

2000 BILL 24

Fourth Session, 24th Legislature, 49 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 24

**WILDERNESS AREAS, ECOLOGICAL RESERVES
AND NATURAL AREAS AMENDMENT ACT, 2000**

THE MINISTER OF ENVIRONMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 24

2000

WILDERNESS AREAS, ECOLOGICAL RESERVES AND NATURAL AREAS AMENDMENT ACT, 2000

(Assented to _____, 2000)

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

Amends RSA
1980 cW-8

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

2 The title of the Act is amended by striking out “AND NATURAL AREAS” and substituting “, NATURAL AREAS AND HERITAGE RANGELANDS”.

3 The preamble is amended by adding “and” at the end of the 3rd recital and adding the following after that recital:

WHEREAS it is also desirable to establish certain lands as heritage rangelands in order to protect their grassland ecology;

4 Section 1 is amended by adding the following after clause (c):

(c.1) “heritage rangeland” means land designated as a heritage rangeland under section 3.2;

5 Section 3.1(3)(d) is amended by striking out “under section 4”.

Explanatory Notes

1 Amends chapter W-8 of the Revised Statutes of Alberta 1980.

2 The Act's title presently reads:

*WILDERNESS AREAS, ECOLOGICAL
RESERVES AND NATURAL AREAS ACT*

3 Adds further recital to preamble.

4 Adds definition of "heritage rangeland".

5 Section 4 has previously been repealed. Section 3.1(3) presently reads in part:

(3) A public notice under subsection (2) shall

Heritage
rangelands

6 The following is added after section 3.1:

3.2 The Lieutenant Governor in Council may designate as a heritage rangeland any area of public land, or land in respect of which the Minister has entered into an agreement that gives the Crown the right to designate it as a heritage rangeland, in order to ensure its preservation and protection using grazing to maintain the grassland ecology.

7 Section 5 is amended by striking out “or ecological reserve” wherever it occurs and substituting “, ecological reserve or heritage rangeland”.

8 Section 8(1) is amended in clauses (e), (f) and (k) by striking out “or ecological reserve” and substituting “, ecological reserve or heritage rangeland”.

(d) if a public hearing is to be held under section 4, give the date of the public hearing,

6 Heritage rangelands.

7 Section 5 presently reads:

5 The Minister may carry out or cause to be carried out measures or programs in a wilderness area or ecological reserve, or approve the carrying out by other persons of measures or programs in a wilderness area or ecological reserve,

(a) for the management and preservation of the animal and plant life and the environment of the wilderness area or ecological reserve,

(b) for environmental research that does not involve any physical disturbance of the wilderness area or ecological reserve,

(b.1) for the furtherance of public education and interpretation, and

(c) generally, for the preservation and protection of the wilderness area or ecological reserve.

8 Section 8 presently reads in part:

8(1) No person shall

(e) deposit any litter, garbage or refuse in a wilderness area or ecological reserve except in places provided and designated for that purpose,

(f) unless authorized by the Minister, collect, destroy or remove any plant life or animal life (or bird eggs) or excavate or remove fossils or other objects of geological, ethnological, historical or scientific interest in a wilderness area or ecological reserve,

(k) without the consent of the Minister

*(i) construct, reconstruct or add to an improvement on,
or*

(ii) do any act that will alter or disturb the surface of

Other prohibitions and restrictions respecting heritage rangelands only

9 The following is added after section 8:

8.1(1) If a road, including the road's right of way or undeveloped road allowance, passes through but does not form part of a heritage rangeland and is bordered, either continuously or discontinuously, on both sides by land that forms part of the heritage rangeland, this section nevertheless applies to that road (including that right of way or allowance).

(2) The Minister may, by order, for the period or until the time specified in the order or indefinitely, prohibit or restrict fires in a heritage rangeland or any part of a heritage rangeland and, in the case of any such restrictions, shall specify in the order what the restrictions are.

(3) A person shall not operate

- (a) an off-highway vehicle in a heritage rangeland, or
- (b) a motorized vehicle designed primarily for travel on highways in a heritage rangeland other than on a road (excluding, however, its right of way or undeveloped road allowance).

(4) A person shall not land or bring about take-off of an aircraft in a heritage rangeland except in an emergency or as authorized by the Minister.

(5) A person who contravenes an order of the Minister under subsection (2), or contravenes subsection (3) or (4), is guilty of an offence.

10 Section 9 is amended

(a) by renumbering it as section 9(1);

(b) in subsection (1) by striking out "and 8" and substituting ", 8 and 8.1";

(c) in subsection (1)(b)(i) by striking out "forest fires" and substituting "wildfires";

(d) by adding the following after subsection (1):

(2) Without limiting subsection (1), sections 8 and 8.1 do not apply

land within a wilderness area or ecological reserve.

