



Province of Alberta

FOREST AND PRAIRIE PROTECTION ACT

**FOREST AND PRAIRIE PROTECTION  
(MINISTERIAL) REGULATION**

**Alberta Regulation 65/2017**

Extract

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**ALBERTA REGULATION 65/2017**

**Forest and Prairie Protection Act**

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**Definitions**

**1(1)** In this Regulation,

(a) “burning operation” means the disposal of debris by burning;

(b) “minerals” means minerals as defined in the *Mines and Minerals Act*;

(c) “timber operation” means timber operation as defined in the *Timber Management Regulation* (AR 60/73).

(2) Terms defined in section 1 of the *Forest and Prairie Protection Regulation* and used in this Regulation apply to this Regulation.

### **Debris Disposal — New Construction**

#### **Debris disposal**

**2(1)** Where land is cleared for the purpose of constructing any of the following, the person for whom the land is being cleared shall dispose of the debris in accordance with sections 3 to 5, or by another method or additional methods approved or required by the Minister:

- (a) pipelines;
- (b) oil and gas wells and tank storage;
- (c) road rights of way;
- (d) utility lines;
- (e) survey lines;
- (f) fence lines;
- (g) timber operations;
- (h) industrial camps;
- (i) telecommunications facilities;
- (j) sand and gravel pits, dams, bridges and water storage;
- (k) operations dealing with the recovery of minerals;
- (l) airstrips;
- (m) any building or structure;
- (n) any other land use determined by the Minister.

**(2)** Subject to subsection (3), debris must be disposed of before construction commences, but the disposal must occur within 12 months of clearing.

**(3)** Notwithstanding subsection (2), a forest officer may extend or reduce the time for disposal of debris.

**Conduct of burning operations**

**3** A person in charge of a burning operation referred to in section 2 shall

- (a) conduct the burning operation when conditions are safe to do so,
- (b) before the burning operation takes place, place the debris in windrows or piles that do not exceed 60 metres in length and that are separated by an 8-metre break between each length,
- (c) subject to clause (d), locate and burn the windrows or piles no less than 15 metres from any uncleared areas,
- (d) if the cleared area is too small to comply with clause (c), locate and burn the windrows or piles in the centre of the cleared area, and
- (e) where debris has not been totally consumed by burning, dispose of the residue in one or more of the following locations with the approval of a forest officer:
  - (i) on well sites within a forest protection area, if the residue is compacted and buried in sump pits, a minimum of one metre of mineral soil is compacted over the residue and the natural ground contours are maintained;
  - (ii) on roads where deep fills are required in the grade, if the residue is compacted and buried and a minimum of one metre of mineral soil is compacted over the residue;
  - (iii) in natural openings or clearings adjacent to a right of way, if the residue is compacted and buried, a minimum of one metre of mineral soil is compacted over the residue and the natural ground contours are maintained.

**Firefighting equipment**

**4** The person referred to in section 2 or the person in charge of a burning operation referred to in section 3 shall

- (a) have at the site of the burning operation
  - (i) sufficient firefighting equipment in working order, and

- (ii) a sufficient number of persons to keep the fire under control at all times,

and

- (b) if required by a forest officer, supply such additional firefighting equipment and persons to be present during the burning operation as the forest officer considers necessary.

#### **Fire under control**

**5** The person in charge of a burning operation referred to in section 3 shall keep the fire in the burning operation under control at all times.

### **Debris Disposal — General**

#### **Forest operations**

**6(1)** The holder of a timber disposition shall

- (a) reduce fire hazards created as a result of debris from the holder's harvesting operation to a safe level by one or more of the following methods determined by the Minister:
  - (i) scarification with heavy equipment to a standard acceptable to the Minister, if the holder agrees to undertake reforestation;
  - (ii) skidding of tree lengths with limbs attached to roadsides or landings with subsequent limbing and the burning of all debris;
  - (iii) burning slash placed in windrows and piles in accordance with directions of the Minister;
  - (iv) broadcast burning in accordance with directions of the Minister;
  - (v) crushing by heavy machinery to a standard acceptable to the Minister;
  - (vi) limbing trees that are felled and scattering and making to lie flat on the ground the unused parts of the trees, including the limbs;
  - (vii) any other method determined by the Minister,

and

- (b) keep the area within 5 metres of the perimeter of the cut area clear of any accumulation of slash.

