other law but subject to subsection (1), all dispositions, other than a grazing lease described in section 26(1)(b)(iii), that are in effect immediately before an area is designated and that relate to the use or occupation of the surface of land become dispositions under and subject to this Act, to the extent that they cover land within the area.

Disposition,
etc., activities

26(1) The Crown shall not grant or renew, in respect of land in any area, any disposition, permit, licence, timber quota or other authorization to enable any resource extraction or industrial activity or access to any such activity, or any disposition to enable any other activity, except

(a) with respect to enabling resource extraction or industrial activity or access to it,

(i) a renewal of a disposition under the *Mines and Minerals Act*, or of a prescribed disposition enabling an activity referred to in section 23(c)(ii), to which section 25 originally applied,

(ii) a prescribed disposition to provide access to land under a disposition referred to in subclause (i) or to privately owned land or privately owned minerals in or surrounded by an area,

(iii) a disposition under and within the meaning of the *Mines and Minerals Act* that conveys no rights relating to the surface of the land, or

(iv) a disposition in a recreation area allowing prescribed activity that has no potential for significant impact on people's recreational use and enjoyment of the area,

and

(b) with respect to enabling activity other than resource extraction or industrial activity or access to it,

(i) a prescribed disposition for the purposes of renewing a disposition to which section 25 originally applied,

(ii) any other prescribed disposition in respect of land in a wildland park, provincial park, heritage rangeland or recreation area, or

(iii) a grazing lease under Part 4 of the *Public Lands Act* in a heritage rangeland or another prescribed area where the lease existed immediately before the area was designated.

(2) The Crown shall not grant or renew a grazing lease referred to in subsection (1)(b)(iii) to allow anything that would conflict with this Act.

Prohibitions
against
disposition,
etc., activities
without
disposition,
etc.

27(1) A person shall not knowingly conduct any resource extraction or industrial activity or create any access to any such activity in an area unless and except to the extent authorized to do so by a disposition referred to in section 26(1)(a).

(2) A person shall not engage in any activity in an area for which a disposition is required by this Act or any other Act unless that person holds a disposition authorizing that activity and in any case shall not do so in contravention of any prescribed rules, but this subsection does not apply to conducting resource extraction or industrial activity or creating access to it.

(3) Nothing in this section affects any rights protected by section 25.

Improvements

28(1) A person other than the Crown shall not construct, reconstruct or add to an improvement on land, or do anything that alters or disturbs the surface of land,

(a) in an ecological reserve or special preservation zone, or

(b) subject to section 24(4), in a wildland park, provincial park, heritage rangeland or recreation area

(i) without the written authorization of the Director,

(ii) unless authorized to do so by a disposition or permit, or

(iii) except pursuant to an agreement with the Minister.

(2) The Crown shall not conduct any activity referred to in subsection (1) without the written authorization of the Director.

Residence

29(1) A person shall not reside

(a) in an ecological reserve, wildland park or heritage rangeland, or

(b) in a provincial park or recreation area, except in accordance with a disposition or written authorization of the Director and with any rules that are prescribed.

(2) If the Director considers that a person is contravening subsection (1), the Director may order the person to cease doing so.

Activities
under Wildlife
Act

30(1) Where there is a designation of an area in which a person was entitled to conduct an activity pursuant to a licence under the *Wildlife Act* immediately before the designation, neither the designation nor anything in this Act is to be taken as affecting that person's entitlement to continue that activity pursuant to that particular licence (excluding any renewal of it) while it remains valid.

(2) Where there is a designation of an area for activities in which licences under the *Wildlife Act* were on sale immediately before the designation, neither the designation nor anything in this Act is to be taken as prohibiting the continuation of sales of licences of the same kind and with the same expiry date, but no such licence may be renewed.

(3) The Crown shall not grant or renew a registered fur management licence under the *Wildlife Act* authorizing activity

(a) in an ecological reserve, a prescribed wildland park or a provincial park, except to renew such a licence for a prescribed provincial park for a prescribed period, or

(b) in a wildland park not prescribed for the purposes of clause (a), a heritage rangeland or a recreation area, except to the extent that subsection (4) applies or except

(i) in regard to a registered fur management area authorized in the management plan for that area and in existence at the time that the area was designated, and

(ii) subject to any conditions that are specified in the management plan for the area or that are prescribed.

(4) If, in respect of a registered fur management area referred to in subsection (3)(b), the management plan referred to in that clause does not yet exist, then, until the management plan is completed, activities authorized by the registered fur management licence may continue in that fur management area in accordance with, and as restricted only by, the *Wildlife Act*, and the Crown may renew a registered fur management licence for those activities with an expiry date not later than the completion of the management plan, but may not grant a new licence.

(5) A person other than the Crown shall not trap, within the meaning of the *Wildlife Act*, animals in any area except

- (a) pursuant to a licence as allowed by subsection (1), (2) or (4),
- (b) pursuant to a valid registered fur management licence renewed or, if applicable, granted under subsection (3) or pursuant to a provision of the *Wildlife Regulation* (AR 143/97) giving that person an exemption from section 26(1) of the *Wildlife Act* with respect to the registered fur management area and licence, or
- (c) pursuant to a licence issued under the *Wildlife Act* for scientific purposes or the control of wildlife depredation, where the Director has authorized that trapping,

and in any case except in accordance with any criteria that are prescribed.

Director's power to grant, amend, cancel, etc., dispositions

31 The Director may

- (a) grant or renew, or
- (b) amend, cancel or suspend

dispositions that are subject to this Act, in accordance with the regulations.

PART 4

VISITOR USE AND OTHER PROHIBITIONS AND RESTRICTIONS

Part 4 application provisions

32(1) This Part does not apply to the use of any vehicle, equipment or animal

- (a) by the Crown for the purpose of, or the doing of anything in connection with,
 - (i) the prevention or extinguishment of forest fires,
 - (ii) the prevention of damage to the environment or property,
 - (iii) the maintenance of trails or facilities,
 - (iv) public safety or search and rescue,

(v) the administration or enforcement of this Act or any other Act,

(vi) monitoring of the environment, or

(vii) scientific research, interpretation or education,

or

(b) by or on behalf of the holder of a disposition or permit or a person operating a facility under an agreement with the Crown for operations associated with the disposition, permit or agreement, where the use is specifically authorized by the Director,

provided that the Crown or other person ensures that any impact on the environment is minimized when it is so used.

(2) If a highway within the meaning of the *Highway Traffic Act* passes through but does not form part of an area and is bordered, either continuously or discontinuously, on both sides by land that forms part of the area, this Part and any regulations made with respect to this Part nevertheless apply to that highway.

(3) Section 41, 50, 51, 52 or 53 does not apply to the Crown where

(a) the activity contemplated by it is done by or on behalf of the Crown for scientific research purposes, or

(b) the activity consists of carrying out measures that the Director considers appropriate for managing or preserving landscapes or animal or plant life, maintaining biological diversity, restoring ecological values, preventing damage to the environment or property or ensuring public safety.

Contravention
of orders,
dispositions,
etc.

33(1) A person shall not contravene an order made or given under this Act or any term or condition of such an order.

(2) A person shall not contravene any term or condition of a disposition, permit or other authorization given under this Act.

(3) A person shall not engage in any activity in an area for which a permit is required unless that person holds a permit authorizing that activity and in any case shall not do so in contravention of any prescribed rules.

False or misleading information

34 A person shall not wilfully give false or misleading information to any person acting in the exercise of powers or the execution of duties under this Act.

Signs, notices, advertisements, etc.

35(1) Except as prescribed, a person other than the Crown shall not post a sign-post, notice, communication device, barricade tape, advertisement or other visual means of communication in an area.

(2) Except as prescribed, a person other than the Crown shall not remove, deface, damage or destroy a sign.

(3) A person shall obey signs.

Interference with peace and enjoyment

36 A person shall not interfere with the rights of others to the quiet and peaceful enjoyment of an area in a manner that disturbs or creates the likelihood of causing a breach of the peace.

Harm and damage to environment

37(1) A person shall not bring into or leave in an area anything that is or may be harmful to the environment.

(2) A person shall not contravene subsection (1) knowingly.

(3) A person shall not damage the environment.

(4) A person shall not contravene subsection (3) knowingly.

(5) This section does not apply

(a) to the extent that a person is engaging in an activity specifically authorized by or under this Act or by any disposition under another Act referred to in Part 3, or

(b) to the Crown in circumstances where the Director considers that

(i) a significant problem exists that is likely to be alleviated by what would otherwise be a contravention of subsection (1), (2), (3) or (4),

(ii) steps are taken to reduce the harmful effect on the area to a minimum, and

(iii) there are no other practical measures available to alleviate the problem.

Collection,
removal,
damage, etc.,
of heritage
objects

38(1) In this section, “object” means an object of plant or animal life or of geological, ethnological, historical, anthropological, archaeological, paleontological, cultural or scientific importance.

(2) A person shall not

- (a) collect, remove, damage, excavate or destroy an object in an area,
- (b) remove an object from an area, or
- (c) be in possession of, damage or destroy an object collected in or removed from an area.

(3) A person shall not contravene subsection (2)(a), (b) or (c) knowingly.

