

## BILL 18

2006

### WILDERNESS AREAS, ECOLOGICAL RESERVES, NATURAL AREAS AND HERITAGE RANGELANDS AMENDMENT ACT, 2006

(Assented to \_\_\_\_\_, 2006)

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

#### Amends RSA 2000 cW-9

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

#### **2 Section 1 is amended**

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

**(b) in subsection (1)**

**(i) by repealing clauses (a) and (b) and substituting the following:**

(a) “aircraft” means a device that is designed to carry one or more persons or objects through the air in powered or powerless flight;

(a.1) “conservation officer” means an individual who is a conservation officer by virtue of Schedule 3.1 to the *Government Organization Act*;

(b) “Crown” means the Crown in right of Alberta;

(b.1) “cycle” means a device that runs on one or more wheels, that is propelled only by human power and on which an individual can ride, and includes a power bicycle but does not include a wheelchair;

(b.2) “disposition” means an instrument by which an estate or interest or any other substantial right in or to Crown land, including access to any land or rights relating to land, is or was conveyed by or on behalf of the Crown, with conditions attached, to a person other than the Crown;

**(ii) in clause (c) by striking out** “as an ecological reserve under” **and substituting** “or continued as an ecological reserve under or by”;

**(iii) by repealing clause (d);**

**(iv) by repealing clause (f) and substituting the following:**

(e.1) “motor vehicle” means a motor vehicle within the meaning of section 1(1) of the *Traffic Safety Act*;

(f) “natural area” means land designated or continued as a natural area under or by section 4.01;

(f.01) “offence” means an offence against this statute;

**(v) by adding the following before clause (g):**

(f.2) “pack animal” means a mule, donkey, llama, alpaca, goat or any other prescribed animal, but does not include a horse;

(f.21) “permission” means any form of permission, including a permit, licence, approval, authorization, consent or other form of concurrence that is or may be issued or otherwise given pursuant to this Act, but does not include a disposition;

(f.3) “prescribed” means prescribed or otherwise provided for by regulations made by the Lieutenant Governor in Council;

(vi) **in clause (h) by striking out** “specified in the Schedule as a wilderness area” **and substituting** “described in the Schedule”;

**(c) by adding the following after subsection (1):**

(2) A reference in this Act to any statute (including this statute) is to be treated as including a reference to regulations made under that statute.

(3) A reference in this Act generally to the performing of any act is to be treated as including a reference to an omission so to act.

(4) The Lieutenant Governor in Council 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.

(5) Subject to this Act, a reference in this Act to any permission is to be treated as referring to such a permission in writing.

**3 Section 2 is repealed.**

**4 Section 3 is amended by striking out** “to this Act”.

**5 Section 4 is amended**

**(a) in subsection (1) by striking out** “The Lieutenant Governor in Council, in order to preserve public lands for ecological purposes, may by regulation” **and substituting** “Subject to section 4.2, the Lieutenant Governor in Council, in order to preserve public land for ecological purposes, may”;

**(b) by repealing subsections (2) and (3) and substituting the following:**

(2) Subject to this statute, land that was an ecological reserve immediately before the commencement of section 5(a) of the

*Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Amendment Act, 2006* continues to be an ecological reserve after that commencement.

**6 The following is added after section 4:**

**Natural areas**

**4.01(1)** The Lieutenant Governor in Council, in order

- (a) to protect sensitive or scenic public land or natural features on public land from disturbance, and
- (b) to maintain that land or those features in a natural state for use by the public for conservation, nature appreciation, low intensity outdoor recreation or education, or for any combination of those purposes,

may designate any area of public land as a natural area.

**(2)** Subject to this statute, land that was a natural area immediately before the commencement of section 20 of the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Amendment Act, 2006* continues to be a natural area after that commencement.

**7 Section 4.1 is amended by striking out “The” and substituting “Subject to section 4.2, the”.**

**8 The following is added after section 4.1:**

**Public notice for ecological reserves and heritage rangelands**

**4.2(1)** The Lieutenant Governor in Council shall not designate any land as an ecological reserve or heritage rangeland or remove any land from such a designation or alter the boundaries of an ecological reserve or heritage rangeland (which designation, removal or alteration is in this section referred to as the “proposed action”) unless public notice of the proposed action has been given.

