

1955

(Second Session)

CHAPTER 3

An Act to Provide for the Conservation and Efficient Use of Land, Forest and Water Resources in the Province of Alberta

(Assented to August 25, 1955)

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

1. This Act may be cited as "*The Land and Forest Utilization Act*". Short title
2. In this Act,
 - (a) "Committee" means the Conservation and Utilization Committee appointed pursuant to section 4; Interpretation
"Committee"
 - (b) "controlled lands" means forests and lands, whether patented or unpatented, that are declared to be controlled lands, pursuant to section 8; "controlled lands"
 - (c) "local authority" means the council of a municipal district or county, the board of trustees of an irrigation district, and in the case of an improvement district or special area, the Minister of Municipal Affairs; "local authority"
 - (d) "Minister" means the member of the Executive Council for the time being charged with the administration of this Act; "Minister"
 - (e) "public administered lands" means lands vested in a county or municipal district and lands administered by a local authority. "public administered lands"
3. The object and purpose of this Act is to provide the authority and facilities necessary to the effective conservation and efficient utilization of the land, forest and water resources of the Province. Object and purpose of Act
4. (1) The Lieutenant Governor in Council may establish a committee, which shall be known as the Conservation and Utilization Committee, consisting of not less than seven members. Conservation and Utilization Committee
 - (2) The members of the Committee shall consist of representatives from:
 - (a) the Department of Agriculture,

- (b) the Department of Lands and Forests,
 (c) the Department of Municipal Affairs, and
 (d) the Power Commission,
 and such other members as the Lieutenant Governor in Council deems advisable.
- Committee chairman** (3) The chairman of the Committee shall be appointed by the Lieutenant Governor in Council.
- (4) Four members of the Committee constitute a quorum.
- (5) The members of the Committee may hold office during pleasure of the Lieutenant Governor in Council.
- Committee recommendations re conservation, etc.** **5.** (1) The Committee shall inform the Lieutenant Governor in Council on matters relating to the conservation and utilization of resources of the Province, and may recommend measures for the effective conservation and efficient use of lands, forests and water resources in the Province.
- (2) With the approval of the Lieutenant Governor in Council the Committee may take such action or do such things as are necessary to carry out any recommendation made pursuant to subsection (1).
- Investigations and inquiries** **6.** (1) When directed to do so by the Minister, the Committee shall investigate and inquire into the factors that relate to the conservation and utilization of resources in
- (a) irrigable lands,
 (b) marginal and submarginal lands,
 (c) rivers and streams, or
 (d) forestry and game areas.
- (2) A report of the result of an investigation and inquiry under this section shall be made to the Lieutenant Governor in Council by the Minister, together with any recommendations made by the Committee.
- Personnel** **7.** The Lieutenant Governor in Council, upon receipt of the report of an investigation and inquiry, may direct the carrying out of any of the recommendations of the Committee and for that purpose may, subject to *The Public Service Act, 1954*, appoint such officers and staff as may be necessary.
- Controlled land** **8.** (1) Where any parcel of unsubdivided land is subject to tax recovery proceedings or the owner of any parcel of unsubdivided land is in arrears on the taxes thereon or is in arrears with respect to any agreement concerning the parcel with a local authority or the Minister of Lands and Forests, and in the opinion of the Committee the parcel is marginal or submarginal agricultural land requiring the application of special or approved methods of management or control to conserve the soil or to increase the productivity of the lands, the Lieutenant Governor in Council, at the request

of or with the approval of the local authority or the Minister of Lands and Forests, as the case may be, may by order declare the land to be controlled land.

(2) Notwithstanding subsection (1) the Lieutenant Governor in Council, by order, may, with the consent of the owner, if any, declare any land, whether privately owned or otherwise, to be controlled land, if it is in the public interest to do so.

(3) From time to time, the Lieutenant Governor in Council may, by order, increase or decrease the area of any controlled lands or declare that any land shall cease to be controlled land.