(4) Notwithstanding subsections (2) and (3), a person may collect or remove an object

- (a) for scientific purposes in accordance with a permit and the prescribed rules,
- (b) in a particular area, pursuant to the *Wildlife Act*, the *Fisheries Act (Canada)*, the *Fisheries (Alberta) Act* or the *Historical Resources Act*, in the case of anything falling within that Act, if also allowed to do so by or under this Act, or
- (c) for prescribed educational purposes or pursuant to any other prescribed authorization,

and be in possession of an object so collected or removed.

Closure to the
public

39 A person other than the Crown shall not enter or remain in an area or any part of an area access to which has been closed to the public or to that person under this Act unless authorized to do so by a disposition or permit.

Camping

40 A person shall not camp

- (a) in an ecological reserve or special preservation zone, or
- (b) in a wildland park, provincial park, heritage rangeland or recreation area, except in accordance with the regulations.

- Fires** **41** A person shall not light or maintain a fire
- (a) in an ecological reserve, a special preservation zone or, unless so authorized by a disposition, a prescribed area or part of an area, or
 - (b) anywhere not covered by clause (a) in any area, except in accordance with the regulations.
- Explosives and fireworks** **42** A person shall not detonate explosives or explosive devices or set off fireworks in an area unless authorized to do so by the Director.
- Waste matter** **43(1)** A person shall not deposit or leave waste matter in an area except in a container provided for waste disposal purposes unless authorized to do so by a disposition or permit.
- (2)** A person shall not bring commercial, industrial or residential waste matter into an area for disposal.
- Travel other than on foot** **44** A person shall not travel other than on foot in an ecological reserve, a special preservation zone or a prescribed area.
- Vehicles** **45(1)** A person shall not be in possession of a motor vehicle within the meaning of the *Highway Traffic Act* or an off-highway vehicle in an ecological reserve or special preservation zone.
- (2)** A person shall not operate
 - (a) an off-highway vehicle in a provincial park,
 - (b) an off-highway vehicle in a wildland park, heritage rangeland or recreation area
 - (i) except on a route or trail or at any other location prescribed for use by off-highway vehicles in general, or
 - (ii) where a route, trail or other location is prescribed for use only by off-highway vehicles of a particular kind, unless the person is operating there an off-highway vehicle of that kind,
- and in any case shall not do so in contravention of any rules that are prescribed, or

- (c) in a wildland park, provincial park, heritage rangeland or recreation area, other than on a highway, a motorized vehicle designed primarily for travel on highways.

Aircraft

46(1) In this section, “aircraft” means a vehicle designed to carry persons or objects through the air in powered or powerless flight, but does not include an air cushion vehicle.

(2) A person shall not make an aircraft take off or land in an area except

- (a) in the case of a prescribed wildland park, provincial park or recreation area or a prescribed water body in any such area,
 - (i) by float plane (or an aircraft equipped with skis for landing on ice), and
 - (ii) pursuant to a permit authorizing that activity there, where such a permit is prescribed as required,
- (b) in an emergency, or
- (c) under any other prescribed conditions.

Cycles

47(1) In this section, “cycle” means a vehicle having any number of wheels that is designed to be propelled by human power, or by human and other means of power alternatively, and on which a person may ride.

(2) A person shall not be in possession of a cycle in an ecological reserve or special preservation zone.

(3) A person shall not ride a cycle in a wildland park, heritage rangeland, provincial park or recreation area, except

- (a) on a public road, or
- (b) on an established route or trail or at a location where cycling is allowed by signs,

and in any case shall not do so in contravention of any rules that are prescribed.

Horses and pack animals

48 A person shall not be in possession of a horse or pack animal

- (a) in an ecological reserve, a special preservation zone or a prescribed area, or

- (b) elsewhere in an area,
 - (i) except on an equestrian trail, or at another equestrian location, for which there are signs allowing equestrian activities and, in the case of a pack animal, not disallowing pack animals, or
 - (ii) unless authorized by the Director or a conservation officer,
- and in any case in contravention of any rules that are prescribed.

Boating **49(1)** In this section, “power boat” means a boat or other thing that is propelled by any power other than muscular power or wind and is capable of carrying persons or goods through or on water, and includes an air cushion vehicle while it is over water.

(2) A person shall not be in possession of a power boat

- (a) in an ecological reserve or special preservation zone,
- (b) at any location on water in a wildland park or heritage rangeland, except on a prescribed river, lake or water route or a prescribed portion of one, or
- (c) at a prescribed location elsewhere in an area,

and in any case shall not do so in contravention of any rules that are prescribed.

Weapons **50** A person shall not use or be in possession of a weapon, that is, a device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things,

- (a) in a special preservation zone, or
- (b) elsewhere in an area, except in accordance with the regulations.

Hunting **51** Subject to section 30, a person shall not hunt, within the meaning of the *Wildlife Act*,

- (a) in a special preservation zone,
- (b) in an ecological reserve or provincial park that is not prescribed, or

- (c) in a prescribed wildland park, heritage rangeland or recreation area, except as prescribed.

Fishing

52 A person shall not engage in fishing within the meaning of the *Fisheries Act* (Canada)

- (a) in an ecological reserve, a prescribed wildland park or a special preservation zone, or
- (b) at a location elsewhere in an area where fishing is prohibited by signs.

Feeding of wildlife and endangered animals

53(1) A person shall not in an area feed wildlife or an endangered animal within the meaning of the *Wildlife Act*.

(2) Subsection (1) does not prohibit the feeding of birds by means of a bird feeding structure whose presence is authorized by a conservation officer and that is in the immediate vicinity of an improvement that is allowed by or under this Act.

PART 5

ENFORCEMENT

Division 1 Conservation Officers

General enforcement powers of conservation officers

54(1) A conservation officer may

- (a) order a person in an area to inform the officer of the person's name and address and of any fact or intention relating to the person's use of the area or any part of it and to provide proof of the person's identity,
- (b) order a person to cease or refrain from any activity in an area that the officer considers is or is potentially dangerous to human life or health or public safety or detrimental to the environment or property or to the use and enjoyment of the area by others,
- (c) close and evacuate the whole or any part of an area on account of any imminent danger, hazardous conditions or other emergency,
- (d) prohibit access by a person or persons generally or by a motor vehicle within the meaning of the *Highway Traffic Act* to an area or a particular part of it,
- (e) remove from an area any person

- (i) making an unauthorized use of the area,
 - (ii) contravening any provision of this Act or any other statute,
 - (iii) creating a nuisance or disturbance or committing a trespass or other undesirable act, or
 - (iv) present at a location that is considered hazardous,
- and enforce any restriction or prohibition on that person's right to re-enter the area,
- (f) if the officer believes, on reasonable and probable grounds, that a person has engaged or is engaging in an activity for which a permit or other authorization is required, require that person to produce that permit or authorization, and
 - (g) remove, store or dispose of, in accordance with the prescribed rules, anything that
 - (i) is considered lost or abandoned,
 - (ii) remains in an area or at a specific location in it after the authorization for it to be there has expired, or
 - (iii) is situated at a location in an area where its presence is prohibited.
- (2) Conservation officers have all powers that are required for, that are incidental to or that form part of
- (a) the performance of their duties, whether or not those duties are specifically referred to in this Act, or
 - (b) any enforcement, administration or process under or relating to this Act or any directions, requirements, orders or prosecution or other legal proceeding under or relating to this Act.
- (3) A conservation officer, in the execution of duties or the exercise of powers under this Act, may order any person in motion to stop and, if that person is operating a vehicle or riding or leading a horse or pack animal, to stop it or to move it to a particular place and then stop it and not to proceed until so authorized by an officer.
- (4) An order under subsection (1) or (3) may be given orally or, to the extent practicable, by signal.

(5) If a conservation officer considers that a situation exists in an area that is or is potentially dangerous to human life or health or public safety or detrimental to the environment or property, an officer may take any emergency measures considered necessary to prevent any such danger or detriment or any progression of it.

(6) When a conservation officer requires a person to produce a permit or authorization under subsection (1)(f), that person shall forthwith produce it to the officer.

(7) If the person to whom an order given by a conservation officer under this Act is directed does not comply with the order, the conservation officer may take any measures reasonably considered to be necessary to carry out the order.

Inspection of
objects, etc.

55(1) In this section and in section 56,

(a) “object” means an object that is in, collected in or removed from an area and the possession of which is the subject-matter of a provision of this Act prohibiting or restricting possession;

(b) “structure” means a building, tent or other structure that is not a private dwelling;

(c) “suspected objects” means articles believed by a conservation officer on reasonable and probable grounds to be objects;

(d) “transport” means a vehicle, horse, pack animal or pack.

(2) A conservation officer may require the operator or person in possession of any transport or the owner or occupant of a structure to produce all objects or suspected objects in or on the transport or structure, as the case may be, for the purpose of inspection to determine whether or not they are lawfully possessed, if

(a) any object or suspected object in or on the transport or structure is in plain view of the officer, or

(b) the officer has reasonable and probable grounds to believe that there is an object in or on the transport or structure.

(3) When an officer requires a person to produce an object or suspected object under subsection (2), that person shall forthwith produce to the officer all objects and suspected objects in or on the transport or structure.

Conservation officer's right of entry and inspection

56 A conservation officer may, without obtaining a warrant, enter at any reasonable hour any structure or other premises where the officer has reason to believe that objects or suspected objects may be found at the time of entry, other than the living quarters of a private dwelling, for the purpose of inspecting the structure or premises and any objects or suspected objects found there to determine whether or not they are lawfully possessed.