**(2)** A public notice under subsection (1) must

- (a) state the name of the ecological reserve or heritage rangeland and the general location of the land affected by the proposed action,
- (b) state where and how to obtain the legal description of the land and any additional information relating to the proposed action,
- (c) state whether the proposed action involves the designation, removal of land from the designation or alteration of the boundaries of an ecological reserve or heritage rangeland,
- (d) state the proposed effective date of the proposed action,
- (e) if a public meeting on the proposed action is to be held, give the place, date and time of that meeting,
- (f) give the name and address of a person to whom representations about the proposed action may be made, and
- (g) be published at least 60 days before the proposed effective date of the proposed action in
  - (i) The Alberta Gazette,
  - (ii) at least one issue of a daily newspaper or daily newspapers that have a circulation covering Calgary and Edmonton, and
  - (iii) at least one issue of another newspaper that has a regular circulation in the vicinity of the land affected by the proposed action.

**9 Section 5 is repealed and the following is substituted:**

**Programs and measures**

**5** The Minister may carry out or allow the carrying out by other persons of programs or measures, with respect to a wilderness area, ecological reserve, heritage rangeland or natural area,

- (a) for the management and preservation of its animal and plant life and environment,
- (b) for environmental research and reclamation,
- (c) for the furtherance of public education and interpretation in respect of it, and
- (d) generally, for its preservation and protection.

**10 Section 6 is amended**

**(a) in subsection (1)**

- (i) **by adding “, (2.1)” after “(2)”;**
- (ii) **by striking out “or pursuant to”;**
- (iii) **in clauses (a) and (b) by striking out “and the regulations under that Act”;**
- (iv) **in clause (c) by striking out “as defined in” and substituting “within the meaning of”;**
- (v) **in clause (d) by striking out “or regulation”;**
- (vi) **in clause (e) by striking out “as defined in” and substituting “within the meaning of”;**

**(b) in subsection (2)**

- (i) **by striking out “of Energy” and substituting “responsible for the *Mines and Minerals Act*”;**
- (ii) **by adding “made under the *Mines and Minerals Act*” after “disposition”;**

**(c) by adding the following after subsection (2):**

**(2.1)** Subsection (1) does not apply with respect to an interest in privately owned minerals in an ecological reserve.

**(d) in subsection (3)**

- (i) **by striking out “permit” and substituting “allow”;**

- (ii) **in clause (a) by striking out** “and the regulations under those Acts”;
- (iii) **in clauses (b), (c) and (e) by striking out** “and the regulations under that Act”.

**11 Section 7 is amended**

- (a) **in subsection (1)(a) and (b) by striking out** “permit” **and substituting** “allow”;
- (b) **by repealing subsection (2) and substituting the following:**
  - (2) Notwithstanding any other law, a Minister of the Crown or a Provincial agency within the meaning of the *Financial Administration Act*, or any other person purportedly authorized by an Act to do so, shall not give any permission that would in the absence of this subsection empower the person to whom it is given to expropriate or acquire any estate or interest in land in a wilderness area or ecological reserve.
- (c) **in subsection (3) by striking out** “government agency” **and substituting** “Provincial agency within the meaning of the *Financial Administration Act*”.

**12 The following is added after section 7:**

**Dispositions in natural areas**

**7.1** The Crown shall not grant or allow the grant of a disposition in respect of any land in a natural area except

- (a) a disposition that allows access to privately owned land or minerals in or surrounded by a natural area, or
- (b) a disposition under and within the meaning of the *Public Lands Act* or the *Forests Act*, where the activity to be allowed by the disposition is not prescribed to be prohibited,

and in any case without the Minister’s permission.

### **Dispositions in heritage rangelands**

**7.2(1)** Subject to this section, where, at the time when land is designated as or becomes part of a heritage rangeland, a person holds, in respect of that land or any portion of it,

- (a) a disposition under and within the meaning of the *Public Lands Act*,
- (b) a disposition under the *Special Areas Act*,
- (c) a timber disposition under and within the meaning of the *Forests Act*, or
- (d) a disposition under any Act not referred to in clause (a), (b) or (c),

the Minister responsible for that Act shall ensure, as far as practicable, that that instrument is withdrawn, cancelled or otherwise terminated as soon as possible.

**(2)** Subsection (1) does not apply with respect to

- (a) any disposition providing livestock grazing rights,
- (b) a minerals disposition under the *Mines and Minerals Act*,
- (c) a disposition of an interest in privately owned minerals,  
or
- (d) a surface disposition that gives access to land covered by a disposition referred to in clause (a), (b) or (c).

