

2021 Bill 79

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 79

TRAILS ACT

THE MINISTER OF ENVIRONMENT AND PARKS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 79

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2021

TRAILS ACT

(Assented to , 2021)

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

Interpretation

1(1) In this Act,

- (a) “associated structures”, in respect of a designated trail or designated trail area, means any improvement of a

long-term or permanent nature, including but not limited to parking space, launching ramps, trail treads, trail shelters, bridges, litter shelters, corrals, signs or notices and outhouses;

- (b) “designated trail” means a trail designated under section 4(1)(a) or (b);
- (c) “designated trail area” means a trail area designated under section 4(1)(c);
- (d) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (e) “municipality” means a municipality as defined in the *Municipal Government Act*;
- (f) “trail agreement” means an agreement made under section 7;
- (g) “trail management plan” means a plan established under section 5;
- (h) “trail manager” means a person appointed under section 6.

(2) Unless otherwise provided in this Act or the regulations made under this Act, or unless the context otherwise requires, words and phrases used in this Act or the regulations have, as the case may be, the same meaning as provided in the *Public Lands Act* and the *Public Lands Administration Regulation* (AR 187/2011).

Purposes of Act

2 The purposes of this Act are

- (a) to recognize designated trails as a key component of sustainable outdoor recreation that contribute to positive environmental, economic and social outcomes and individual well-being,
- (b) to establish a trail management planning process with consideration of the many land uses and values on the landscape,
- (c) to provide for the establishment and management of designated trails to support desirable user experiences,

conservation of landscapes and protection of the environment, in concert with other enactments,

- (d) to recognize the cultural and historical significance of trails, and
- (e) to enable collaborative partner participation in trail management and encourage shared stewardship by all users of public land.

Application

3 This Act applies to public lands administered under the *Public Lands Act*.

Designated trails and designated trail areas

4(1) The Minister may, by order,

- (a) designate an area of public land and associated structures as a designated trail,
- (b) designate a provincial trail as a designated trail,
- (c) designate an area of public land and associated structures containing a network of designated trails as a designated trail area,
- (d) increase or decrease the area of a designated trail or designated trail area, and
- (e) if applicable, declare a designated trail or designated trail area to be included in a prescribed class or subclass, as the case may be.

(2) All designated trails and designated trail areas are resources of the Crown.

(3) The *Regulations Act* does not apply to an order made under subsection (1).

(4) The Minister shall ensure that an order made under subsection (1) is published and available, which may include publication on the Minister's website.

Trail management plan

5(1) Subject to the regulations, the Minister may establish trail management plans for designated trails and designated trail areas.

(2) All designated trails and designated trail areas are subject to an applicable trail management plan established under subsection (1).

(3) If there is a conflict or inconsistency between a trail management plan and any applicable ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or inconsistency.

Trail manager

6(1) Subject to the regulations, the Minister may appoint any person, including a municipality, as a trail manager.

(2) The trail manager may post prescribed signs or notices on a designated trail or designated trail area for the purpose of implementing the applicable trail management plan.

(3) The signs or notices posted under subsection (2) must conform to the applicable trail management plan.

Trail agreement

7 Subject to the regulations, the Minister may enter into a trail agreement with any person, including a municipality, for the purpose of the operation, management, construction, development or maintenance of a designated trail or designated trail area.

Paramountcy

8 If there is a conflict or inconsistency between this Act and the *Public Lands Act*, the *Public Lands Act* prevails to the extent of the conflict or inconsistency.

Regulations

9 The Lieutenant Governor in Council may make regulations

- (a) defining a word or expression used but not defined in this Act;

- (b) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purposes of this Act.

Deficiency regulations

10(1) The Lieutenant Governor in Council may make regulations

- (a) modifying the provisions of the *Public Lands Administration Regulation* (AR 187/2011) to make those provisions applicable in respect of a designated trail or designated trail area or any other matter under this Act in addition to, or instead of, any provision of the *Public Lands Administration Regulation* (AR 187/2011);
- (b) remedying any confusion in the application of or any difficulty or impossibility in applying any provisions of this Act.

(2) A regulation made under subsection (1) is repealed 5 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.

(3) The repeal of a regulation under subsection (2) does not affect anything done or incurred under the authority of the regulation before the repeal of the regulation.

(4) A regulation made under subsection (1) that is in force on or after the repeal of this section remains in force until it is repealed in accordance with subsection (2).

(5) A regulation may not be made under subsection (1) extending the 5-year period set out in subsection (2).

(6) This section is repealed 5 years after this section comes into force, but the repeal does not affect anything done or incurred under the authority of a regulation made under subsection (1) before the repeal of this section.