Entry and search without warrant

57(1) If distance, urgency, the likelihood of the removal or destruction of evidence or other relevant factors do not reasonably permit the obtaining of a warrant, a conservation officer may, without obtaining a warrant,

- (a) enter into and search a place, building, tent or other structure, or a vehicle, or
- (b) search any container, including a pack, or a horse or pack animal,

if the officer believes, on reasonable and probable grounds, that there is in or on it any evidence of an offence.

(2) The conservation officer shall not enter into or search the living quarters of a private dwelling under subsection (1) unless in immediate pursuit of a person who the officer believes, on reasonable and probable grounds, has committed an offence.

Seizure without warrant

58(1) A conservation officer may, without obtaining a warrant, seize anything that is produced to the officer or that is in plain view if the officer has reasonable grounds to believe that

- (a) an offence has been or is being committed against this Act or any other statute in relation to an area,
- (b) the thing seized will provide evidence of, or appears to have been used in the commission of, that offence, and
- (c) delay in waiting for a warrant could result in the loss or destruction of that evidence.

(2) The officer may remove the thing seized or may detain it where it is seized.

(3) A conservation officer who seizes anything under this section must deal with it in the same manner as if it were seized under a warrant.

Division 2 The Director

Director's orders in case of contraventions, etc.

59(1) The Director may order a person considered to have contravened this Act or, in relation to an area, another statute or to be conducting an activity in an area that is detrimental to the environment, property or the use and enjoyment of the area by others, to take any measures reasonably considered to be necessary.

(2) The Director may

- (a) order the removal in or from an area of any structure or work not authorized by a disposition or permit,
- (b) order the repair, alteration or improvement of any structure or work that is authorized by a disposition or permit that is considered in need of it, or
- (c) order a person to repair any damage caused by that person to any property or the environment in an area.

(3) Where the contravention or other activity referred to in subsection (1) involves contravention of a disposition, the Director may, with respect to any disposition in any area held by the holder,

- (a) order the disposition holder to comply with the conditions of the disposition and to rectify any contravention of any such conditions,
- (b) order any activity authorized by the disposition to stop where there is a contravention of any of its conditions, until the contravention is rectified,
- (c) order any work authorized by the disposition to stop if the Director considers that there is evidence of environmental damage, a threat to animal life or the discovery of any objects within the meaning of section 38(1), or
- (d) order the alteration or removal of any work in the area that is not authorized by the disposition.

(4) If the person to whom an order given by the Director under this Act is directed does not comply with the order, the Director may take any measures reasonably considered to be necessary to carry it out.

Director's right of entry and inspection

60(1) The Director may,

- (a) for the purpose of determining whether or not the terms, conditions or provisions of a disposition, permit, other

authorization under this Act or agreement to which this Act relates have been met, or

- (b) for any other purpose relating to the proper administration of this Act or any other Act,

without obtaining a warrant, enter any land, premises, structure or vehicle in an area and inspect anything found there that reasonably relates to the achievement of that purpose.

- (2) Notwithstanding subsection (1), the Director may not under this section enter a private dwelling except with the consent of its occupant or under the authorization of a warrant.

PART 6

OFFENCES, PENALTIES AND CIVIL PROCEEDINGS

Division 1 Offences and Penalties

Contra-
ventions
constituting
offences

61 A person who contravenes any provision of Part 4 or section 24(4), 27(1) or (2), 28(1), 29(1), 30(5), 54(6) or 55(3) or any prescribed provision of the regulations is guilty of an offence.

Liability of
directors,
officers and
agents of
corporation

62 Where it is proved to the satisfaction of the court trying a case that a corporation has contravened an offence provision of this Act, whether or not the corporation has been prosecuted for the contravention, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the contravention by the corporation is also a party to and guilty of the offence relating to the contravention and is separately liable to the penalty provided for the offence.

Vicarious
liability

63(1) The owner of a vehicle that is involved in any act on the part of any other person that constitutes, or that if that person had been prosecuted would, in the opinion of the judge trying the case, have constituted, an offence, is also guilty of an offence unless that owner proves to the satisfaction of the judge that at the time of the alleged contravention the vehicle was not being operated or was not parked, moored or left by that owner or by any other person with that owner's consent, expressed or implied.

- (2) Where

- (a) it is proved to the satisfaction of the court trying a case that a minor has contravened an offence provision of this Act,

whether or not the minor has been prosecuted for the contravention, and

- (b) it is proved that a parent, guardian or other person in charge of the minor knew about the circumstances involved in the contravention and was in a position to prevent the contravention but did not take reasonable steps to prevent it,

that parent, guardian or other person is also a party to and guilty of the offence relating to the contravention.

(3) Where it is proved to the satisfaction of the court trying a case that an individual acting under the direction of a Minister or official of the Crown has contravened any offence provision of this Act, whether or not the individual has been prosecuted for the contravention, the Minister or official is also a party to and guilty of the offence if the Minister or official knew or ought reasonably to have known of the circumstances involved in the contravention and could have prevented it.

Due diligence
defence for
strict liability
offences

64 A person is not guilty of an offence referred to in section 63(3) or 66(2) if it is established on a balance of probabilities that the person took all reasonable steps to prevent the contravention in question.

Limitation
period

65 A prosecution for an offence may not be commenced later than 2 years after the later of

- (a) the date when the act allegedly constituting the offence was committed, and
- (b) the date when evidence of the alleged offence first came to the attention of the Director or a conservation officer.

Penalties

66(1) A person who is guilty of an offence against section 27(1), 37(2) or (4) or 38(3) is liable

- (a) in the case of an individual, to a fine of not more than \$100 000 or to imprisonment for a period of not more than 2 years, or to both the fine and imprisonment, and
- (b) in the case of a corporation, to a fine of not more than \$1 000 000.

(2) A person who is guilty of an offence against section 27(2), 28(1), 33(1), (2) or (3), 37(1) and (3), 38(2) or 43(2) is liable

(a) in the case of an individual, to a fine of not more than \$50 000, and

(b) in the case of a corporation, to a fine of not more than \$500 000.

(3) A person who is guilty of an offence not referred to in subsection (1) or (2) and for which no penalty is prescribed is liable to a fine of not more than \$5000.

(4) A person on whom section 63 imposes vicarious liability is separately liable to the same penalty for an offence as the person who actively committed the contravention, except that no such person is liable to imprisonment.

Additional fine
if monetary
benefits
acquired

67 If a person is convicted of an offence and the court trying the case is satisfied that monetary benefits accrued to the offender as a result of the facts underlying the commission of the offence, the court may, in addition to any other penalty imposed, order the offender to pay a fine in an amount equal to the court's estimation of the amount of those monetary benefits.

Penalty for
continuing
offences

68(1) Where an offence of a continuing nature continued beyond a single calendar day, the person who committed the offence is additionally liable to the applicable penalty under sections 66 and 67 for each calendar day after the first one on which the offence is held to have continued.

(2) No one is liable to any additional term of imprisonment solely as a result of the application of subsection (1).

Court orders
relating to
penalty

69 Where a person is convicted of an offence, in addition to any other penalty that may be imposed, the court trying the case may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order against the person containing any of the following directions, which may contain such substance or conditions as the court considers appropriate:

(a) to refrain from doing anything that may result in a continuation or repetition of the offence;

(b) to take action to remedy any harm that resulted, or to avoid any harm that may result, from the act constituting the offence;

(c) to compensate the Crown for the whole or part of the cost of any remedial or preventive action taken by it as a result of the act constituting the offence.

Disposal of things seized

70(1) Where a person is convicted of an offence and anything relating to the conviction that was seized is detained, that thing, on the expiration of the time for making an appeal from the conviction or on the final conclusion of the proceedings,

(a) is forfeited to the Crown, if the court trying the case so directs, or

(b) must be restored to the person from whom it was seized or to any other person directed by that court who is entitled to possession of it, subject to any terms and conditions imposed by the court.

(2) The Minister may dispose of or destroy anything forfeited under subsection (1)(a), and the costs of the forfeiture and disposal or destruction are a debt due to the Crown by the offender and may be recovered by an action in debt.

Division 2 Civil Proceedings

Administrative penalty for disposition or permit contravention

71(1) If the Director considers that the holder of a disposition or a prescribed kind of permit has contravened section 33(2) in respect of the disposition or permit, the Director may, subject to the regulations, by notice in writing given to that person, require that person to pay to the Crown an administrative penalty in the amount set out in the notice for the day the contravention occurs or, in the case of a continuing contravention, the day the contravention begins and each further day or part of a day during which it continues.

(2) If the administrative penalty is not paid in accordance with the notice under subsection (1), the amount of the penalty is a debt due to the Crown by the disposition or permit holder and may be recovered by an action in debt.

(3) A disposition or permit holder served with a notice under subsection (1) may appeal against the notice.

(4) If the administrative penalty is paid in accordance with the notice, the disposition or permit holder may not be charged with an offence in respect of the particular contravention for which the penalty was levied.

Court order for compliance

72 If the person to whom an order given under this Act is directed does not comply with that order, the Director may, regardless of any other action taken against that person, apply to the Court of Queen's Bench for an order of that Court directing that person to comply with that order.

