



Province of Alberta

FOREST AND PRAIRIE PROTECTION ACT

**THE FOREST AND PRAIRIE  
PROTECTION REGULATIONS, PART II**

**Alberta Regulation 310/1972**

With amendments up to and including Alberta Regulation 65/2015

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer  
7<sup>th</sup> Floor, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

### **Copyright and Permission Statement**

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20\_\_.\*

\*The year of first publication of the legal materials is to be completed.

### **Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 65/2015)

**ALBERTA REGULATION 310/72**

**Forest and Prairie Protection Act**

**THE FOREST AND PRAIRIE PROTECTION  
REGULATIONS PART II**

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

AR 310/72 s1

**2** In these Regulations the definitions contained in section 2 of *The Forest and Prairie Protection Regulations, Part I* apply.

AR 310/72 s2

**Fire Hazard Reduction**

**Total Debris Disposal Requirements**

**3** Total disposal of debris by burning at a safe time is required on land cleared for the following operations:

- (a) pipelines having rights-of-way of 10 m or more;
- (b) oil and gas well sites and tank storage sites;
- (c) road rights-of-way other than for winter use roads;
- (d) power lines and telephone lines;
- (e) sawmill, planing mill and logging camp sites;
- (f) radio or micro wave sites;
- (g) sand and gravel pit, dam, bridge and water storage sites;
- (h) those dealing with the recovery of minerals as defined by the *Mines and Minerals Act* including tar sand development;
- (i) airstrips other than those constructed for winter use and which are not accessible by road during the fire season;
- (j) any building or structure;

(k) any other land use as may be prescribed by the Minister.

AR 310/72 s3;297/79;68/2007

**4(1)** Before burning takes place all debris from areas cleared for the purposes of operations listed in section 3 shall be placed in windrows or piles not exceeding 60 m in length and separated by 8 m firebreaks.

**(2)** On rights-of-way less than 30 m width, the windrows or piles shall be located and burned along the centre of the rights-of-way and on other cleared areas the windrows or piles shall not be placed and burned less than 15 m from adjacent uncleared areas.

**(3)** Where waste material has not been totally consumed by burning, the residue may be disposed of in the following manner with the approval of an officer:

- (a) on well sites within the “green zone” the residue may be compacted and buried in sump pits provided a minimum of 1 m of mineral soil is compacted over the debris and the natural ground contours are maintained,
- (b) on roads where deep fills are required in the grade, residue may be compacted and buried provided a minimum of 1 m of mineral soil is compacted over the debris,
- (c) residue may be buried in natural openings or in clearings adjacent to rights-of-way provided that a minimum of 1 m of mineral soil is compacted over the debris and the natural ground contours are maintained,
- (d) stumps that have been severed from trees and have not been completely disposed of by burning may be scattered adjacent to and out of sight of the right-of-way clearing.

**(4)** Total disposal of debris shall precede project construction unless otherwise ordered by the Minister due to fire danger but disposal time shall not exceed one year.

AR 310/72 s4;297/79;68/2007

**5** The Minister may approve other or additional methods of preparation and total disposal.

AR 310/72 s5;68/2007

**6** It is the responsibility of the person in charge of the burning operation and the owner, occupant or lessee or permittee to ensure that sufficient firefighting equipment and manpower is present during the burning period to keep the fires under control at all times.

AR 310/72 s6

**7** Upon request of an officer the person in charge of the burning operations shall supply such additional firefighting equipment and manpower as the officer deems necessary.

AR 310/72 s7

### **Debris Disposal - Logging Operations**

**8(1)** A holder of a timber disposition who creates a slash fire hazard because of his operations is responsible for slash hazard reduction to a safe level as determined by the Minister.

**(2)** Hazard reduction must be completed to the satisfaction of the Minister no later than 24 months after logging, unless otherwise permitted by the Minister.

AR 310/72 s8;68/2007

**9(1)** A holder of a timber disposition whose operation utilizes a partial cut method of harvesting shall remove all limbs from trees that are felled and the unused parts of the tree including the limbs shall be scattered and made to lie flat on the ground.

**(2)** The Minister may approve any other satisfactory method of slash disposal for partial cut harvesting.

AR 310/72 s9;68/2007

**10** A holder of a timber disposition whose operation utilizes a clear-cut method of harvesting shall reduce slash hazards to a safe level by one or more of the following methods when approved by the Minister;

- (a) scarification with heavy equipment to a standard acceptable to the Minister providing that the timber operator agrees to undertake reforestation;
- (b) skidding of tree lengths with limbs attached to roadsides or landings with subsequent limbing and the burning of all debris;
- (c) prescribed burning of slash windrows, piles or areas;
- (d) crushing to an acceptable standard by heavy machinery;

(e) any other method approved by the Minister.