9 Other prohibitions and restrictions respecting heritage rangelands only.

10 Section 9 presently reads:

9 Sections 7(3) and 8 do not apply to any of the following actions by the Minister or by persons authorized by the Minister:

(a) the carrying out of measures or programs referred to in section 5;

(b) the use of any equipment or means of transportation for the purpose of, or the doing of any act in connection with,

(i) the prevention or extinguishing of forest fires,

(ii) the prevention of damage to natural resources or property, or

(a) to the use or keeping of any equipment or means of transportation with respect to a heritage rangeland

(i) by or on behalf of the Crown,

(ii) by or on behalf of the holder of a disposition, where the use or keeping is specifically authorized by the Minister or by that disposition, or

(iii) by or on behalf of the holder of a registered fur management licence under the *Wildlife Act*, where the use or keeping is specifically authorized by the Minister for the purposes of trapping under that licence,

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

(b) to an organization that provides emergency services, or any person working for such an organization, while engaged in any activity referred to in this section.

11 Section 10 is amended

(a) by striking out “or ecological reserve” **wherever it occurs and substituting** “, ecological reserve or heritage rangeland”;

(b) in subsection (2) by adding “or to the carrying out of any activities authorized by a disposition in a heritage rangeland” **after** “8(1)(k)”.

12 Section 11(1) is amended by striking out “or ecological reserve” **and substituting** “, ecological reserve or heritage rangeland”.

(iii) emergencies involving the health or safety of persons.

11 Section 10 presently reads:

10(1) A person who destroys or damages or pollutes any land, water, plant life or animal life in a wilderness area or ecological reserve is guilty of an offence.

(2) Subsection (1) does not apply to a person who destroys or damages plant life or animal life in a wilderness area or ecological reserve in the course of removing it under the authority of the Minister given under section 8(1)(f) or while carrying out an activity consented to by the Minister under section 8(1)(k).

12 Section 11(1) presently reads:

11(1) The Minister may by order prohibit or restrict travel in a wilderness area or ecological reserve during any period either absolutely or except under the authority of a permit issued by or on behalf of the Minister.

13 Section 13.1(2) is amended by striking out “Section 8 does” **and substituting** “Sections 8 and 8.1 do”.

14 Section 14 is amended

(a) in subsection (1) by adding “, heritage rangelands” **after** “natural areas”;

(b) in subsection (2) by adding “, heritage rangeland” **after** “natural area”.

15(1) The *Forest Reserves Act* is amended

(a) in section 5 by renumbering it as section 5(1) and by adding the following after subsection (1):

(2) Notwithstanding subsection (1), the easterly boundary of that portion of the Rocky Mountains Forest Reserve that lies within townships 11 and 12, range 2, all west of the 5th meridian between the northeast corner of section 4, township 11 and the northeast corner of section 15, township 12, is replaced by the boundary described as follows:

commencing at the northeast corner of that section 4; thence easterly along the northern boundary of section 3, township 11 to its intersection with the natural line of watershed within what is known as the Whaleback Ridge; thence northerly along that natural line of watershed to its intersection with the northern boundary of section 16, township 12; thence easterly along the northern boundary of that section 16 and of section 15, township 12 to the northeast corner of that section 15.

(b) in section 7(d) by striking out “annual”.

(2) The *Public Lands Act* is amended

(a) in section 7(c)(i) by adding “heritage rangeland,” **after** “wilderness area,”;

13 Section 13.1(2) presently reads:

(2) Section 8 does not apply to a peace officer engaged in the execution of duties under this section.

14 Section 14 presently reads:

14(1) The Lieutenant Governor in Council may make regulations respecting the administration, management, operation and utilization of wilderness areas, ecological reserves, natural areas and controlled buffer zones.

(2) A regulation under subsection (1) may, without restricting the generality of subsection (1), transfer to any Minister of the Crown powers and duties under this Act in relation to all or any part of a wilderness area, ecological reserve, natural area or controlled buffer zone.

15(1) Amends chapter F-15 of the Revised Statutes of Alberta 1980. Sections 5 and 7(d) presently read:

5 The land described in the appendix to the agreement set forth in the Schedule to chapter 20 of the Statutes of Alberta, 1948, and to chapter 59 of the Statutes of Canada, 1947, and any other land added thereto by amendment is hereby constituted as forest reserves.

7 The Lieutenant Governor in Council may make regulations

(d) respecting the issuance of annual permits for the grazing of stock in forest reserves;

(2) Amends chapter P-30 of the Revised Statutes of Alberta 1980. Sections 7 and 106 presently read in part:

7 The Lieutenant Governor in Council may

(c) set aside public land

(i) for use as a provincial park, historical site, natural area, ecological reserve, wilderness area, forest reserve, forest recreation area, wildlife sanctuary, habitat conservation area, public shooting ground or public resort or for the development of any natural resource, or

(ii) for the purposes of the Government of Canada, either with or without consideration;

(b) 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 for a term not exceeding 30 years, or
- (b) amend any lease granted under subsection (1) in a heritage rangeland 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 heritage rangeland.

16 This Act comes into force on Proclamation.

106(1) The Minister may in accordance with this Part lease public land for a term not exceeding 20 years for the purpose of grazing livestock when, in the Minister's opinion, the best use that may be made of the land is the grazing of livestock.

16 Coming into force.