Recovery of costs by Crown

73(1) The Crown may, in an action in debt against

- (a) a person whose action necessitates the taking of emergency measures under section 54(5), recover costs incurred in taking them,
- (b) a person referred to in section 54(7) or 59(4), recover the costs incurred under and incidental to the application of that section,
- (c) a person convicted of an offence against this Act or, if committed in an area, against another statute, recover costs incurred by the Crown in carrying out remedial action relating to the circumstances involved in the contravention, or
- (d) a person who owns or operates a vehicle that causes damage to a road under the Minister's administration or a route, trail or other location in an area, recover the cost of repairing the damage.

(2) Costs referred to in subsection (1) constitute a debt to the Crown.

Exemption from liability for damages

74 In an action for damages, a person who is given powers or duties by or under this Act is not liable for any act done in good faith while exercising those powers or carrying out those duties.

Evidence - prima facie proof

75(1) A notice, order, consent, disposition, permit, agreement or other document purporting to be issued and signed by the Director or a conservation officer under this Act is admissible in evidence without proof of the signature or official character of the person who signs it.

(2) The existence of a sign is prima facie proof that it was properly authorized and posted by the Crown under this Act.

Appeals

76 A person to whom this Act gives a right of appeal may make the appeal on the prescribed basis and within the prescribed period after the decision appealed against,

- (a) if a body is prescribed for the purposes of this section, to that body, in accordance with the prescribed procedures, or
- (b) if no such body is so prescribed, to the Court of Queen's Bench.

PART 7

MISCELLANEOUS PROVISIONS

- Service **77** In addition to any other method allowed or provided for by any other law, a notice, order or other document under this Act is sufficiently served if a copy of it is
- (a) sent by mail addressed to the person to whom it is directed at the last known address for that person, or left at that address, or
 - (b) in the case of the holder of a disposition or permit or a person authorized by an agreement with the Minister to operate a facility,
 - (i) given to the individual indicated by that person in or under the disposition, permit or agreement to receive such documents,
 - (ii) posted in a conspicuous place on the premises covered by that instrument, or
 - (iii) served in any other manner provided in that instrument.
- Regulations **78(1)** The Minister may, with regard to all or any of the areas or any parts of any areas, make regulations
- (a) categorizing recreation areas and making further provision for specific categories of recreation area;
 - (b) respecting special preservation zones and special use zones;
 - (c) respecting the uses of and activities on land;
 - (d) respecting dispositions, permits and other authorizations under this Act and the activities for which they are required;
 - (e) respecting planning and development, and standards for buildings and other structures;
 - (f) respecting the protection, preservation, control and management of areas and of the environment;
 - (g) respecting the lighting, maintaining, using and extinguishing of fires;

- (h) respecting public safety, security and the preservation of order, including explosives, explosive devices and fireworks;
 - (i) respecting camping, recreational, business, commercial, scientific and research activities;
 - (j) controlling or prohibiting noise, unruly behaviour or nuisances;
 - (k) respecting temporary prohibitions or restrictions on the possession or consumption of liquor;
 - (l) respecting the provision, use and maintenance of facilities and services and the use, parking, mooring, leaving, removal, storage and disposal of vehicles, equipment and other things;
 - (m) respecting domestic animals and other animals that are not wildlife;
 - (n) respecting the dressing, hanging or storage of big game within the meaning of the *Wildlife Act*;
 - (o) respecting the use and possession of weapons referred to in section 50;
 - (p) establishing penalties for offences created by the regulations and respecting administrative penalties imposed under section 71, including the amounts or the manner of determining the amounts of the penalties but so as not to exceed \$5000 for each day or part of a day on which the contravention occurs or continues;
 - (q) respecting appeals from decisions under this Act;
 - (r) subject to subsections (2) and (3), prescribing or otherwise respecting any matter that under this statute may be or is to be prescribed;
 - (s) varying, substituting, adding to or making inapplicable to an area or areas all or any of the provisions of any Act of general application relating to matters within the scope of this Act.
- (2) In prescribing routes, trails or other locations for the purposes of section 45(2)(b), the Minister shall prescribe only those that, immediately before the designation of the area in question, were in use by off-highway vehicles or off-highway vehicles of the kind in question, as the case may be, and only if they are approved for continuation in the management plan for the area.

- (3) The Minister shall prescribe, with reference to section 51(b),
 - (a) only an ecological reserve or provincial park in respect of which the Director has notified the Minister in writing that the population of a specific species of wildlife must be reduced in order to restore the ecological balance in the park or reserve, and
 - (b) a date when the regulation prescribing that area under clause (a) is to terminate.

Transitional provisions

79(1) Permits and other authorizations, excluding dispositions, issued under

- (a) the *Provincial Parks Act*,
- (b) the *Forests Act* in relation to the Willmore Wilderness Park, or
- (c) the *Public Lands Act* in relation to an ecological reserve or natural area,

that were in force immediately before the commencement of this subsection and that related to land that by virtue of this Act are included in an area, continue in full force as permits under and subject to this Act as if issued under this Act until they would have expired under that other Act, and references in this statute to “permit” include any such continued permit.

(2) A management plan that existed in respect of an area immediately before the commencement of section 16 remains in force, to the extent that it is not inconsistent with this Act, until replaced by a plan under section 16(1).

(3) Section 22 does not apply with respect to the initial set of designations made in conjunction with or following the commencement of section 21(1).

Consequential amendments

80(1) The *Fisheries (Alberta) Act* is amended by repealing section 19(2)(b).

(2) The *Forests Act* is amended in section 3 by striking out “wildlife officers, all fishery officers and all park rangers” and substituting “conservation officers and all fishery officers”.

(3) The *Government Organization Act* is amended in Schedule 5 by adding the following after section 6:

Appointment,
establishment
and functions
of conser-
vation officers

6.1(1) The Minister may appoint as conservation officers employees of the Crown who are subject to the *Public Service Act*.

(2) The following are conservation officers by virtue of their offices:

- (a) members of the Royal Canadian Mounted Police;
- (b) members of another police service specified in writing by the Minister;
- (c) fishery officers appointed under the *Fisheries Act* (Canada);
- (d) forest officers appointed under the *Forests Act*;
- (e) other peace officers specified in writing by the Minister.

(3) Conservation officers have the powers, duties and functions assigned to them by law.

(4) The Minister may in writing restrict or negate the jurisdiction relative to which a class of conservation officer referred to in subsection (2) is entitled to act under any law.

(5) A conservation officer, in the exercise of the powers and the execution of the duties of a conservation officer, is a person employed for the preservation and maintenance of the public peace.

(4) The *Highway Traffic Act* is amended in section 14(1)(d) by striking out “a provincial park or recreation area” and substituting “an area within the meaning of the *Natural Heritage Act*”.

(5) The *Interpretation Act* is amended

(a) in section 25(1) by adding the following after clause (c):

- (c.01) “conservation officer” means a person holding office as a conservation officer under section 6.1 of Schedule 5 to the *Government Organization Act*;

(b) by adding the following after section 25.1:

Definitions respecting protected and recreation areas

25.2 In an enactment, “ecological reserve”, “heritage rangeland”, “provincial park”, “recreation area”, “special preservation zone” and “wildland park” have the meanings respectively given to them in the *Natural Heritage Act*.

(6) The *Livestock Industry Diversification Act* is amended in section 13(2) by striking out “wildlife” and substituting “conservation”.

(7) The *Metric Conversion Amendment Act (RSA 1980 c12 (Supp.))* is amended by repealing section 1(25) and (27).

(8) The *Municipal Government Act* is amended in section 298(1)(k) by striking out “provincial park or recreation area” and substituting “part of an area within the meaning of the *Natural Heritage Act*”.

(9) The *Off-highway Vehicle Act* is amended in section 1(1)(o) by striking out “parks officer or a wildlife” and substituting “conservation”.

(10) The *Provincial Parks Act* is amended

(a) in section 2 by striking out “park rangers and any other”;

(b) by repealing section 2.1;

(c) in sections 16 and 17 by striking out “park ranger” wherever it occurs and substituting “conservation officer”.

(11) The *Public Lands Act* is amended

(a) in section 7(c)(i) by striking out “a provincial park, historical site, natural area, ecological reserve, wilderness area,” and substituting “an ecological reserve, wildland park, provincial park, heritage rangeland, recreation area, historical site,”;

(b) by repealing section 79(1)(c) and substituting the following:

(c) when the land contained in the lease or to be withdrawn from it is to be designated as any kind of area within the meaning of and pursuant to the *Natural Heritage Act* or to be added to such an area or is to be set aside as a public resort or other recreational facility,

(c) in section 79(1)(e) by striking out “recreation area” and substituting “other recreational facility”;

(d) in section 106 by adding the following after subsection (1):

(1.1) Notwithstanding subsection (1), the Minister may in accordance with this Part

(a) lease public land in a heritage rangeland or in another area that is prescribed for the purposes of section 26(1)(b)(iii) of the *Natural Heritage Act* for a term not exceeding 30 years, or

(b) amend any lease granted under subsection (1) in such an area to extend the term to one not exceeding 30 years and to include other terms and conditions,

if the lease is for the purpose of grazing livestock and the Minister is satisfied that ongoing grazing of livestock is essential for maintaining the grassland ecology and ensuring the effective management and lasting protection of the area.

(12) The *Wilderness Areas, Ecological Reserves and Natural Areas Act* is amended by repealing section 13.1(3)(d) and substituting the following:

(d) a conservation officer.