**(3)** The Minister may, when land is designated as or becomes part of a heritage rangeland, give permission for

- (a) dispositions under and within the meaning of the *Public Lands Act*,
- (b) dispositions under the *Special Areas Act*, and
- (c) dispositions in the form of permits to graze livestock under the *Forest Reserves Act*,

that are then subsisting and that relate to the affected land to continue until their expiry or to be renewed, or both.



(4) Subject to subsection (3), the Crown shall not grant or allow the grant of a disposition in respect of any land in a heritage rangeland other than

- (a) a disposition providing livestock grazing rights or a disposition to provide access to land held under such a grazing disposition or that is otherwise related to such a grazing disposition, under the *Public Lands Act*, the *Special Areas Act* or the *Forest Reserves Act*,
- (b) a disposition for the working, extraction or removal of subsurface minerals from land that is in or is surrounded by a heritage rangeland, if the right to access the subsurface minerals existed at the time when the land became part of the heritage rangeland,
- (c) a disposition that allows access to privately owned land or minerals that are in or surrounded by a heritage rangeland, or
- (d) a disposition or permission to enable the maintenance of range or forest health

and in any case without the Minister's permission.

### **13 Section 8 is amended**

#### **(a) in subsection (1)**

- (i) by repealing clause (d);**
- (ii) in clause (e) by adding “, natural area” after “reserve”;**
- (iii) in clause (f) by striking out “unless authorized by” and substituting “without the permission of”;**
- (iv) in clause (g) by striking out “or pack animal or any motorized” and substituting “, pack animal, cycle or any motor”;**

#### **(v) by adding the following after clause (g):**

(g.1) take into or use in an ecological reserve

- (i) a motor boat or off-highway vehicle,

- (ii) a motor vehicle designed primarily for travel on highways other than on a road (excluding, however, its right of way or undeveloped road allowance),
- (iii) a cycle except on a road or prescribed route, or
- (iv) without the Minister's permission or except as prescribed, a horse or pack animal.

**(vi) in clause (h)**

**(A) by striking out "or substance" and substituting  
", substance or organism";**

**(B) by striking out "in the wilderness area or ecological  
reserve";**

**(vii) by repealing clause (i) and substituting the following:**

- (i) camp overnight in an ecological reserve,

**(viii) in clause (j) by adding "a wilderness area or" after  
"in";**

**(ix) by repealing clause (k) and substituting the  
following:**

- (k) except to the extent allowed by a disposition in a heritage rangeland or without the Minister's permission,
  - (i) construct, reconstruct, maintain or add to an improvement on, or
  - (ii) do anything that will or might alter or disturb the surface of,

any land in a wilderness area, ecological reserve or heritage rangeland.

**(b) by repealing subsection (2).**

**14 Section 8.1 is amended**

- (a) by repealing subsection (1);
- (b) in subsection (3)(b) by striking out “motorized” and substituting “motor”;
- (c) by repealing subsections (4) and (5).

**15 The following is added after section 8.1:**

**Aircraft**

**8.2** A person shall not land or bring about take-off of an aircraft

- (a) in a wilderness area or an ecological reserve, or
- (b) in a natural area or a heritage rangeland without the Minister’s permission.

**Roads, rights of way and undeveloped allowances**

**8.3** If a road, including the road’s right of way or undeveloped road allowance, passes through but does not form part of an ecological reserve, natural area or heritage rangeland and is bordered, either continuously or discontinuously, on both sides by land that forms part of an ecological reserve, natural area or heritage rangeland, sections 8 and 8.1 nevertheless apply to that road, including that right of way or allowance.

**16(1) Section 9(1) and (2) are amended by striking out “and 8.1” and substituting “, 8.1, 8.2 and 8.3”.**

**(2) Section 9(2)(a)(ii) and (iii) are amended by striking out “authorized” and substituting “allowed by a permission given”.**

**17 Section 10 is repealed and the following is substituted:**

**Destruction, damage and pollution to land, etc.**

**10(1)** A person shall not destroy, damage or pollute any land, water, plant life or animal life in a wilderness area, ecological reserve, natural area or heritage rangeland.

(2) Subsection (1) does not apply to a person who is destroying or damaging plant life or animal life

- (a) in the course of removing it
  - (i) under a permission given under section 8(1)(f), or
  - (ii) from a natural area under a prescribed permission or in circumstances prescribed as requiring no permission,
- (b) while carrying out an activity allowed by the Minister under section 8(1)(k),
- (c) in the course of carrying out any activity allowed by a disposition or permission in a natural area or heritage rangeland, or
- (d) while carrying on in a natural area or heritage rangeland an activity that is specifically allowed by or under the *Wildlife Act* or the *Fisheries (Alberta) Act* and that is not in contravention of any other provision of this Act.