AR 310/72 s10;68/2007

**11** No slash fuel accumulation is permitted within 5 m of the perimeter of the cut area in clear-cutting operations.

AR 310/72 s11;297/79

### **Debris Disposal - Sawmills and Planing Mills**

**12(1)** The operation of a sawmill or planing mill which is located on public lands and which has an average production volume of 6324 m<sup>3</sup> or over in any one year shall dispose of waste slabs, edgings, shavings and sawdust in an enclosed burner approved by the Minister or by any alternate method approved by the Minister.

**(2)** The operator of a sawmill or planing mill which is located on public lands and which has an average production of less than 6324 m<sup>3</sup> and more than 791 m<sup>3</sup> in any one year shall dispose of all waste slabs, edgings, shavings and sawdust in an approved shielded, open pit, forced air burner or by any alternate method approved by the Minister.

**(3)** The operator of a sawmill or planing mill which is located on public lands and which has an average production volume of 791 m<sup>3</sup> or less in any one year shall dispose of all debris other than sawdust by burning in a pit which meets the approval of an officer, at a safe time between November 1st and March 31st, and shall ensure that all fires are completely extinguished by March 31st.

**(4)** The operator of a sawmill or planing mill referred to in subsection (3) who wishes to dispose of waste slabs, edgings, shavings or sawdust during the fire season shall do so in an approved shielded, open pit, forced air burner or by any alternate method approved by the Minister.

**(5)** A fire permit shall be required during the fire season for all debris fires including disposal carried out in burners.

AR 310/72 s12;297/79;243/98;68/2007

### **Debris Disposal - Pole and Post Manufacturing Operations**

**13(1)** Debris accumulated from post or pole operations shall be disposed of by burning.

**(2)** During the fire season a fire permit will be required under subsection (1).

(3) It is the responsibility of the owner, operator, licensee or permittee to prevent a fire from spreading and to ensure that it is completely extinguished by March 31st of each year.

AR 310/72 s13

### **Debris Disposal - Agriculture**

**14** Every person who, under authority of a permit, burns on farm land brush or debris resulting from land clearing or agricultural activities shall dispose of the brush or debris in a manner prescribed as follows:

- (a) no person shall cause or permit the broadcast burning of grass or stubble until a fire permit has been issued specifying thereon the terms and conditions under which the fire may be set,
- (b) every person preparing to burn windrows or piles of brush and debris shall ensure before the fire is set that
  - (i) where the debris is the result of land clearing operations, the resulting debris is windrowed in not more than 60 m lengths with a 8 m break between each 60 m length;
  - (ii) the area containing the debris to be burned is completely surrounded by a guard cleared of inflammable material to a width of not less than 15 m,
  - (iii) no windrow is closer than 25 m to uncleared land or standing hazardous fuels,
  - (iv) windrows are separated from other parallel windrows by not less than 15 m,
- (c) every fire must be controlled and attended by a responsible person or persons approved by an officer or fire guardian,
- (d) the following minimum amount of equipment must be at the fire site:
  - 1 axe
  - 2 round-mouth shovels
  - 1 water back pack and hand pump or 4 heavy sacks
  - 1 barrel of at least 200 L of watersuch other tools as may be required by an officer,

- (e) no person shall set more fires at one time than can be controlled by the people and equipment immediately available.

AR 310/72 s14;297/79

### **Debris Disposal - Exploration**

**15** Where any land is cleared for exploration as defined in the *Exploration Regulation* (AR 214/98), the person in charge of the operations shall dispose of the debris resulting from the land clearing in the manner prescribed unless some other method is approved by the Minister.

AR 310/72 s15;68/2007

**16(1)** This section shall apply to all lands in that part of the forest protection area lying north of a line described in Appendix A of these Regulations excepting thereout:

- (a) all lands within 90 m of the centre line of any all-weather road;
- (b) all lands within 1 km of the high water mark of lakes and streams having recreational potential as may be specified by the Minister;
- (c) any other particular parcel of land in respect of which the Minister specifically exempts;
- (d) all lands in respect of which a timber disposition is in effect.

**(2)** Every road and trail used or crossed in the process of exploration shall be left in substantially the same condition as it was prior to such usage or crossing.

**(3)** No disturbed tree shall be left in a leaning position.

**(4)** Every geophysical operator cutting forest growth within the area described in this section shall pay to the Minister on demand a forest protection levy at the rate of \$15.55/km of line cut.

AR 310/72 s16;297/79;68/2007

**17(1)** The provisions of this section apply to exploration operations within any part of the forest protection area lying south of a line described in Appendix A and areas excepted in section 16.