(13) The *Wildlife Act* is amended

(a) in section 1

(i) in subsection (1) by adding the following after clause (j):

(j.01) “officer” means a conservation officer;

(ii) by repealing subsection (1)(z);

(iii) in subsection (6)(b) by striking out “wildlife officer or” and substituting “conservation officer or wildlife”;

(b) by repealing section 2;

(c) in section 59.1(1) by striking out “wildlife officer appointed by the Minister under section 2(1)” and substituting “conservation officer appointed under section 6.1(1) of Schedule 5 to the *Government Organization Act*”;

- (d) in section 64(1) by striking out “officer or wildlife”;
- (e) in section 64(3) by striking out “Wildlife” and substituting “Conservation”;
- (f) in the following provisions by striking out “wildlife officer” and substituting “conservation officer”:

section 4;
section 14(b);
section 17(2);
section 59.1(2)(b);
section 65(1);
section 66(1);
section 67(1);
section 68(2);
section 69(1)(b);
section 70(1);
section 71(1);
section 72(a);
section 73(1);
section 74(1);
section 78(1)(b);
section 80(2);
section 81(1);
section 83;
section 85(1)(c);
section 85(7);
section 94(5).

- Repeals **81** The following Acts are repealed:
- (a) the *Provincial Parks Act*;
 - (b) the *Wilderness Areas, Ecological Reserves and Natural Areas Act*;
 - (c) the *Willmore Wilderness Park Act*.

- Coming into force **82** This statute comes into force on Proclamation.

Sessional Paper 625/99
3 Session, 24 Legislature

April 26, 1999
Section: N
Agreed to

Sessional Paper 626/99
3 Session, 24 Legislature

April 26, 1999
Section: O
Agreed to

Sessional Paper 627/99
3 Session, 24 Legislature

April 26, 1999
Section: P
Agreed to

GOVERNMENT AMENDMENT: April 21, 1999

AMENDMENTS TO BILL 16
NATURAL HERITAGE ACT

The Bill is amended as follows:

A Section 1(1) is amended

(a) by striking out clause (a) and substituting the following:

(a) "air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reactions against the earth's surface resulting from the expulsion of air from the vehicle;

(b) in clause (f) by adding "or was granted or conveyed by Her Majesty" after "of the Crown".

B Section 6(2)(b) is amended by adding "prescribed" after "issue".

C Section 10(1) is amended

(a) by striking out "otherwise";

(b) by adding "but for the fact that this Act allows it, or a general activity that encompasses it, under a permit" after "Act".

D Section 20 is amended

(a) in subsection (1) by striking out "landscapes in an undisturbed state as examples of naturally functioning ecosystems and gene pools" and substituting "heritage in an undisturbed state";

(b) in subsection (2) by striking out "landscapes with minimal interference with naturally functioning ecosystems," and substituting "heritage";

(c) in subsection (3)

(i) by striking out "landscapes" and substituting "heritage";

(ii) by striking out "Alberni's";

(d) in subsection (4) by striking out "landscapes that are" and substituting "heritage".

E Section 21(4) is amended by striking out "those 4 kinds" and substituting "that kind".

F Section 22 is amended

(a) in subsection (1)

(i) in clause (a) by striking out "ecological reserve, wildland park, provincial park or heritage rangeland" and substituting "area";

(ii) in clause (b) by striking out "such a designated" and substituting "an";

(iii) in clause (c) by striking out "or heritage rangeland" and substituting "; heritage rangeland or recreation area";

(iv) in clauses (c), (d) and (e) by striking out "such";

(b) in subsection (2) by striking out "and" at the end of clause (d) and adding the following after clause (d):

(d.1) state where further relevant information, if any, may be obtained, and

G Sections 25 and 26 are struck out and the following is substituted:

Existing
dispositions

25(1) Notwithstanding section 21, the Lieutenant Governor in Council shall not designate as or include in an ecological reserve, wildland park, provincial park or heritage rangeland any land in respect of which a timber disposition or timber quota under the *Forests Act* exists unless the Minister responsible for that disposition or quota has entered into an agreement with its holder that requires that Minister to withdraw the disposition or quota as soon as practicable, in which case that Minister shall comply with that requirement.

(2) Where the Lieutenant Governor in Council designates as or includes in an ecological reserve, wildland park, provincial park or heritage rangeland any land in respect of which a disposition under the *Mines and Minerals Act*, other than a petroleum or natural gas disposition or a disposition in respect of privately owned minerals, exists, the Minister responsible for that disposition shall ensure, as far as is practicable, that the disposition is withdrawn, cancelled or otherwise terminated at the earliest possible time.

(3) Where there is a designation of an area in which there was, immediately before the designation,

(a) a petroleum or natural gas disposition under the *Mines and Minerals Act* or a disposition providing access in relation to such a disposition,

(b) a disposition under the *Public Lands Act* or the *Special Areas Act*, or

(c) a permit allowing grazing under the *Forest Reserves Act*,

the Crown remains bound by that disposition and, in the case of such a grazing permit, by any subsequent permit renewing rights existing under the original permit referred to in clause (c), and neither the designation nor anything in this Act is to be taken as affecting rights acquired by any person under such a disposition except to the extent that the disposition is lawfully suspended, withdrawn, cancelled, exchanged or otherwise terminated or is amended by agreement between the disposition holder and the Minister responsible for the disposition.

(4) The Crown shall not renew a disposition referred to in subsection (3)(a) except with the written approval of the

Minister and, where such a disposition is continued as a result of subsection (3) or renewed, the Minister shall ensure that a plan is prepared, in consultation with the disposition holder and the Minister responsible for the *Mines and Minerals Act*, that is designed to minimize the impact of the activity authorized by the disposition and ultimately to phase out that activity on depletion of the resource.

(5) Notwithstanding any other law but subject to subsection (3), all dispositions, other than a grazing lease described in section 26(1)(f), that are in effect immediately before an area is designated after the initial set of designations made in conjunction with or following the commencement of section 21(1) and that relate to the use or occupation of the surface of land become dispositions under and subject to this Act, to the extent that they cover land within an area.

(6) Notwithstanding any other law but subject to subsection (3), dispositions that were in force immediately before the commencement of this subsection and were issued in the initial set of designations referred to in subsection (5) under

- (a) the *Provincial Parks Act* in relation to land that becomes or is included in an area,
- (b) the *Forests Act* or the *Public Lands Act* in relation to land that formed part of the Willmore Wilderness Park, or
- (c) the *Public Lands Act*, the *Special Areas Act* or the *Forest Reserves Act* in relation to land that then formed or was included in a natural area or that becomes or is included in an ecological reserve,

other than a grazing lease described in section 26(1)(f), continue in full force as dispositions under and subject to this Act as if issued under this Act until they would have expired under that other Act.

New
dispositions,
etc.

26(1) The Crown shall not grant or renew, in respect of the surface of land in any area, any disposition, permit, licence, timber quota or other authorization to enable any resource extraction or industrial activity or access to any such activity, or any disposition to enable any other activity, except

- (a) subject to section 25(4), a disposition to provide access in relation to an existing petroleum or natural gas disposition referred to in section 25(3)(a) where that petroleum or natural gas disposition contained no restrictions on surface access immediately before the designation,
- (b) a disposition to provide access to privately owned land or privately owned minerals in or surrounded by an area,
- (c) a disposition in a recreation area allowing prescribed activity that has no potential for significant impact on people's recreational use and enjoyment of the area,
- (d) a prescribed disposition for the purposes of renewing a disposition to which section 25(5) or (6) originally applied,
- (e) a prescribed disposition in respect of land in a wildland park, provincial park, heritage rangeland or recreation area that does not authorize resource extraction or industrial activity, or
- (f) a grazing lease under Part 4 of the *Public Lands Act* in a heritage rangeland or another prescribed area

and any authorization that is incidental to the granting or renewing of any such disposition.

(2) The Crown shall not grant or renew a grazing lease referred to in subsection (1)(f) to allow anything that would conflict with this Act.

H Section 27(1) is amended by adding ", (b), (c) or (d)" after "(a)".

I Section 32(1)(a) is amended by adding "or, without limiting clause (b), to the extent contained in a written authorization given by the Director for a purpose involved in managing a disposition, by the holder of the disposition," after "by the Crown".

J Section 37(5)(b) is amended by adding "or, without limiting clause (a), to the extent contained in a written authorization given

by the Director for a purpose involved in managing a disposition, to the holder of the disposition, " after "to the Crown".

K Section 48(b) is amended by striking out "or" at the end of subclause (i) and adding the following after subclause (i):

- (i.1) except to the extent that the horse or pack animal is being lawfully transported and is contained in a container specially equipped for such transportation, or

L Section 49(2) is struck out and the following is substituted:

- (2) ~~A person shall not be in possession of a power boat in an ecological reserve or special preservation zone.~~

M Section 79 is amended by adding the following after subsection (3):

(4) Where

- (a) land that was, immediately before the commencement of this subsection, subject to the *Provincial Parks Act*, the *Wilderness Areas, Ecological Reserves and Natural Areas Act* or the *Willmore Wilderness Park Act* becomes an area or part of an area in the initial set of designations referred to in subsection (3),
- (b) there is no management plan in force for that land when it becomes an area or part of an area, and
- (c) there was, in respect of the land, a prohibition or restriction in place under that Act immediately before that commencement that no longer applies as a result of this Act,

then, notwithstanding anything in this Act, that prohibition or restriction is to continue to apply until a management plan comes into force under section 16(1) with respect to that land.