**18 The following is added after section 10:**

**Contravention of dispositions, permissions and orders**

**10.1** A person shall not contravene any term or condition

- (a) of a disposition or permission given, or
- (b) of an order made

pursuant to this Act.

**False or misleading information**

**10.2** A person shall not wilfully give false or misleading information to any person acting in the exercise or execution of that person's powers or duties relating to this Act.

**19 Section 11(3) and (4) are repealed.**

**20 Sections 12, 13 and 14 are repealed and the following is substituted:**

**Regulations**

**12(1)** The Lieutenant Governor in Council may make regulations

- (a) respecting the management, operation, use and protection of wilderness areas, ecological reserves, natural areas and heritage rangelands and the administration of this Act;
- (b) respecting dispositions in natural areas;
- (c) prescribing any matter or thing that by this statute may or is to be prescribed.

**(2)** Regulations under subsection (1) may be general or particular and may apply in respect of all wilderness areas, ecological reserves, natural areas and heritage rangelands or in respect of any of them in general, to particular wilderness areas, ecological reserves, natural areas or heritage rangelands or categories of them or to particular portions of identified wilderness areas, ecological reserves, natural areas or heritage rangelands or categories of them.

**(3)** The *Regulations Act* does not apply to an order made under sections 8.1(2) or 11.

### **Penalties**

**13(1)** A person who contravenes a provision of this Act is guilty of an offence and liable

- (a) in the case of a natural person, to a fine of not more than \$100 000 or to imprisonment for a term of not more than 12 months, or to both the fine and imprisonment, and
- (b) in the case of a corporation, to a fine of not more than \$500 000.

**(2)** 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 subsection (1) for each calendar day after the first one on which the offence is held to have continued.

**(3)** A person is not liable to any additional term of imprisonment solely as a result of the application of subsection (2) or to any term of imprisonment as a result of the application of section 14.1.

### **Limitation of time for prosecution**

**14** A prosecution for an offence may not be commenced later than 2 years after

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

whichever is the later.

### **Vicarious liability**

**14.1(1)** In this section,

- (a) “owner” means the person who is the registered owner of the vehicle under the applicable registration system;
- (b) “registration system” means any official system that is maintained for registering a motor vehicle, cycle, aircraft, boat or trailer;

(c) “vehicle” means a motor vehicle, cycle, aircraft, boat or trailer that is subject to a registration system.

(2) Where a vehicle is involved in any act or situation (in this section referred to as the “activity”) on the part of an individual that either constitutes an offence or would, in the opinion of the court trying the case, have constituted an offence if that individual had been prosecuted for the activity, the owner is guilty of an offence.

(3) Subsection (2) does not apply if the owner establishes to the satisfaction of the court, on the balance of probabilities, that the activity was not actually performed by the owner or by any other person who had the owner’s expressed or implied consent to have the use of the vehicle at the time of the activity.

(4) Any one person may not be charged both as the owner and as the individual personally involved in the activity.

**Additional fine representing value of financial benefits**

**14.2** Where a person is convicted of an offence and the court trying the case is satisfied that as a result of the act constituting the offence financial benefits accrued directly or indirectly to the person, the court may order the person to pay an additional fine in an amount that does not exceed the amount that the court finds to be the value of those benefits.

**Additional powers of court to make directions**

**14.3(1)** Where a person is convicted of an offence, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order against the person containing any one or more of the following directions, which may contain any substance or conditions that the court considers appropriate:

- (a) to refrain from doing anything that may result in the continuation or a repetition of the offence;
- (b) to take action to remedy any harm that resulted, or to avoid any harm or prevent any further harm that may result, from the act that constituted the offence;
- (c) to pay money as compensation for the whole or part of the cost of any remedial or preventive action taken by or

on behalf of the Minister (whether the action was one directed under clause (b) or not) in respect of that act;

- (d) to compensate the Crown for any damage to land or other property;
- (e) to post a bond or pay money into court for the purpose of ensuring compliance with any direction under this section;
- (f) to comply with any other conditions that the court considers appropriate for securing the person's good conduct and for preventing the person from repeating or continuing the offence or committing other offences.

(2) Where the court makes an order under subsection (1) directing a person to pay money, the amount due and any interest payable by law on it constitute a debt due to the Crown and may be recovered as such.