**(2)** The partial disposal of debris that results when trees are severed from the ground is permitted and such of the following methods of disposal as may be necessary shall be used:

- (a) all limbs of felled trees shall be severed from the bole and scattered in such a manner that the debris will lie flat on the ground;
  - (b) when stands of trees 10 cm and less in diameter at breast height are severed from the ground and can be made to lie flat on the ground by crushing with heavy machinery the removal of limbs from trees is not required but additional clearing to accommodate crushing shall not be permitted;
  - (c) windrowing of debris is permitted but
    - (i) each windrow shall be no more than 60 m in length and shall be separated from adjacent windrows by a minimum clearing of 8 m,
    - (ii) windrows shall not be piled against standing forest cover, and
    - (iii) additional clearing of lines to accommodate windrows shall not be permitted;
  - (d) if any of the above methods are not practical in a particular case any alternative method which he considers appropriate may be approved by the Minister.
- (3) No disturbed tree shall be left in a leaning position.
- (4) Every road or trail used or crossed in the process of exploration shall be left in substantially the same condition as it was prior to such usage or crossing.
- (5) The partial disposal of debris must be accomplished no later than 18 months after line construction.

AR 310/72 s17;297/79;68/2007

### **Debris Disposal - Miscellaneous**

**18** The partial debris disposal methods set out in section 17 also apply in the forest protection area to survey lines, fence lines, winter use roads, airstrips constructed for winter use that are not accessible by road during the fire season and pipeline rights-of-way of less than 8 m.

AR 310/72 s18;297/79;68/2007

### **Conduct of Firefighting Operations**

**19** Every person who is employed or summoned to assist in fighting fires under authority of the Act or Regulations shall

- (a) proceed as directed to any fire he is required to go to,
- (b) take all equipment with which he has been supplied, and
- (c) be responsible for firefighting equipment placed in his custody and may be held financially accountable for any loss or damage.

AR 310/72 s19

**20** No person who is employed or summoned to fight a fire under authority of the Act or Regulations shall

- (a) leave the fire before it is extinguished or before he is relieved from duty by an officer or the person in charge of the fire, or
- (b) in any way impede, obstruct or hinder the efforts of other persons from extinguishing or controlling the fire, or
- (c) smoke factory-made cigarettes while engaged in firefighting operations unless during an organized rest period.

AR 310/72 s20

### **Pollution and Erosion Control**

**21(1)** Where any operations are conducted in a forest, the person conducting the operations shall

- (a) remove or remedy any interference with the normal drainage of water from land, where such interference has been caused by the operation,
- (b) remove, without causing channel damage, any obstruction to the natural flow of water in any stream channel or watercourse, whether temporary or permanent, where the obstruction has been caused by the operations,
- (c) prevent soil erosion, sedimentation of streams or reduction in watershed capacity caused by the removal of trees, shrubs and other vegetation, disturbance of land surface, or any other cause resulting from the operations and a growth of vegetation sufficient to prevent accelerated erosion shall be re-established and maintained on all bare soil areas unless otherwise approved by the Minister.
- (d) in lieu of carrying out soil erosion control and re-establishment of vegetation on geophysical lines in designated areas in the province, at the Minister's option upon demand, pay to the Minister the sum of \$18.65/km

of geophysical line cut or used in the course of that person's operations.

(2) No person shall while in a forest, cause contamination or pollution of any land, water system, river or stream, or in any way accumulate waste material which may, during spring run-off or flood periods, be carried into any water system, lake, river or stream.

(3) In carrying out the provisions of this section, every person shall comply with any directions given by an officer in regard thereto.

AR 310/72 s21;297/79;68/2007

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

AR 95/2003 s2;11/2005;65/2015

## THE FOREST AND PRAIRIE PROTECTION REGULATIONS PART II

### APPENDIX "A"

Commencing at the intersection of the Alberta-Saskatchewan boundary with the north boundary of the south half of township 73, range 1, west of the fourth meridian; thence westerly along the said north boundary and continuing westerly along the north boundaries of the south halves of township 73, ranges 2 to 9, inclusive, west of the fourth meridian, to the west boundary of the east half of the said township 73, range 9, west of the fourth meridian; thence southerly along the said west boundary to the south boundary of the said township 73, range 9, west of the fourth meridian; thence westerly along the said south boundary and continuing westerly along the south boundaries of township 73, ranges 10 to 26, inclusive, west of the fourth meridian to the fifth meridian; thence northerly along the fifth meridian to the north-east corner of township 75, range 1, west of the fifth meridian; thence west along the north boundaries of township 75, ranges 1 to 22, inclusive, west of the fifth meridian, to the right bank of the Little Smoky River; thence downstream along the said right bank and continuing downstream along the right bank of the Smoky River to its intersection with the right bank of the Peace River; thence northwesterly to a point on the left bank of the Peace River perpendicularly opposite the said intersection of the right bank of the Smoky River with the right bank of the Peace River; thence upstream along the said left bank of the Peace River to the Alberta-British Columbia Boundary.

AR 310/72 App. A



Printed on Recycled Paper 