**(2)** The holder of the timber disposition shall comply with subsection (1) as soon as practicable, but no later than 12 months after the harvesting operation has been completed, unless otherwise authorized by the Minister.

#### **Manufacturing facilities and mills**

**7** An owner or operator of an operation that manufactures timber products shall dispose of all debris produced in the course of the operation by a burning operation or other method approved by the Minister.

#### **Agriculture**

**8(1)** A person who burns vegetation or debris resulting from land clearing or agricultural activities on farm land during the fire season

- (a) shall not burn the vegetation or debris in windrows or piles unless
  - (i) the windrows and piles are formed and located in accordance with subsection (2), and
  - (ii) the area containing the vegetation or debris to be burned is cleared of combustible material to a width of not less than 15 metres,
- (b) shall keep the burning operation under control at all times, and
- (c) shall have at the site of the burning operation
  - (i) sufficient firefighting equipment, and
  - (ii) a sufficient number of persons to control the burning operation.

**(2)** Windrows and piles must

- (a) not exceed 60 metres in length and must be separated by an 8-metre break between each length,
- (b) be no closer than 25 metres from any uncleared land or vegetation, and
- (c) in the case of windrows, be separated from other parallel windrows by not less than 15 metres.

**Exploration**

**9(1)** In this section,

- (a) “*Exploration Regulation*” means the *Exploration Regulation* (AR 284/2006);
- (b) “exploration” means exploration as defined in the *Exploration Regulation*;
- (c) “program licensee” means a program licensee as defined in the *Exploration Regulation*;
- (d) “program permittee” means a program permittee as defined in the *Exploration Regulation*.

**(2)** When land is cleared for exploration, the program licensee or a program permittee, as the case may be, shall

- (a) limb and lie flat to the ground all felled trees on the land that is cleared,
- (b) place any debris in windrows that do not exceed 60 metres in length and that are separated by an 8-metre break between each length,
- (c) keep all windrows from coming into contact with standing timber, and
- (d) dispose of any debris no later than 12 months from the completion of line construction or as required by the Minister.

**Firefighting****Duties of persons fighting fires**

**10** No person who is employed to fight a fire or required to assist in fighting a fire under section 13 of the Act shall

- (a) leave the site of the fire before it is extinguished or before that person is relieved from duty by a forest officer or the person in charge of the firefighting operation, or
- (b) in any way impede, obstruct or hinder the efforts of other persons extinguishing or controlling the fire.

**Equipment requirements for industrial or commercial operations**

**11(1)** For the purposes of section 24 of the Act, a person carrying on or having charge of an industrial or commercial operation in or within one kilometre of any public land shall



- (a) subject to subsection (2), keep all equipment listed in the Schedule in working order at the site of the operation, and
- (b) keep a sufficient supply of water at the site available for immediate use for firefighting purposes.

(2) Where heavy equipment such as bulldozers or water tankers is immediately available for firefighting use at the site of an operation, a forest officer may permit the person referred to in subsection (1) to have less than the minimum equipment provided for by the Schedule.

(3) Where the number of persons employed at a site exceeds 40, the minimum equipment for the purpose of subsection (1) is the amount listed in the Schedule for 31 to 40 persons plus any increase in equipment determined by the Minister.

(4) A person referred to in subsection (1) shall ensure that vehicles owned or operated by that person and used for travelling to and from the operation are equipped with a shovel, an axe and a container able to hold at least 5 litres of water.

### Repeals

#### Repeals

**12(1) The *Forest and Prairie Protection Regulations, Part II* (AR 310/72) are repealed.**

**(2) The *Forest Protection Payment Regulation* (AR 46/2006) is repealed.**

**Schedule**

REQUIRED EQUIPMENT FOR FIRE CONTROL	PERSONS 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	As provided in accordance with section 11(3) of the Regulation
Back pack with pump	1	1	1	2	3	5	10	15	20	
Axe or pulaski	1	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	





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