#### **Variation of order**

**14.4(1)** A court that has made an order under section 14.3(1) may, on application to the court by the Crown or by the person to whom the order is directed, require the person to appear before it and, after hearing the person and the Minister of Justice and Attorney General, may vary the order in any of the following ways that the court considers appropriate having regard to a change in the person's circumstances since the order was made:

- (a) by changing any direction contained in it;
- (b) by relieving the person, either absolutely or partially or for any period that the court considers appropriate, from compliance with any such direction;
- (c) by extending or decreasing the period during which the order is to remain in force.

(2) Where an application has been heard by the court under subsection (1), no other application may be made in respect of the same order except with the leave of the court.



**Contravention following conviction and order**

**14.5** Where a person is convicted of an offence, is made subject to an order under section 14.3(1) and subsequently contravenes that order, that person is guilty of an offence against this section and is liable, with respect to that offence, to an additional penalty not exceeding the maximum penalty to which the person was liable for the original offence.

**Compensation in civil case**

**14.6** The Crown may, in an action in debt against a person convicted of an offence or an offence committed in a wilderness area, ecological reserve, natural area or heritage rangeland against any other Act, recover any costs incurred by the Crown in carrying out remedial or preventive action relating to the act respecting which the person was convicted.

**21 Section 15 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**Enforcement**

**15(1)** Conservation officers, without limiting their other powers, 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, investigation, 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.

- (b) in subsection (2)**

**(i) by striking out** “and 8.1 do not apply to a peace” **and substituting** “, 8.1, 8.2 and 8.3 do not apply to a conservation”;

**(ii) by striking out** “section” **and substituting** “Act”;

- (c) by repealing subsection (3).**

**22 Section 16 is repealed.**

**23 The Schedule is amended in the heading “Siffleur Wilderness Areas” by striking out “Areas” and substituting “Area”.**

**24 Section 8 of the *Metric Conversion Amendment Act* (RSA 2000, c18(Supp)) is amended by striking out “and Natural Areas” and substituting “, *Natural Areas and Heritage Rangelands*”.**

**25 The *Black Creek Heritage Rangeland Trails Act* is amended**

**(a) in section 1(a) by striking out “motorized vehicle” and substituting “motor vehicle within the meaning of the *Traffic Safety Act*”;**

**(b) in section 7**

**(i) by repealing subsection (1) and substituting the following:**

**Conservation officers**

**7(1)** In this section, “conservation officer” means an individual who is a conservation officer by virtue of Schedule 3.1 to the *Government Organization Act*.

**(ii) in subsection (2) by striking out “Peace” and substituting “Conservation”;**

**(iii) in subsection (3) by striking out “peace” and substituting “conservation”;**

**(c) in section 10 by striking out “section 1” and substituting “section 1(1)”.**

**Explanatory Notes**

**1** Amends chapter W-9 of the Revised Statutes of Alberta 2000.

**2** Section 1 presently reads:

*1 In this Act,*

- (a) *“Advisory Committee” means the Advisory Committee on Wilderness Areas and Ecological Reserves;*
- (b) *“controlled buffer zone” means an area of land designated as a controlled buffer zone by the regulations;*
- (c) *“ecological reserve” means land designated as an ecological reserve under section 4;*
- (d) *“government agency” means*
  - (i) *a corporation that is an agent of the Crown in right of Alberta, or*
  - (ii) *a corporation, commission, board or other body empowered to perform quasi-judicial or governmental functions and whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council, or a Minister of the Crown, or any combination of those methods of appointment;*
- (d.1) *“heritage rangeland” means land designated as a heritage rangeland under section 4.1;*
- (e) *“Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*
- (f) *“natural area” means land designated as a natural area under section 13;*
- (f.1) *“off-highway vehicle” means an off-highway vehicle within the meaning of section 117 of the Traffic Safety Act;*

*(Clause (f.1) comes into force on Proclamation.)*

- (g) *“public land” means land of the Crown in right of Alberta;*
- (h) *“wilderness area” means an area of land specified in the Schedule as a wilderness area.*

**3** Section 2 presently reads:

*2(1) The Lieutenant Governor in Council shall establish a committee called the “Advisory Committee on Wilderness Areas and Ecological Reserves” consisting of 12 members and shall designate one of the members as chair.*

*(2) The Lieutenant Governor in Council may prescribe the term of office of any member of the Committee and the term of office of the chair.*

*(3) The Minister shall designate a member of the Advisory Committee as the secretary to the Committee.*

