

Bill No. 115 of 1941.

A BILL TO RATIFY CERTAIN AGREEMENTS BETWEEN THE GOVERNMENT OF THE DOMINION OF CANADA AND THE GOVERNMENT OF THE PROVINCE OF ALBERTA

NOTE.

This Bill is to ratify two agreements which have just been concluded between the Province and the Dominion with respect to the amendment of The Natural Resources Transfer Agreement.

The agreement in Schedule A is one which authorizes the construction of certain works in the Banff National Park chiefly the raising of the water level in Lake Minnewanka by the diversion of the waters of the Cascade River and the Ghost River. This project is for the purpose of enabling the Calgary Power Company to obtain extra power to supply war industries for the Calgary area.

The agreement in Schedule B amends section 2 of The Natural Resources Transfer Agreement and permits the Province to exercise a larger measure of control over petroleum and natural gas leases in the interest of orderly development and conservation.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 115 of 1941.

An Act to Ratify Certain Agreements between the Government of the Dominion of Canada and the Government of the Province of Alberta.

(Assented to _____, 1941.)

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

1. An Agreement dated the twenty-eighth day of March, 1941, and made between the Government of the Dominion of Canada represented therein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, of the first part, and the Government of the Province of Alberta, represented therein by the Honourable Duncan Bruce MacMillan, Minister of Agriculture and in charge of Water Resources and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the second part, and set forth in Schedule A to this Act, is hereby approved, ratified and confirmed.

2. An Agreement dated the twenty-eighth day of March, 1941, and made between the Government of the Dominion of Canada represented therein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources of the first part, and the Government of the Province of Alberta, represented therein by the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the second part, and set forth in Schedule B to this Act, is hereby approved, ratified and confirmed.

3. This Act shall come into force on the day upon which it is assented to.

SCHEDULE A.

Memorandum of Agreement made this twenty-eighth day of March, A.D. 1941:

Between:

The Government of the Dominion of Canada,
represented herein by the Honourable Thomas
Alexander Crerar, Minister of Mines and
Resources,

of the First Part,

and

The Government of the Province of Alberta,
represented herein by the Honourable Duncan
Bruce MacMillan, Minister of Agriculture and
in charge of Water Resources, and the Hon-
ourable Nathan Eldon Tanner, Minister of
Lands and Mines,

of the Second Part.

Whereas the Agreement entered into between the parties hereto on the 14th day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "*The British North America Act, 1930*" being chapter twenty-six of the Imperial Statutes, 20-21 George V;

And whereas by section 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent Statutes of the Parliament of Canada and the Legislature of the Province;

And whereas the said Natural Resources Transfer Agreement provides that the National Parks listed in the Schedule thereto were to continue to be vested in and administered as such by the Dominion of Canada;

And whereas the *National Parks Act*, being chapter 33 of the Statutes of 1930 provided that parks were dedicated to the people of Canada for their benefit, education and enjoyment and that they should be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations, and no exploitation of the lands therein for commercial purposes was contemplated;

And whereas it has been agreed that to meet requirements arising out of the war, authority should be granted the Calgary Power Company, Limited, to proceed with the works necessary to increase the storage of water in Lake Minnewanka in Banff National Park and the construction of an electric power plant at Anthracite, also in the said park, with necessary transmission lines for conveying the electric power so developed for use in the park and in areas outside the park;

And whereas the Governor General in Council by order P.C. No. 7382 of the 13th December, 1940, has signified his approval of the development;

Now therefore this agreement witnesseth that:

1. Notwithstanding anything in the said Natural Resources Transfer Agreement contained, the Minister of

Mines and Resources of Canada may grant the Calgary Power Company, Limited, the rights as hereinafter enumerated, subject to such terms and conditions as the Governor General in Council may approve and to any rights existing or which may be created under *The Irrigation Act*, or Part I of *The Alberta Water Resources Act*:

