



Province of Alberta

FOREST AND PRAIRIE PROTECTION ACT

THE FOREST AND PRAIRIE PROTECTION REGULATIONS, PART I

Alberta Regulation 135/1972

With amendments up to and including Alberta Regulation 47/2015

Office Consolidation

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(Consolidated up to 47/2015)

ALBERTA REGULATION 135/72

Forest and Prairie Protection Act

THE FOREST AND PRAIRIE PROTECTION REGULATIONS

(Part I)

1 These Regulations may be cited as “*The Forest and Prairie Protection Regulations, Part I*”.

AR 135/72 s1

2 In these Regulations,

- (a) repealed AR 77/2007 s2;
- (b) “debris” means inflammable material;
- (c), (d) repealed AR 77/2007 s2;
- (e) “fire under control” refers to a fire being guarded and controlled to the extent that it can, at will, be prevented from burning beyond any desired point or boundary;
- (f) repealed AR 77/2007 s2;
- (g) “mineral soil” means non-organic soil;
- (h) repealed AR 77/2007 s2;
- (i) “permit” means a fire permit issued under section 19 of the Act;
- (j) repealed AR 77/2007 s2;
- (k) “timber operation” refers to an activity involving cutting, manufacturing or removal of timber or timber products.

AR 135/72 s2;77/2007

Fire Permit

3 A fire permit issued under section 19 of the Act shall be in Form A of the Appendix.

AR 135/72 s3;251/2001

4 Every person who sets a fire under authority of a permit shall

- (a) keep the permit at the site of the fire;
- (b) produce and show the permit to an officer on request;
- (c) keep the fire under control;
- (d) extinguish the fire before expiration of the permit or upon cancellation of the permit;
- (e) have a responsible person in attendance at the fire at all times, except as may be otherwise authorized by a forest officer.

AR 135/72 s4

Fire Prevention

General Precautions

5 A person travelling by means of a vehicle through a forest protection area during the fire season should carry a serviceable shovel, an axe and a receptacle of at least 5 litres liquid capacity.

AR 135/72 s5;290/79

6 An order issued under section 26 of the Act shall be in Form B of the Appendix.

AR 135/72 s6;251/2001

7 A person who discards a glass container on public land that is not a designated nuisance ground is guilty of an offence.

AR 135/72 s7

8 No person may use tracer or incendiary ammunition in the forest protection area without the approval of the Minister.

AR 135/72 s8;77/2007

9 A flare device may be used on public land only in the event of an emergency and all residue from such flares shall be extinguished by the user before he leaves the site thereof.

AR 135/72 s9

10 Except as provided by section 9, use of flare devices on public land within the forest protection area is prohibited.

AR 135/72 s10;262/94

11(1) All steam and internal combustion engines used within the forest protection area shall be equipped with spark arresters or

mufflers in good working condition, each of a type approved by the Minister.

(2) Subsection (1) does not apply to railroad locomotives nor to exhaust driven turbo-charged engines.

AR 135/72 s11;77/2007

Industrial Operations - General Precautions

12 An operator of a sawmill, planing mill, logging camp or any kind of industrial operation in or within 1 kilometre of the forest protection area shall, unless otherwise authorized by a forest officer,

- (a) clear of all trees, shrubs and other inflammable material the area in which the mill, factory or operation is being located;
- (b) maintain a cleared distance of not less than 30 metres from the mill, factory, structure or operation to the closest standing timber; and
- (c) maintain a clear bare mineral soil surface extending at least 8 metres around each burner, pit or other source of fire.

AR 135/72 s12;290/79

13(1) A millsite or logging camp within a forest at which burning of accumulating wastes and debris was carried on at any time between the 1st day of December and the last day of March shall be daily patrolled for fire, commencing at least one week before operations cease at the site and ending not later than the 30th day of June, or during such other period as the Minister prescribes in writing.

(2) The Minister may in writing vary the frequency and period of the patrol provided for by subsection (1).

(3) Both the owner and the operator of the forest operation are responsible for providing the daily fire patrol required by subsection (1).