N Section 80(11)(d) is amended, in the new section 108(1.1)(a) of the *Public Lands Act*, by striking out "(b)(iii)" and substituting "(f)".

O Section 80 is amended by adding the following after subsection (13):

(14) If Bill 24, introduced in the Third Session of the 24th Legislature and entitled the *Traffic Safety Act*, is assented to, then

(a) that Act is amended in section 1(1)(f),

(i) in subclause (v) by striking out "park ranger appointed pursuant to the *Provincial Parks Act*" and substituting "conservation officer";

(ii) by repealing subclause (vii);

(b) this Act is amended, in sections 7(3), 32(2), 48(1) and 54(1)(d), by striking out "*Highway Traffic Act*" and substituting "*Traffic Safety Act*".

P Section 82 is struck out and the following is substituted:

Coming into
force

82(1) Subject to subsection (2), this statute comes into force on Proclamation.

(2) Section 80(14) comes into force on the later of

(a) the day on which the relevant definition in section 1(1) of the *Traffic Safety Act*, as referred to in section 80(14), and

(b) the day on which,

(i) the case of section 80(14)(a), section 80(3), or

(ii) in the case of section 80(14)(b), the relevant provision of this statute referred to in section 80(14)(b),

comes into force.

GOVERNMENT AMENDMENT: April 21, 1999

AMENDMENTS TO BILL 15
NATURAL HERITAGE ACT

The Bill is amended as follows:

A Section 1(1) is amended

(a) by striking out clause (a) and substituting the following:

(a) "air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reactions against the earth's surface resulting from the expulsion of air from the vehicle;

(b) in clause (f) by adding "or was granted or conveyed by Her Majesty" after "of the Crown".

B Section 6(2)(b) is amended by adding "prescribed" after "issue".

C Section 10(1) is amended

(a) by striking out "otherwise";

(b) by adding "but for the fact that this Act allows it, or a general activity that encompasses it, under a permit" after "Act".

D Section 20 is amended

(a) in subsection (1) by striking out "landscapes in an undisturbed state as examples of naturally functioning ecosystems and gene pools" and substituting "heritage in an undisturbed state";

(b) In subsection (2) by striking out "landscapes with minimal interference with naturally functioning ecosystems," and substituting "heritage";

(c) In subsection (3)

(i) by striking out "landscapes" and substituting "heritage";

(ii) by striking out "Alberta's";

(d) In subsection (4) by striking out "landscapes that are" and substituting "heritage".

E Section 21(4) is amended by striking out "those 4 kinds" and substituting "that kind".

F Section 22 is amended

(a) In subsection (1)

(i) In clause (a) by striking out "ecological reserve, wildland park, provincial park or heritage rangeland" and substituting "area";

(ii) In clause (b) by striking out "such a designated" and substituting "an";

(iii) In clause (c) by striking out "or heritage rangeland" and substituting "; heritage rangeland or recreation area";

(iv) In clauses (c), (d) and (e) by striking out "such";

(b) In subsection (2) by striking out "and" at the end of clause (d) and adding the following after clause (d):

(d.1) state where further relevant information, if any, may be obtained, and

G Sections 25 and 26 are struck out and the following is substituted:

Existing
dispositions

25(1) Notwithstanding section 21, the Lieutenant Governor in Council shall not designate as or include in an ecological reserve, wildland park, provincial park or heritage rangeland any land in respect of which a timber disposition or timber quota under the *Forests Act* exists unless the Minister responsible for that disposition or quota has entered into an agreement with its holder that requires that Minister to withdraw the disposition or quota as soon as practicable, in which case that Minister shall comply with that requirement.

(2) Where the Lieutenant Governor in Council designates as or includes in an ecological reserve, wildland park, provincial park or heritage rangeland any land in respect of which a disposition under the *Mines and Minerals Act*, other than a petroleum or natural gas disposition or a disposition in respect of privately owned minerals, exists, the Minister responsible for that disposition shall ensure, as far as is practicable, that the disposition is withdrawn, cancelled or otherwise terminated at the earliest possible time.

(3) Where there is a designation of an area in which there was, immediately before the designation,

(a) a petroleum or natural gas disposition under the *Mines and Minerals Act* or a disposition providing access in relation to such a disposition,

(b) a disposition under the *Public Lands Act* or the *Special Areas Act*, or

(c) a permit allowing grazing under the *Forest Reserves Act*,

the Crown remains bound by that disposition and, in the case of such a grazing permit, by any subsequent permit renewing rights existing under the original permit referred to in clause (c), and neither the designation nor anything in this Act is to be taken as affecting rights acquired by any person under such a disposition except to the extent that the disposition is lawfully suspended, withdrawn, cancelled, exchanged or otherwise terminated or is amended by agreement between the disposition holder and the Minister responsible for the disposition.

(4) The Crown shall not renew a disposition referred to in subsection (3)(a) except with the written approval of the

Minister and, where such a disposition is continued as a result of subsection (3) or renewed, the Minister shall ensure that a plan is prepared, in consultation with the disposition holder and the Minister responsible for the *Mines and Minerals Act*, that is designed to minimize the impact of the activity authorized by the disposition and ultimately to phase out that activity on depletion of the resource.

(5) Notwithstanding any other law but subject to subsection (3), all dispositions, other than a grazing lease described in section 26(1)(f), that are in effect immediately before an area is designated after the initial set of designations made in conjunction with or following the commencement of section 21(1) and that relate to the use or occupation of the surface of land become dispositions under and subject to this Act, to the extent that they cover land within an area.

(6) Notwithstanding any other law but subject to subsection (3), dispositions that were in force immediately before the commencement of this subsection and were issued in the initial set of designations referred to in subsection (5) under

- (a) the *Provincial Parks Act* in relation to land that becomes or is included in an area,
- (b) the *Forests Act* or the *Public Lands Act* in relation to land that formed part of the Willmore Wilderness Park, or
- (c) the *Public Lands Act*, the *Special Areas Act* or the *Forest Reserves Act* in relation to land that then formed or was included in a natural area or that becomes or is included in an ecological reserve,

other than a grazing lease described in section 26(1)(f), continue in full force as dispositions under and subject to this Act as if issued under this Act until they would have expired under that other Act.

New
dispositions,
etc.

26(1) The Crown shall not grant or renew, in respect of the surface of land in any area, any disposition, permit, licence, timber quota or other authorization to enable any resource extraction or industrial activity or access to any such activity, or any disposition to enable any other activity, except

- (a) subject to section 25(4), a disposition to provide access in relation to an existing petroleum or natural gas disposition referred to in section 25(3)(a)-where that petroleum or natural gas disposition contained no restrictions on surface access immediately before the designation,
- (b) a disposition to provide access to privately owned land or privately owned minerals in or surrounded by an area,
- (c) a disposition in a recreation area allowing prescribed activity that has no potential for significant impact on people's recreational use and enjoyment of the area,
- (d) a prescribed disposition for the purposes of renewing a disposition to which section 25(5) or (6) originally applied,
- (e) a prescribed disposition in respect of land in a wildland park, provincial park, heritage rangeland or recreation area that does not authorize resource extraction or industrial activity, or
- (f) a grazing lease under Part 4 of the *Public Lands Act* in a heritage rangeland or another prescribed area

and any authorization that is incidental to the granting or renewing of any such disposition.

(2) The Crown shall not grant or renew a grazing lease referred to in subsection (1)(f) to allow anything that would conflict with this Act.

H Section 27(1) is amended by adding ", (b), (c) or (d)" after "(a)".

I Section 32(1)(a) is amended by adding "or, without limiting clause (b), to the extent contained in a written authorization given by the Director for a purpose involved in managing a disposition, by the holder of the disposition," after "by the Crown".

J Section 37(5)(b) is amended by adding "or, without limiting clause (a), to the extent contained in a written authorization given

by the Director for a purpose involved in managing a disposition, to the holder of the disposition, " after "to the Crown".

K Section 48(b) is amended by striking out "or" at the end of subclause (f) and adding the following after subclause (f):

- (1.1) except to the extent that the horse or pack animal is being lawfully transported and is contained in a container specially equipped for such transportation, or

L Section 49(2) is struck out and the following is substituted:

- (2) ~~A person shall not be in possession of a power boat in an ecological reserve or special preservation zone.~~

M Section 79 is amended by adding the following after subsection (3):

(4) Where

- (a) land that was, immediately before the commencement of this subsection, subject to the *Provincial Parks Act*, the *Wilderness Areas, Ecological Reserves and Natural Areas Act* or the *Willmore Wilderness Park Act* becomes an area or part of an area in the initial set of designations referred to in subsection (3),
- (b) there is no management plan in force for that land when it becomes an area or part of an area, and
- (c) there was, in respect of the land, a prohibition or restriction in place under that Act immediately before that commencement that no longer applies as a result of this Act,

then, notwithstanding anything in this Act, that prohibition or restriction is to continue to apply ~~until~~ until a management plan comes into force under section 16(1) with respect to that land.

N Section 80(11)(d) is amended, in the new section 106(1.1)(a) of the *Public Lands Act*, by striking out "(b)(iii)" and substituting "(f)".