(4) An order under this section shall be published in *The Alberta Gazette* and notice of the order shall be given to the owners and tenants, if any, and any local authority concerned before any other action is taken under this Act in respect of the land mentioned in the order.

9. (1) When the required notice of an order under section 8 has been given, the Minister may issue a notice describing the controlled land or setting out the limits of the controlled land. Notice re controlled land

(2) The notice shall be filed in the office of the Registrar of Land Titles of the land registration district in which the controlled land is situated.

(3) The Registrar of Land Titles, upon receipt of the notice, shall endorse upon the appropriate certificate of title a memorandum that the use of the land mentioned in the notice is controlled under this Act.

10. The Minister may, as he deems expedient, appoint advisory committees to advise and inform him with regard to the conservation and utilization of resources in any of the areas specified in subsection (1) of section 6. Advisory committees

11. With the approval of the Lieutenant Governor in Council, the Minister may do such things as are necessary to carry out the purposes of this Act and, without limiting the generality of the foregoing, may Powers of Minister

- (a) lease public administered lands or controlled lands with the consent of and on behalf of any local authority,
- (b) recommend
 - (i) the closing of roads over or across Crown lands, public administered lands or controlled lands,
 - (ii) the subdivision, allocation, re-allocation or exchanging of any Crown lands, public administered lands or controlled lands for the purposes of conservation or for the efficient and economic use thereof,
 - (iii) the conditions or terms of cultivation, cropping or grazing to be incorporated into the terms and conditions of occupancy of Crown lands, public administered lands or controlled lands,

- (iv) the setting aside of Crown lands, public administered lands or controlled lands for a special use, and
 - (v) such other matters or things as will tend to conserve resources and increase the effective and efficient use of the resources of Crown lands, public administered lands or controlled lands,
- (c) promote recognized and approved farm, fishing, lumbering, or reforestation practices and range management and community effort and enterprise and such other efforts, practices and enterprises as will foster better living conditions for those dependent upon the land, forest and water resources of the Province,
 - (d) carry out and assist in the execution of any agricultural plans that will tend to better the farming or living conditions of those using agricultural land, and assist in any plans that will tend to better the conditions of those using the forests and water of the Province to obtain their livelihood,
 - (e) recommend, encourage and promote a system of land ownership or tenancy, in marginal or sub-marginal lands, that will provide security of tenure and income and inculcate approved conservation methods and techniques,
 - (f) recommend, carry out, direct, institute or prescribe preventative and control measures for combatting or overcoming flooding, soil erosion, soil deterioration, loss of soil fertility or weed infestation,
 - (g) negotiate or enter into agreements with any person or local authority for the purpose of advancing or carrying out any project within the purview of this Act,
 - (h) classify Crown lands, public administered lands and controlled lands for the purpose of this Act,
 - (i) acquire by purchase or by other means any real or personal property, or any interest therein, deemed necessary for the purpose of this Act, and dispose of any such property by lease, exchange or sale, and
 - (j) do such other things and incur such other expenses as the Minister deems necessary to effectively promote any conservation plan or scheme under this Act.

Regulations

12. The Lieutenant Governor in Council may, by regulations,

- (a) prescribe the duties and functions of the Conservation and Utilization Committee and any advisory committee appointed under this Act,
- (b) authorize the payment of gratuities, emoluments and travelling expenses to members of advisory committees,

- (c) authorize and direct the use of Crown lands to any special use or in any special manner for the purposes of this Act, and
- (d) make provision for any other matter or thing necessary or incidental to the carrying out of the intent of this Act.

13. When any direction, order, agreement or exercise of any duty or power under this Act would impose a financial obligation or loss upon a local authority, the Lieutenant Governor in Council may direct that the local authority be recompensed, in whole or in part. ^{Compensation}

14. The costs incurred in administering this Act shall be defrayed from the sums appropriated therefor by the Legislative Assembly, or, in the absence of any such appropriation, from the General Revenue Fund. ^{Appropriation}

15. This Act comes into force on the day upon which it is assented to. ^{Coming into force}