AR 135/72 s13;77/2007

Oil and Gas Well Precautions

14 No person may burn in a flare pit any materials produced from an oil or gas well unless

- (a) the area around the flare pit has been cleared of all combustible debris within 30 metres thereof or a fireguard has been made in any other manner specified by a forest officer;
- (b) a clear bare mineral soil surface extending at least 8 metres around the flare pit is maintained;
- (c) the flare pit is so constructed that burning debris cannot escape from the flare pit at any time;
- (d) the discharge tip of the flare line is directed into the flare pit at an angle of not less than thirty degrees below horizontal.

AR 135/72 s14;290/79

15 No person may burn sour gas at the end of a vertical pipe in a forest unless the distance from the base of the vertical pipe to the closest debris is two and one-half times the length of the vertical pipe, or such other distance as may be prescribed by a forest officer.

AR 135/72 s15

Pipeline Precautions

16(1) In this section the words “pipeline” have the meaning given to them by the *Pipeline Act*, but do not include a water line.

(2) Within 24 months from the time a pipeline is put into service or within such extended time as the Minister may allow, a pipeline laid through forested land shall be buried at least 50 centimetres below the soil surface.

(3) An application made pursuant to subsection (2) for an extension of time to bury a pipeline shall be accompanied by a sketch plan indicating the location of the pipeline in respect of which the application is being made.

(4) When it comes to the attention of a pipeline operator that a forest fire is endangering a pipeline or any installation incidental thereto under his control, he shall immediately shut off every well supplying the pipeline and depressurize every pipeline located within one-half mile of the fire and may not repressurize the pipeline until he is notified by the Minister that it is safe to resume operations.

AR 135/72 s16;290/79;77/2007

Campfire Precautions

17 A person who desires to light or maintain an outdoor campfire for cooking or warming purposes during a fire season shall take the following precautions:

- (a) set the fire on a flat rock, gravel bar, sand or bare mineral soil at a spot relatively clear of vegetation and located near water;
- (b) clear the site of all debris down to mineral soil to a radius of at least 1 metre from the edge of the fire;
- (c) keep the fire under control and attended to at all times, and
- (d) extinguish the fire before leaving the site.

AR 135/72 s17;290/79

Incinerator Precautions

18 Burning of non-industrial wastes within the forest protection area shall be carried out in a fully enclosed incinerator constructed of incombustible material and the draft and smoke vents thereof covered with a heavy gauge metal screen of a mesh size not greater than 6 millimetres.

AR 135/72 s18;290/79

19 An incinerator used within the forest protection area shall be located over bare rock, gravel, sand, mineral soil or concrete at least 30 metres from a stand of trees or shrubs and the ground surrounding it outward from its base to a distance of at least 3 metres shall be clean mineral soil or be covered by any of the aforesaid materials.

AR 135/72 s19;290/77

Power Saw Precautions

20 A person who uses a power saw in the forest protection area shall take the following precautions to prevent starting a forest fire:

- (a) refrain from starting a power saw within 3 metres of the gasoline supply;
- (b) refrain from placing a running or hot power saw engine on any inflammable matter;

- (c) have at the site of operation an approved fire extinguisher in working condition.

AR 135/72 s20;290/79

Travel in a Closed Area

21 Notwithstanding the provisions of subsection (3) of section 14 of the Act, a bona fide resident of a closed area may leave and enter the closed area to and from his home by the most direct route without obtaining any permission or permit.

AR 135/72 s21;251/2001

22 A person who has obtained written permission or a permit to enter an area closed pursuant to subsection (1) of section 14 of the Act shall travel by the most direct route to and from his destination and shall show his permit or written permission to an officer upon his request.

AR 135/72 s22;251/2001

Conscription Exemptions

23 The following categories of employees, while on duty or required on standby, in operating or maintaining

- (a) a scheduled public transportation system;
- (b) a public utility within the meaning of the *Public Utilities Act*;
- (c) the mail service;
- (d) any health service;
- (e) any industrial safety service;
- (f) a fire department, police or public security service;
- (g) an educational institution,

are exempt from conscription pursuant to subsection (1) of section 13 and clause (a) of section 30 of the Act.