O Section 80 is amended by adding the following after subsection (13):

(14) If Bill 24, introduced in the Third Session of the 24th Legislature and entitled the *Traffic Safety Act*, is assented to, then

(a) that Act is amended in section 1(1)(ff),

(i) in subclause (v) by striking out "park ranger appointed pursuant to the *Provincial Parks Act*" and substituting "conservation officer";

(ii) by repealing subclause (vii);

(b) this Act is amended, in sections 7(3), 32(2), 45(1) and 54(1)(d), by striking out "*Highway Traffic Act*" and substituting "*Traffic Safety Act*".

P Section 82 is struck out and the following is substituted:

Coming into
force

82(1) Subject to subsection (2), this statute comes into force on Proclamation.

(2) Section 80(14) comes into force on the later of

(a) the day on which the relevant definition in section 1(1) of the *Traffic Safety Act*, as referred to in section 80(14), and

(b) the day on which,

(i) the case of section 80(14)(a), section 80(3), or

(ii) in the case of section 80(14)(b), the relevant provision of this statute referred to in section 80(14)(b),

comes into force.

GOVERNMENT AMENDMENT: April 21, 1998

AMENDMENTS TO BILL 15
NATURAL HERITAGE ACT

The Bill is amended as follows:

A Section 1(1) is amended

(a) by striking out clause (a) and substituting the following:

(a) "air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reactions against the earth's surface resulting from the expulsion of air from the vehicle;

(b) in clause (f) by adding "or was granted or conveyed by Her Majesty" after "of the Crown".

B Section 6(2)(b) is amended by adding "prescribed" after "issue".

C Section 10(1) is amended

(a) by striking out "otherwise";

(b) by adding "but for the fact that this Act allows it, or a general activity that encompasses it, under a permit" after "Act".

D Section 20 is amended

(a) in subsection (1) by striking out "landscapes in an undisturbed state as examples of naturally functioning ecosystems and gene pools" and substituting "heritage in an undisturbed state";

(b) In subsection (2) by striking out "landscapes with minimal interference with naturally functioning ecosystems," and substituting "heritage";

(c) In subsection (3)

(i) by striking out "landscapes" and substituting "heritage";

(ii) by striking out "Alberta's";

(d) In subsection (4) by striking out "landscapes that are" and substituting "heritage".

E Section 21(4) is amended by striking out "those 4 kinds" and substituting "that kind".

F Section 22 is amended

(a) In subsection (1)

(i) In clause (a) by striking out "ecological reserve, wildland park, provincial park or heritage rangeland" and substituting "area";

(ii) In clause (b) by striking out "such a designated" and substituting "an";

(iii) In clause (c) by striking out "or heritage rangeland" and substituting "; heritage rangeland or recreation area";

(iv) In clauses (c), (d) and (e) by striking out "such";

(b) In subsection (2) by striking out "and" at the end of clause (d) and adding the following after clause (d):

(d.1) state where further relevant information, if any, may be obtained, and

G Sections 25 and 26 are struck out and the following is substituted:

Existing
dispositions

25(1) Notwithstanding section 21, the Lieutenant Governor in Council shall not designate as or include in an ecological reserve, wildland park, provincial park or heritage rangeland any land in respect of which a timber disposition or timber quota under the *Forests Act* exists unless the Minister responsible for that disposition or quota has entered into an agreement with its holder that requires that Minister to withdraw the disposition or quota as soon as practicable, in which case that Minister shall comply with that requirement.

(2) Where the Lieutenant Governor in Council designates as or includes in an ecological reserve, wildland park, provincial park or heritage rangeland any land in respect of which a disposition under the *Mines and Minerals Act*, other than a petroleum or natural gas disposition or a disposition in respect of privately owned minerals, exists, the Minister responsible for that disposition shall ensure, as far as is practicable, that the disposition is withdrawn, cancelled or otherwise terminated at the earliest possible time.

(3) Where there is a designation of an area in which there was, immediately before the designation,

- (a) a petroleum or natural gas disposition under the *Mines and Minerals Act* or a disposition providing access in relation to such a disposition,
- b) a disposition under the *Public Lands Act* or the *Special Areas Act*, or
- (c) a permit allowing grazing under the *Forest Reserves Act*,

the Crown remains bound by that disposition and, in the case of such a grazing permit, by any subsequent permit renewing rights existing under the original permit referred to in clause (c), and neither the designation nor anything in this Act is to be taken as affecting rights acquired by any person under such a disposition except to the extent that the disposition is lawfully suspended, withdrawn, cancelled, exchanged or otherwise terminated or is amended by agreement between the disposition holder and the Minister responsible for the disposition.

(4) The Crown shall not renew a disposition referred to in subsection (3)(a) except with the written approval of the

Minister and, where such a disposition is continued as a result of subsection (3) or renewed, the Minister shall ensure that a plan is prepared, in consultation with the disposition holder and the Minister responsible for the *Mines and Minerals Act*, that is designed to minimize the impact of the activity authorized by the disposition and ultimately to phase out that activity on depletion of the resource.

(5) Notwithstanding any other law but subject to subsection (3), all dispositions, other than a grazing lease described in section 26(1)(f), that are in effect immediately before an area is designated after the initial set of designations made in conjunction with or following the commencement of section 21(1) and that relate to the use or occupation of the surface of land become dispositions under and subject to this Act, to the extent that they cover land within an area.

(6) Notwithstanding any other law but subject to subsection (3), dispositions that were in force immediately before the commencement of this subsection and were issued in the initial set of designations referred to in subsection (5) under

- (a) the *Provincial Parks Act* in relation to land that becomes or is included in an area,
- (b) the *Forests Act* or the *Public Lands Act* in relation to land that formed part of the Willmore Wilderness Park, or
- (c) the *Public Lands Act*, the *Special Areas Act* or the *Forest Reserves Act* in relation to land that then formed or was included in a natural area or that becomes or is included in an ecological reserve,

other than a grazing lease described in section 26(1)(f), continue in full force as dispositions under and subject to this Act as if issued under this Act until they would have expired under that other Act.

New
dispositions,
etc.

26(1) The Crown shall not grant or renew, in respect of the surface of land in any area, any disposition, permit, licence, timber quota or other authorization to enable any resource extraction or industrial activity or access to any such activity, or any disposition to enable any other activity, except

- (a) subject to section 25(4), a disposition to provide access in relation to an existing petroleum or natural gas disposition referred to in section 25(3)(a)-where that petroleum or natural gas disposition contained no restrictions on surface access immediately before the designation,
- (b) a disposition to provide access to privately owned land or privately owned minerals in or surrounded by an area,
- (c) a disposition in a recreation area allowing prescribed activity that has no potential for significant impact on people's recreational use and enjoyment of the area,
- (d) a prescribed disposition for the purposes of renewing a disposition to which section 25(5) or (6) originally applied,
- (e) a prescribed disposition in respect of land in a wildland park, provincial park, heritage rangeland or recreation area that does not authorize resource extraction or industrial activity, or
- (f) a grazing lease under Part 4 of the *Public Lands Act* in a heritage rangeland or another prescribed area

and any authorization that is incidental to the granting or renewing of any such disposition.

(2) The Crown shall not grant or renew a grazing lease referred to in subsection (1)(f) to allow anything that would conflict with this Act.

H Section 27(1) is amended by adding ", (b), (c) or (d)" after "(a)".

I Section 32(1)(a) is amended by adding "or, without limiting clause (b), to the extent contained in a written authorization given by the Director for a purpose involved in managing a disposition, by the holder of the disposition," after "by the Crown".

J Section 37(5)(b) is amended by adding "or, without limiting clause (a), to the extent contained in a written authorization given

by the Director for a purpose involved in managing a disposition, to the holder of the disposition, " after "to the Crown".

K Section 48(b) is amended by striking out "or" at the end of subclause (i) and adding the following after subclause (i):

- (i.1) except to the extent that the horse or pack animal is being lawfully transported and is contained in a container specially equipped for such transportation, or
-

L Section 49(2) is struck out and the following is substituted:

- (2) A person shall not be in possession of a power boat in an ecological reserve or special preservation zone.
-

M Section 79 is amended by adding the following after subsection (3):

(4) Where

- (a) land that was, immediately before the commencement of this subsection, subject to the *Provincial Parks Act*, the *Wilderness Areas, Ecological Reserves and Natural Areas Act* or the *Willmore Wilderness Park Act* becomes an area or part of an area in the initial set of designations referred to in subsection (3),
- (b) there is no management plan in force for that land when it becomes an area or part of an area, and
- (c) there was, in respect of the land, a prohibition or restriction in place under that Act immediately before that commencement that no longer applies as a result of this Act,

then, notwithstanding anything in this Act, that prohibition or restriction is to continue to apply until a management plan comes into force under section 16(1) with respect to that land.

N Section 80(11)(d) is amended, in the new section 106(1.1)(a) of the *Public Lands Act*, by striking out "(b)(iii)" and substituting "(f)".

O Section 80 is amended by adding the following after subsection (13):

(14) If Bill 24, introduced in the Third Session of the 24th Legislature and entitled the *Traffic Safety Act*, is assented to, then

(a) that Act is amended in section 1(1)(f),

(i) in subclause (v) by striking out "park ranger appointed pursuant to the *Provincial Parks Act*" and substituting "conservation officer";

(ii) by repealing subclause (vii);

(b) this Act is amended, in sections 7(3), 32(2), 45(1) and 54(1)(d), by striking out "*Highway Traffic Act*" and substituting "*Traffic Safety Act*".