- (a) The right to raise Lake Minnewanka to a full supply level of elevation 4,840 feet above mean sea level (Geodetic datum) or such lesser elevation as may subsequently be determined by the Minister of Mines and Resources as being the economic maximum with the right to store water up to said elevation and use 200,000 acre-feet of the storage so created or such lesser amount as may subsequently be determined by the said Minister as being the economic maximum by the construction of a dam across the Cascade River Valley at or near the outlet of the said Lake;
- (b) The right to divert, take and use the water so stored for power purposes by diverting the same through a canal and conduit down a lateral valley to a power station to be constructed on the Cascade River flat at or near Anthracite, and at that point to return the water by suitable works to the Cascade River;
- (c) The right to convey the waters of the Ghost River into Lake Minnewanka through a canal extending from the Park boundary to Lake Minnewanka;
- (d) The right to construct transmission lines with the necessary rights-of-way connecting the proposed power station with the existing transmission system of the Company outside the Park and the system now supplying Banff;
- (e) The right to sell electric power to residents in Banff townsite and vicinity;
- (f) And generally the right to perform such acts in connection with said storage and power development scheme as may be approved from time to time by the Minister of Mines and Resources.

2. The area involved shall continue to be part of the Banff National Park and the license for the storage of water and power development shall contain such terms and conditions as may be considered necessary to safeguard, so far as possible, the purpose for which the Park was established.

3. The licence covering the right to store water and develop power shall be in accordance with and subject to the *Dominion Water Power Act* and amendments thereto and shall vest in the licensee all necessary rights and powers provided in said Act to be vested in any person authorized

to carry out an undertaking and shall contain provisions to safeguard the interests of present and future holders of water rights below the works.

4. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In witness whereof the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable Duncan Bruce MacMillan, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,	}	T. A. CRERAR.
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In the Presence of:
C.W. JACKSON.

Signed on behalf of the Government of Alberta by the Honourable Duncan Bruce MacMillan, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and mines,	}	D. B. MACMILLAN. N. E. TANNER.
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In the Presence of:
KATHLEEN ROSS,
Witness for Minister of Agriculture.
MARY C. LIVINGSTONE,
Witness for Minister of Lands and Mines.

SCHEDULE B.

Memorandum of Agreement made this twenty-eighth day of March, A.D. 1941.

Between:

The Government of the Dominion of Canada, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,	of the First Part,
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and

The Government of the Province of Alberta,
represented herein by the Honourable Nathan
Eldon Tanner, Minister of Lands and Mines,
of the Second Part.

Whereas the Agreement entered into between the parties hereto on the 14th day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "*The British North America Act, 1930*" being chapter twenty-six of the Imperial Statutes, 20-21 George V;

And whereas by paragraph 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

And whereas the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the 29th day of July, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the first day of October, A.D. 1930;

And whereas the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious and base) and the royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals and royalties upon and subject to the terms and conditions therein set forth;

And whereas by paragraph 2 of the said Natural Resources Transfer Agreement the Province agreed that it would carry out, in accordance with the terms thereof, every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise except either with consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;

And whereas the said paragraph 2 was by Agreement dated the fifth day of March, A.D. 1938 and duly con-

firmed, varied by adding at the end thereof the following words:—

“or is legislation relating to the conservation of oil resources or gas resources or both by the control or regulation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field, and, incidentally thereto, providing for the compulsory purchase of any well or wells.”

And whereas it has been agreed between Canada and the said Province that the terms of said paragraph 2 as so varied should be modified as herein set out;

Now therefore this Agreement Witnesseth that:

1. Paragraph 2 of the said Natural Resources Transfer Agreement as amended by Agreement dated the fifth day of March, A.D. 1938, and duly confirmed by the Parliament of Canada and the Legislature of the Province is amended by adding at the end thereof the following words:—

“Provided, however, that the provisions of this paragraph shall not apply to any contract to purchase or lease petroleum or natural gas or to any other arrangement whereby any person prior to the first day of October, one thousand nine hundred and thirty, had become entitled to any interest in such petroleum or natural gas as against the Crown.”

2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In witness whereof the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, has hereunto set his hand on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources in the presence of:	}	T. A. CRERAR.
C. W. JACKSON.		

Signed on behalf of the Government of Alberta by the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, in the presence of:	}	N. E. TANNER.
J. J. FRAWLEY.		

No. 115.

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act to Ratify Certain Agreements
between the Government of the
Dominion of Canada and the Govern-
ment of the Province of Alberta.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

EDMONTON:
A. Shnitka, King's Printer
1941