*(4) The Advisory Committee shall consist of*

*(a) 6 employees of the Government, and*

*(b) 6 persons who are not employees of the Government and not members or employees of an agency of the Government.*

*(5) The Lieutenant Governor in Council may authorize, fix and provide for the payment of remuneration and expenses to any of the members of the Advisory Committee who are not employees of the Government or of a government agency.*

*(6) The Advisory Committee shall meet at the call of the chair, or at the direction of the Minister.*

*(7) The Advisory Committee shall receive and consider requests from the public regarding wilderness areas and ecological reserves and may make recommendations to the Minister regarding*

- (a) *the establishment of new wilderness areas or ecological reserves;*
- (b) *the addition of land to wilderness areas or ecological reserves;*
- (c) *the withdrawal of land from wilderness areas or ecological reserves;*
- (d) *the making of regulations for the administration, management, operation and utilization of wilderness areas, ecological reserves and controlled buffer zones.*

*(8) The Minister shall refer any recommendations made by the Advisory Committee under subsection (7) to the Executive Council for its consideration.*

*(9) A copy of any recommendation made by the Advisory Committee under subsection (7) shall be laid before the Legislative Assembly by the Minister if it is in session and if not, within 15 days after the commencement of the next session.*

**4** Section 3 presently reads:

*3 The areas of land described in the Schedule to this Act are established as wilderness areas.*

**5** Section 4 presently reads:

*4(1) The Lieutenant Governor in Council, in order to preserve public lands for ecological purposes, may by regulation designate as an ecological reserve any area of public land that, in the opinion of the Lieutenant Governor in Council,*

- (a) *is suitable for scientific research associated with the studies of natural ecosystems,*
- (b) *is a representative example of a natural ecosystem in Alberta,*

- (c) *serves as an example of an ecosystem that has been modified by humans and that offers an opportunity to study the recovery of the ecosystem from that modification,*
- (d) *contains rare or endangered native plants or animals that should be preserved, or*
- (e) *contains unique or rare examples of natural biological or physical features.*

*(2) No ecological reserve shall be established or disestablished, and the area constituting an ecological reserve shall not be altered, unless public notice of the proposed establishment, disestablishment or alteration is given.*

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

- (a) *state whether the proposed action under this section involves the establishment, disestablishment or alteration of an ecological reserve,*
- (b) *state the effective date of the proposed action,*
- (c) *give the legal description of the public land affected by the proposed action,*
- (d) *if a public hearing is to be held, give the date of the public hearing,*
- (e) *give the name and address of the person to whom representations may be made, and*
- (f) *be published at least 60 days prior to the effective date of the proposed action in*
  - (i) *The Alberta Gazette,*
  - (ii) *at least one issue of a daily newspaper in Calgary, Edmonton, Lethbridge and Red Deer, and*
  - (iii) *at least one issue of a daily or other periodical newspaper, if any, that has a*

*regular circulation in the immediate vicinity of the public land affected by the proposed action.*

**6** Designation and continuation of natural areas.

**7** Section 4.1 presently reads:

*4.1 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.*

**8** Public notice for ecological reserves and heritage rangelands.

**9** Section 5 presently reads:

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

- (a) for the management and preservation of the animal and plant life and the environment of the wilderness area, ecological reserve or heritage rangeland,*
- (b) for environmental research that does not involve any physical disturbance of the wilderness area, ecological reserve or heritage rangeland,*
- (c) for the furtherance of public education and interpretation, and*

- (d) *generally, for the preservation and protection of the wilderness area, ecological reserve or heritage rangeland.*

**10** Section 6 presently reads:

*6(1) Subject to subsections (2) and (3), if at the time any public land is established as part of a wilderness area or ecological reserve or is added to a wilderness area or ecological reserve a person other than the Crown holds, in respect of that land, an interest under or pursuant to*

- (a) *a disposition granted under the Public Lands Act and the regulations under that Act,*
- (b) *a lease, permit, easement or other disposition under the Special Areas Act and the regulations under that Act,*
- (c) *a timber disposition as defined in the Forests Act,*
- (d) *a surface disposition granted under any other Act or regulation, or*
- (e) *a disposition as defined in the Mines and Minerals Act,*

*the Minister of the Crown who is charged with the administration of the relevant Act referred to in clauses (a) to (e) shall ensure as far as practicable that the interest is withdrawn, cancelled or otherwise terminated as soon as possible.*

*(2) Subsection (1) does not apply so as to require the Minister of Energy to withdraw, cancel or otherwise terminate an interest under a petroleum or natural gas disposition in an ecological reserve.*