AR 135/72 s23;251/2001;254/2007

24 A student enrolled at an educational institution and a mentally or physically incapacitated person are exempt from being conscripted pursuant to subsection (1) of section 13 and clause (a) of section 30 of the Act.

AR 135/72 s24;251/2001

25 A person who claims that he is exempt from conscription pursuant to section 23 or 24 shall produce to the conscripting officer reasonable evidence of qualifying for the exemption.

AR 135/72 s25

Fire Fighting Equipment

26 A person carrying on or being in charge of a timber, forest, mining, drilling or other industrial or commercial operation in or within 1 kilometre of any public land shall keep at the site available for immediate use an adequate water supply for fire fighting purposes plus at least the equipment listed in Table “A” in good working condition, according to the number of men employed at the site.

AR 135/72 s26;290/79

27 Where heavy equipment such as bulldozers or water tankers are immediately available for fire fighting use at the site of operations, the Minister may, in his discretion, permit the operator to have less than the minimum equipment provided for by Table “A”.

AR 135/72 s27;77/2007

Liability

28 Repealed AR 77/2007 s9.

29(1) The maximum fine for the purposes of section 37(a) of the Act is \$5000.

(2) The maximum fine for the purposes of section 37(b) of the Act is \$1000.

AR 376/91 s2;251/2001

30 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2017.

AR 96/2003 s1;30/2005;47/2015

Rescission

The Forest Protection Regulations, filed as Alberta Regulation 225/62, as amended, are rescinded.

AR 135/72

Table "A"

REQUIRED EQUIPMENT FOR FILE CONTROL	MEN EMPLOYED AT THE SITE OF OPERATIONS									
	1	2	3	4	5	6-10	11-20	21-30	31-40	41+
Shovels	1	1	2	2	3	5	10	15	20	Same as 31-40 plus increase by Minister
Back pack with pump	0	0	1	2	3	5	10	15	20	
Axe or pulaski	0	1	1	1	2	5	10	15	20	
Fire pump	0	0	0	0	0	0	0	1	1	
Fire hose (metres)	0	0	0	0	0	0	0	450 metres	450 metres	
Power saw	0	0	0	0	0	0	0	1	1	

AR 135/72 Tbl.A;290/79;77/2007

Form A

CREST

FREE
FIRE PERMIT

No. _____

Issued under authority of the *Forest and Prairie Protection Act*,
and regulations thereunder,

This permit authorizes _____
of _____ (P.O. Address) _____
to kindle fires on the following lands: ____ Sec. _____
Twp. _____ Rge. _____ West of _____ Mer. for the purpose
of burning _____

Burning shall be done in compliance with the *Forest and Prairie
Protection Act*, regulations made thereunder, and the following
conditions: _____

Effective Date ____, 20__ Expires _____ 20__

Countersigned by _____ Issued _____, 20__

Forest Officer or Fire Guardian

I have read and understand the conditions above and regulations on
the reverse side, and accept full responsibility.

Permittee

NOTE: This permit is not valid unless countersigned and may be
cancelled at any time.

AR 135/72 Form A;77/2007

Form B**Order to Reduce or Remove a Fire Hazard
or Burning Hazard**

No. _____

ISSUED under the authority of section 26 of the *Forest and
Prairie Protection Act* and the regulations made thereunder.

TO: _____ DATE: _____ OF: _____

*TIME: _____

RE: Qtr. ____; Sec. ____; Twp. ____; Rge. ____; West ____ Meridian

TAKE NOTICE that I have found on the land herein described, which land is owned by or under your control, conditions that in my opinion constitute a fire hazard or burning hazard.

I HEREBY ORDER YOU, pursuant to sections 25 and 26 of the *Forest and Prairie Protection Act* and regulations thereto, to take such action as is necessary to reduce or remove the fire hazard or burning hazard not later than _____ o'clock in the _____ noon of _____, 20 __, and in the manner that I have prescribed and set out immediately below.

AND FURTHER TAKE NOTICE that your failure to act in accordance with and carry out this Order may result in my entering on the said land with any equipment and person that I consider necessary such that I may perform the required work, the costs of which shall, on demand, be reimbursed to the Minister.

Per _____
(Forest Officer)

AR 135/72 Form B;77/2007



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