Ministerial regulations

11 The Minister may make regulations

- (a) respecting the establishment, operation and enforcement of trail management plans;

- (b) respecting the eligibility of a person to be appointed as a trail manager, including the duties and responsibilities of a trail manager;
- (c) respecting signs or notices to be posted under section 6;
- (d) respecting rules and procedures for making and enforcing a trail agreement, including the terms and conditions of a trail agreement;
- (e) respecting rules for sustainable management, operation, maintenance and protection of designated trails and designated trail areas;
- (f) prescribing classes and subclasses of designated trails and designated trail areas.

Amends RSA 2000 cP-40

12(1) The *Public Lands Act* is amended by this section.

(2) The following is added before section 71.1:

Provincial trail

71.01(1) The Minister may, by order, designate any area of public land to be a provincial trail.

(2) A provincial trail designated under subsection (1) is subject to the applicable trail management plan established under the *Trails Act*.

(3) The *Regulations Act* does not apply to an order made under subsection (1).

(4) The Minister shall ensure that an order made under subsection (1) is published and available, which may include publication on the Minister's website.

(3) Section 71.1 is amended

- (a) in subsection (1)(c) by striking out "or public land recreation trail";
- (b) in subsection (3) by striking out "public land recreation trail" and substituting "provincial trail".

Explanatory Notes

12(1) Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Provincial trail.

(3) Section 71.1 presently reads in part:

71.1(1) The Lieutenant Governor in Council may make regulations

(c) declaring any area of land to be a public land recreation area or public land recreation trail.

(4) The following is added after section 71.1:

Order by Minister

71.11(1) Notwithstanding any regulations made under section 9(a.1), the Minister may, by order,

- (a) prohibit or restrict entry to all or any part of a provincial trail,
- (b) prohibit or restrict any use or activity in all or any part of a provincial trail, or
- (c) specify rules that apply to the entry to, use of or activities in all or any part of a provincial trail.

(2) The Minister may exempt any person or conveyance from the application of subsection (1)(a), (b) or (c), as the case may be.

(3) The *Regulations Act* does not apply to an order made under subsection (1).

(4) The Minister shall ensure that an order made under subsection (1) is published and available, which may include publication on the Minister's website.

(5) Section 71.2(a) and (b) are amended by striking out "or public land recreation trail".

(6) Section 71.3 is amended by striking out "public land recreation trail" wherever it occurs and substituting "provincial trail".

(3) In any enactment made before or after the coming into force of this Part, references to a forest land use zone, forest recreation area and forest recreation trail are deemed to be references to a public land use zone, public land recreation area and public land recreation trail, respectively.

(4) Order by Minister.

(5) Section 71.2 presently reads:

71.2 Notwithstanding any regulations made under section 9(a.1), the director may by order

- (a) prohibit or restrict entry to all or any part of a public land recreation area or public land recreation trail, or*
- (b) prohibit any use or activity in all or any part of a public land recreation area or public land recreation trail.*

(6) Section 71.3 presently reads:

(7) Section 71.4(1) is amended

(a) in clause (b) by striking out “public land recreation area or public land recreation trail” **and substituting** “public land use zone, public land recreation area or provincial trail”;

(b) by striking out “or” at the end of clause (b);

(c) in clause (c) by striking out “public land recreation trail” **and substituting** “provincial trail”;

(d) by adding the following after clause (c):

(d) the operation of the conveyance is contrary to section 54(1)(e), or

(e) the conveyance is being operated in an area of public land

(i) that is cordoned off or secured, or

(ii) where operation of the conveyance is prohibited and no exemption applies

under this Act or the regulations.

Coming into force

13(1) This Act, except section 5, comes into force on Proclamation.

(2) Section 5 has effect on May 1, 2022.

71.3 In addition to exercising other powers under this Act and the regulations, an officer may order a person in a public land recreation area or on a public land recreation trail to refrain from doing anything that, in the opinion of the officer, may result in loss or damage or is detrimental to the management or use of the public land recreation area or public land recreation trail.

(7) Section 71.4(1) presently reads:

71.4(1) In addition to exercising other powers under this Act and the regulations, an officer may impound a conveyance or other property and take it to a place designated by the director if the officer believes on reasonable grounds that

- (a) the operation of the conveyance or other property has caused, is causing or might cause loss or damage on public land,*
- (b) the operation of the conveyance or other property has interfered with, is interfering with or might interfere with the management or use of a public land recreation area or public land recreation trail, or*
- (c) the conveyance or other property was left unattended without the written permission of an officer for a period of more than 24 hours in a part of a public land recreation area or public land recreation trail not specifically designated for that purpose.*

13 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
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