*(3) The Minister may, when an ecological reserve is established or added to, permit interests under*

- (a) *dispositions granted under the Public Lands Act or the Special Areas Act and the*



*regulations under those Acts in connection with a petroleum or natural gas disposition made under the Mines and Minerals Act,*

- (b) other dispositions granted under the Public Lands Act and the regulations under that Act,*
- (c) leases, permits, easements and other dispositions under the Special Areas Act and the regulations under that Act,*
- (d) timber licences and timber permits under the Forests Act, and*
- (e) permits to graze livestock granted under the Forest Reserves Act and the regulations under that Act*

*that exist on or relate to the ecological reserve or the land added to the ecological reserve at the time the ecological reserve is established or added to, as the case may be, to continue until their expiry and to be renewed, but no interest referred to in clauses (a) to (e) may be continued or renewed unless the Minister consents in writing to the continuation or renewal.*

**11** Section 7 presently reads:

*7(1) Subject to section 6, the Crown*

- (a) shall not, on land that has been established as a wilderness area, dispose or permit the disposition on its behalf of any of the interests referred to in section 6(1), and*
- (b) shall not, on land that has been established as an ecological reserve, dispose or permit the disposition on its behalf of any of the interests referred to in section 6(1)(a) to (d).*

*(2) No Minister of the Crown or government agency, or other person authorized by an Act to do so, shall grant any permission, whether termed as approval, consent, permit, licence, certificate, order or otherwise, that would in the absence of this*

*subsection empower the person to whom it is granted to expropriate or acquire any estate or interest in land in a wilderness area or ecological reserve.*

*(3) No Minister of the Crown, government agency or other person on behalf of the Crown shall*

- (a) construct, maintain, repair or operate any public work, road, railway, aircraft landing strip, helicopter base, structure or installation in a wilderness area or ecological reserve, or*
- (b) expend or authorize expenditure of any money for any of those purposes.*

**12** Dispositions in natural areas and heritage rangelands.

**13** Section 8 presently reads:

*8(1) No person shall*

- (a) travel in a wilderness area except on foot,*
- (b) hunt or trap animals in a wilderness area or ecological reserve,*
- (c) fish in a wilderness area or ecological reserve,*
- (d) land an aircraft in a wilderness area or ecological reserve,*
- (e) deposit any litter, garbage or refuse in a wilderness area, ecological reserve or heritage rangeland 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, ecological reserve or heritage  
rangeland,*

- (g) take into or use in a wilderness area a horse  
or pack animal or any motorized vehicle,*
- (h) introduce into, deposit in or add to a  
wilderness area or ecological reserve a  
material or substance that is or may be  
harmful to plant or animal life in the  
wilderness area or ecological reserve,*
- (i) operate a motorized vehicle or motor boat in  
an ecological reserve except on routes or in  
areas designated for that purpose under the  
regulations,*
- (j) light or maintain an open fire in an  
ecological reserve, or*
- (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*  
  
*land within a wilderness area, ecological  
reserve or heritage rangeland.*

*(2) A person who contravenes subsection (1) is  
guilty of an offence.*

**14** Section 8.1 presently reads:

*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).*

*(Section 8.1(3) comes into force on Proclamation.)*

*(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.*

**15** Aircraft and application of sections 8 and 8.1 to roads, rights of way and undeveloped road allowances.

**16** Section 9 presently reads:

*9(1) Sections 7(3), 8 and 8.1 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 wildfires,*

- (ii) *the prevention of damage to natural resources or property, or*
- (iii) *emergencies involving the health or safety of persons.*

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

- (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.*

**17** 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, ecological reserve or heritage rangeland 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, ecological reserve or heritage rangeland 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) or to the carrying out of any activities authorized by a disposition in a heritage rangeland.*

**18** Further offences.

**19** Section 11 presently reads:

*11(1) The Minister may by order close, or prohibit or restrict access to or travel in, a wilderness area, natural area, ecological reserve or heritage rangeland indicated in the order for the period or until the time specified in the order.*

*(2) In the case of restrictions under subsection (1), the Minister shall specify in the order what the restrictions are.*

*(3) A person who contravenes an order made under this section is guilty of an offence.*

*(4) The Regulations Act does not apply to an order made under this section.*

**20** Sections 12, 13 and 14 presently read:

*12(1) The Lieutenant Governor in Council may, by regulation, designate any area of public land adjoining a wilderness area or ecological reserve as a controlled buffer zone.*

