

2012 Bill 202

First Session, 28th Legislature, 61 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

PUBLIC LANDS (GRASSLANDS
PRESERVATION) AMENDMENT ACT, 2012

DR. BROWN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 202

2012

PUBLIC LANDS (GRASSLANDS PRESERVATION) AMENDMENT ACT, 2012

(Assented to _____, 2012)

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

Amends RSA 2000 cP-40

1 The *Public Lands Act* is amended by this Act.

2 The following is added after section 82:

Part 2.1 Dispositions and Grants of Grasslands

Definitions

82.1 In this Part,

- (a) “grassland” means that area of Alberta identified as grassland in maps maintained by the Minister under section 82.6;
- (b) “public grassland” means grassland owned by the Crown in right of Alberta;
- (c) “wildlife” means
 - (i) vascular plants and grasses, big game, birds, fur-bearing animals, fish, reptiles and amphibians native to the province of Alberta, and

Explanatory Notes

- 1** Amends chapter P-40 of the Revised Statutes of Alberta 2000.
- 2** New Part added concerning dispositions and grants of grassland containing significant wildlife habitat.

- (ii) any other species designated as an endangered or threatened species by the Endangered Species Conservation Committee established under the *Wildlife Act*;
- (d) “wildlife habitat” means an area of the natural environment on which a species of wildlife depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding, and includes places that are used by members of the species as dens, nests, hibernacula or other residences.

Application of Part

82.2 This Part applies to public grassland in that part of the Province lying to the south of Highway No. 16, including grassland in special areas constituted under the *Special Areas Act*, but does not apply to grassland that as of the date this section comes into force

- (a) is all or a part of a parcel that is less than 160 acres in size, or
- (b) is or has been under cultivation.

Wildlife habitat assessment

82.3(1) Before a disposition or grant of public grassland is made, the Minister shall conduct an assessment to determine if the grassland that is the subject of the proposed disposition or grant contains significant wildlife habitat.

(2) An assessment under subsection (1) is not required if within the immediately preceding 5 years an assessment conducted pursuant to subsection (1), or an equivalent assessment that meets the requirements in the regulations, has determined that the grassland does not contain significant wildlife habitat.

Disposition of wildlife habitat grassland

82.4(1) Subject to subsection (2), if an assessment conducted pursuant to section 82.3 determines that the public grassland contains significant wildlife habitat, no disposition or grant of that grassland shall be made.

(2) Subsection (1) does not apply if

- (a) the disposition or grant is subject to terms and conditions that

- (i) limit the permitted uses of the grassland to those specified in the regulations, and
- (ii) require that measures are taken to ensure that adequate protections, as described in the regulations, are in place to preserve wildlife habitat on the grassland,

or

- (b) in the case of a disposition or grant of title in fee simple, as a condition of the disposition or grant, the purchaser causes privately owned grassland to be transferred to the Crown in right of Alberta that contains wildlife habitat comparable to or of greater significance than that on the grassland that is the subject of the disposition or grant.

(3) Nothing in this Part is to be construed as precluding the exploration for and development of oil and gas resources or other subsurface minerals if there is compliance with the provisions of this Part and any other applicable legislation.

Public notice and consultation

82.5(1) At least 90 days prior to the date proposed for a disposition or grant of public grassland under this Part, the Minister shall provide public notice of the proposed disposition or grant in accordance with the regulations, including the findings of an assessment conducted on the grassland pursuant to section 82.3 and the reasons for those findings.

(2) The Minister shall ensure that appropriate public consultation with respect to the disposition or grant has been carried out before the disposition or grant is made.

Maps

82.6 The Minister shall prepare, maintain and make public maps identifying the areas of Alberta classified as grassland for the purposes of this Part.

Regulations

82.7 The Lieutenant Governor in Council may make regulations

- (a) establishing criteria for determining whether wildlife habitat is significant wildlife habitat;

- (b) respecting the manner in which an assessment under section 82.3(1) must be conducted;
- (c) designating the types of assessments that constitute equivalent assessments for the purposes of section 82.3(2);
- (d) specifying permitted uses of grassland for the purposes of section 82.4(2)(a)(i);
- (e) respecting what constitutes adequate protections for the purposes of section 82.4(2)(a)(ii);
- (f) specifying the criteria that privately owned grassland must meet prior to a transfer being made pursuant to section 82.4(2)(b);
- (g) respecting the requirement for public notice and consultation under section 82.5.

3 This Act comes into force on Proclamation.

3 Coming into force.

Record of Debate

[illegible]