P Section 82 is struck out and the following is substituted:

Coming into
force

82(1) Subject to subsection (2), this statute comes into force on Proclamation.

(2) Section 80(14) comes into force on the later of

(a) the day on which the relevant definition in section 1(1) of the *Traffic Safety Act*, as referred to in section 80(14), and

(b) the day on which,

(i) the case of section 80(14)(a), section 80(3), or

(ii) in the case of section 80(14)(b), the relevant provision of this statute referred to in section 80(14)(b),

comes into force.

GOVERNMENT AMENDMENT: April 21, 1999

AMENDMENTS TO BILL 16

NATURAL HERITAGE ACT

The Bill is amended as follows:

A Section 1(1) is amended

(a) by striking out clause (a) and substituting the following:

(a) "air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reactions against the earth's surface resulting from the expulsion of air from the vehicle;

(b) in clause (f) by adding "or was granted or conveyed by Her Majesty" after "of the Crown".

B Section 6(2)(b) is amended by adding "prescribed" after "issue".

C Section 10(1) is amended

(a) by striking out "otherwise";

(b) by adding "but for the fact that this Act allows it, or a general activity that encompasses it, under a permit" after "Act".

D Section 20 is amended

(a) in subsection (1) by striking out "landscapes in an undisturbed state as examples of naturally functioning ecosystems and gene pools" and substituting "heritage in an undisturbed state";

(b) in subsection (2) by striking out "landscapes with minimal interference with naturally functioning ecosystems," and substituting "heritage";

(c) in subsection (3)

(i) by striking out "landscapes" and substituting "heritage";

(ii) by striking out "Alberta's";

(d) in subsection (4) by striking out "landscapes that are" and substituting "heritage".

E Section 21(4) is amended by striking out "those 4 kinds" and substituting "that kind".

F Section 22 is amended

(a) in subsection (1)

(i) in clause (a) by striking out "ecological reserve, wildland park, provincial park or heritage rangeland" and substituting "area";

(ii) in clause (b) by striking out "such a designated" and substituting "an";

(iii) in clause (c) by striking out "or heritage rangeland" and substituting "; heritage rangeland or recreation area";

(iv) in clauses (c), (d) and (e) by striking out "such";

(b) in subsection (2) by striking out "and" at the end of clause (d) and adding the following after clause (d):

(d.1) state where further relevant information, if any, may be obtained, and

G Sections 25 and 26 are struck out and the following is substituted:

Existing
dispositions

25(1) Notwithstanding section 21, the Lieutenant Governor in Council shall not designate as or include in an ecological reserve, wildland park, provincial park or heritage rangeland any land in respect of which a timber disposition or timber quota under the *Forests Act* exists unless the Minister responsible for that disposition or quota has entered into an agreement with its holder that requires that Minister to withdraw the disposition or quota as soon as practicable, in which case that Minister shall comply with that requirement.

(2) Where the Lieutenant Governor in Council designates as or includes in an ecological reserve, wildland park, provincial park or heritage rangeland any land in respect of which a disposition under the *Mines and Minerals Act*, other than a petroleum or natural gas disposition or a disposition in respect of privately owned minerals, exists, the Minister responsible for that disposition shall ensure, as far as is practicable, that the disposition is withdrawn, cancelled or otherwise terminated at the earliest possible time.

(3) Where there is a designation of an area in which there was, immediately before the designation,

(a) a petroleum or natural gas disposition under the *Mines and Minerals Act* or a disposition providing access in relation to such a disposition,

(b) a disposition under the *Public Lands Act* or the *Special Areas Act*, or

(c) a permit allowing grazing under the *Forest Reserves Act*,

the Crown remains bound by that disposition and, in the case of such a grazing permit, by any subsequent permit renewing rights existing under the original permit referred to in clause (c), and neither the designation nor anything in this Act is to be taken as affecting rights acquired by any person under such a disposition except to the extent that the disposition is lawfully suspended, withdrawn, cancelled, exchanged or otherwise terminated or is amended by agreement between the disposition holder and the Minister responsible for the disposition.

(4) The Crown shall not renew a disposition referred to in subsection (3)(a) except with the written approval of the

Minister and, where such a disposition is continued as a result of subsection (3) or renewed, the Minister shall ensure that a plan is prepared, in consultation with the disposition holder and the Minister responsible for the *Mines and Minerals Act*, that is designed to minimize the impact of the activity authorized by the disposition and ultimately to phase out that activity on depletion of the resource.

(5) Notwithstanding any other law but subject to subsection (3), all dispositions, other than a grazing lease described in section 26(1)(f), that are in effect immediately before an area is designated after the initial set of designations made in conjunction with or following the commencement of section 21(1) and that relate to the use or occupation of the surface of land become dispositions under and subject to this Act, to the extent that they cover land within an area.

(6) Notwithstanding any other law but subject to subsection (3), dispositions that were in force immediately before the commencement of this subsection and were issued in the initial set of designations referred to in subsection (5) under

- (a) the *Provincial Parks Act* in relation to land that becomes or is included in an area,
- (b) the *Forests Act* or the *Public Lands Act* in relation to land that formed part of the Willmore Wilderness Park, or
- (c) the *Public Lands Act*, the *Special Areas Act* or the *Forest Reserves Act* in relation to land that then formed or was included in a natural area or that becomes or is included in an ecological reserve,

other than a grazing lease described in section 26(1)(f), continue in full force as dispositions under and subject to this Act as if issued under this Act until they would have expired under that other Act.

New
dispositions,
etc.

26(1) The Crown shall not grant or renew, in respect of the surface of land in any area, any disposition, permit, licence, timber quota or other authorization to enable any resource extraction or industrial activity or access to any such activity, or any disposition to enable any other activity, except

- (a) subject to section 25(4), a disposition to provide access in relation to an existing petroleum or natural gas disposition referred to in section 25(3)(a) where that petroleum or natural gas disposition contained no restrictions on surface access immediately before the designation,
- (b) a disposition to provide access to privately owned land or privately owned minerals in or surrounded by an area,
- (c) a disposition in a recreation area allowing prescribed activity that has no potential for significant impact on people's recreational use and enjoyment of the area,
- (d) a prescribed disposition for the purposes of renewing a disposition to which section 25(5) or (6) originally applied,
- (e) a prescribed disposition in respect of land in a wildland park, provincial park, heritage rangeland or recreation area that does not authorize resource extraction or industrial activity, or
- (f) a grazing lease under Part 4 of the *Public Lands Act* in a heritage rangeland or another prescribed area

and any authorization that is incidental to the granting or renewing of any such disposition.

(2) The Crown shall not grant or renew a grazing lease referred to in subsection (1)(f) to allow anything that would conflict with this Act.

H Section 27(1) is amended by adding ", (b), (c) or (d)" after "(a)".

I Section 32(1)(a) is amended by adding "or, without limiting clause (b), to the extent contained in a written authorization given by the Director for a purpose involved in managing a disposition, by the holder of the disposition," after "by the Crown".

J Section 37(5)(b) is amended by adding "or, without limiting clause (a), to the extent contained in a written authorization given

by the Director for a purpose involved in managing a disposition, to the holder of the disposition, " after "to the Crown".

K Section 48(b) is amended by striking out "or" at the end of subclause (f) and adding the following after subclause (f):

(f.1) except to the extent that the horse or pack animal is being lawfully transported and is contained in a container specially equipped for such transportation, or

L Section 49(2) is struck out and the following is substituted:

(2) A person shall not be in possession of a power boat in an ecological reserve or special preservation zone.

M Section 79 is amended by adding the following after subsection (3):

(4) Where

- (a) land that was, immediately before the commencement of this subsection, subject to the *Provincial Parks Act*, the *Wilderness Areas, Ecological Reserves and Natural Areas Act* or the *Willmore Wilderness Park Act* becomes an area or part of an area in the initial set of designations referred to in subsection (3),
- (b) there is no management plan in force for that land when it becomes an area or part of an area, and
- (c) there was, in respect of the land, a prohibition or restriction in place under that Act immediately before that commencement that no longer applies as a result of this Act,

then, notwithstanding anything in this Act, that prohibition or restriction is to continue to apply until a management plan comes into force under section 16(1) with respect to that land.

N Section 80(11)(d) is amended, in the new section 106(1.1)(a) of the *Public Lands Act*, by striking out "(b)(iii)" and substituting "(f)".

O Section 80 is amended by adding the following after subsection (13):

(14) If Bill 24, introduced in the Third Session of the 24th Legislature and entitled the *Traffic Safety Act*, is assented to, then

(a) that Act is amended in section 1(1)(ff),

(i) in subclause (v) by striking out "park ranger appointed pursuant to the *Provincial Parks Act*" and substituting "conservation officer";

(ii) by repealing subclause (vii);

(b) this Act is amended, in sections 7(3), 32(2), 45(1) and 54(1)(d), by striking out "*Highway Traffic Act*" and substituting "*Traffic Safety Act*".

P Section 82 is struck out and the following is substituted:

Coming into
force

82(1) Subject to subsection (2), this statute comes into force on Proclamation.

(2) Section 80(14) comes into force on the later of

(a) the day on which the relevant definition in section 1(1) of the *Traffic Safety Act*, as referred to in section 80(14), and

(b) the day on which,

(i) the case of section 80(14)(a), section 80(3), or

(ii) in the case of section 80(14)(b), the relevant provision of this statute referred to in section 80(14)(b),

comes into force.