*(2) On an area of land being designated as a controlled buffer zone,*

*(a) the Surface Rights Board established under the Surface Rights Act shall not make any order under that Act granting right of entry, use or taking of the surface of any land in a*

*controlled buffer zone for the purpose of strip mining or quarrying.*

- (b) the Minister responsible for the Public Lands Act shall not issue or renew a lease under the Public Lands Act that would permit the use of the surface of any land in a controlled buffer zone for the purpose of strip mining or quarrying, and*
- (c) no person shall cause, allow or undertake any strip mining or quarrying in the controlled buffer zone.*

*(3) On an area of land being designated as a controlled buffer zone,*

- (a) no approval, preliminary certificate or licence shall be issued nor registration effected under the Water Act with respect to any activity, diversion of water or operation of a works, and*
- (b) no person shall cause or allow or undertake any activity, diversion of water or operation of a works in the controlled buffer zone.*

*(4) In this section, "licence", "diversion of water", "operation of a works", "approval", "preliminary certificate", "registration" and "activity" have the same meaning that they have in the Water Act.*

*(5) A person who contravenes subsection (2)(c) or (3)(b) is guilty of an offence.*

*13(1) The Lieutenant Governor in Council may, in order to*

- (a) protect sensitive or scenic public land from disturbance, and*
- (b) ensure the availability of public land in a natural state for use by the public for recreation, education or any other purpose,*

*by regulation designate any area of public land as a natural area.*

*(2) Land that has been designated as a natural area under the Public Lands Act, the Provincial Parks Act or a predecessor of either of those Acts is deemed to have been designated under this Act, and the designation is continued under this Act.*

*(3) No disposition as defined in the Public Lands Act or timber disposition as defined in the Forests Act shall be made by or on behalf of the Crown in relation to land in a natural area without the consent of the Minister.*

*14 A person who is guilty of an offence under this Act or the regulations is liable*

*(a) for the first offence, to a fine of not less than \$50 and not more than \$1000 and in default of payment to imprisonment for a term of not more than 60 days,*

*(b) for a 2nd offence, to a fine of not less than \$100 and not more than \$5000 and in default of payment to imprisonment for a term of not more than 120 days, and*

*(c) for a 3rd or subsequent offence*

*(i) in the case of a natural person, to imprisonment for a term of not less than one month and not more than 6 months, or*

*(ii) in the case of a corporation, to a fine of not less than \$10 000 and not more than \$50 000.*

**21** Section 15 presently reads:

*15(1) Every peace officer has the authority, responsibility and duty to enforce this Act.*



(2) Sections 8 and 8.1 do not apply to a peace officer engaged in the execution of duties under this section.

(3) In this section, “peace officer” means

- (a) a member of the Royal Canadian Mounted Police,
- (b) a member of another police service specified in writing by the Minister,
- (c) a conservation officer, appointed under section 1 of Schedule 3.1 to the Government Organization Act,
- (d) a wildlife officer, appointed under section 1.1(1) of the Wildlife Act,
- (e) a forest officer, appointed under section 2 of the Forests Act, or
- (f) another peace officer specified in writing by the Minister.

**22** Section 16 presently reads:

*16(1) The Lieutenant Governor in Council may make regulations respecting the administration, management, operation and utilization of wilderness areas, ecological reserves, natural areas, heritage rangelands 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, heritage rangeland or controlled buffer zone.*

**23** The Schedule presently reads in part:

*Siffleur Wilderness Areas*

**24** Amends the Metric Conversion Amendment Act c18(Supp). Section 8 presently reads in part:

*8 The Wilderness Areas, Ecological Reserves and Natural Areas Act is amended*

**25** Amends the Black Creek Heritage Rangeland Trails Act, SA 2004 cB-2.5 (as yet unproclaimed). Sections 1(a), 7 and 10 presently read:

*1 In this Act,*

*(a) "highway vehicle" means a motorized vehicle designed primarily for travel on highways;*

*7(1) In this section, "peace officer" means an individual who is a peace officer within the meaning of section 15(3) of the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act.*

*(2) Peace officers have the authority, responsibility and duty to enforce this Act and the regulations.*

*(3) Prohibitions or restrictions established by the regulations or signs or notices under this Act do not apply to a peace officer engaged in the execution of powers conferred or duties imposed by this section.*

*10 The Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act is amended in section 1 by adding the following after clause (f):*

*(f.1) "off-highway vehicle" means an off-highway vehicle within the meaning of section 117 of the Traffic Safety Act;*