



O.C. 114 /2017

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Province of Alberta
Order in Council

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the Forest and Prairie Protection Regulation set out in the attached Appendix.

CHAIR

FILED UNDER
THE REGULATIONS ACT
as ALBERTA REGULATION 60/2017
ON March 30 20 17

REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Agriculture and Forestry

Authority: Forest and Prairie Protection Act
(section 41)

APPENDIX
Forest and Prairie Protection Act
FOREST AND PRAIRIE PROTECTION REGULATION

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Definition

- 1 In this Regulation, “fire permit” means a fire permit issued under section 19 of the Act.

General

Form of fire permit

- 2 A fire permit must be in the form approved by the Minister.

Duties of the holder of a fire permit

3 The holder of a fire permit who lights a fire under authority of the permit shall

- (a) keep the fire under control at all times,
- (b) unless otherwise authorized by a forest officer or fire guardian, ensure a responsible person is in attendance at the site of the fire to supervise the fire until it has been extinguished,
- (c) keep the fire permit at the site of the fire,
- (d) show the fire permit to a forest officer or fire guardian immediately on request, and
- (e) extinguish the fire when the earliest of the following occurs:
 - (i) the holder of the permit is ordered to extinguish the fire under the Act;
 - (ii) the permit expires;
 - (iii) the permit is cancelled or suspended.

Travel in land closed to public entry

4(1) Notwithstanding section 14(3) of the Act, a person who is a bona fide resident of land closed to public entry may travel to and from that person's home by the most direct route without obtaining a permit or the written permission of a forest officer.

(2) A person who has obtained written permission or a permit to enter land closed to public entry in accordance with section 14(3) of the Act shall travel by the most direct route to and from that person's destination and shall show the permit or written permission to a forest officer upon the officer's request.

Exemptions from firefighting or clean-up operations

5 The following persons are exempt from being required to assist in fighting a fire or a clean-up operation under sections 13 and 30(a) of the Act:

- (a) a person for whom assisting in fighting a fire or a clean-up operation will cause hardship in respect of the person's

health or livelihood or in respect of any legal obligations the person may have to others;

- (b) a person who suffers from a physical, mental or other infirmity that is incompatible with assisting in fighting a fire or clean-up operations;
- (c) a person whose assistance in fighting a fire or clean-up operations would be contrary to the public interest by reason of that person's performance of essential services of public importance that cannot reasonably be rescheduled or performed by another during that person's absence.

Fire Prevention — General

Fires for cooking or warming purposes

6(1) A person who lights an outdoor fire for cooking or warming purposes shall

- (a) light the fire on flat rock, gravel, sand, bare mineral soil, or another non-combustible surface that extends at least one metre around the fire,
- (b) ensure a responsible person is in attendance at the site of the fire to supervise the fire until it has been extinguished, and
- (c) have at the site a sufficient supply of water to extinguish the fire.

(2) A person who uses an outdoor fire for cooking and warming purposes shall

- (a) keep the fire under control at all times, and
- (b) extinguish the fire before leaving the site of the fire, unless there is another person continuing to use the fire.

Disposal of refuse on public land

7 A person shall not discard refuse that could reasonably be expected to create a fire hazard on public land in an area or facility that is not designated for the disposal of refuse.

Firearms, fireworks and exploding targets

8(1) In this section, “exploding target” includes an incendiary target, binary target and any container holding explosive substances.

(2) No person shall do the following in a forest protection area, unless that person has the written permission of a forest officer:

- (a) discharge a firearm using tracer ammunition;
- (b) discharge a firearm using incendiary ammunition;
- (c) discharge or ignite fireworks;
- (d) shoot, ignite or detonate an exploding target;
- (e) handle or store fireworks or exploding targets in a manner that may cause them to be discharged or ignited.

(3) A person who discharges a firearm, discharges or ignites fireworks or shoots, ignites or detonates an exploding target shall immediately extinguish all burning residue from the firearm, fireworks or exploding target.

Flare devices on public land

9(1) Subject to subsection (2), a person shall not ignite a flare device, or handle or store a flare device in a manner that may cause it to ignite, on public land.

(2) In the event of an emergency, a person may ignite a flare device on public land.

(3) A person who ignites a flare device shall immediately extinguish all burning residue from the flare device.

Engines in forest protection area

10(1) No person shall operate an engine in a forest protection area unless the engine is equipped with one of the following in working order:

- (a) a device for arresting sparks, or
- (b) a muffler.

(2) No person shall allow a running or hot engine to come into contact with combustible material.

Fire Prevention — Industrial Operations

Industrial operations in or near forest protection area

11 An owner or operator of an industrial operation or industrial camp located in or within one kilometre of a forest protection area shall, unless otherwise authorized by a forest officer,

- (a) keep the area in which the industrial operation or industrial camp is located clear of all timber, vegetation and combustible material,
- (b) maintain a cleared distance of not less than 30 metres between the industrial operation or industrial camp and the closest standing timber, and
- (c) maintain a clear, bare mineral soil surface extending at least 8 metres around any burner, pit or other source of fire.

Burning in forest protection area outside the fire season

12(1) An owner or operator of an industrial operation or industrial camp located in a forest protection area at which burning of debris is carried on outside the fire season shall ensure that the operation or camp is patrolled daily for fire in accordance with subsection (2).

(2) The patrol referred to in subsection (1) must commence at least one week before operations cease at the site and end no earlier than the first day of June.

(3) A forest officer may, in writing, vary the frequency and period of the patrol provided for by subsection (2).

Flare pits and flare tanks

13 No person shall burn any material or substance produced from an oil or gas well in a flare pit or flare tank unless

- (a) an area extending at least 30 metres around the flare pit or flare tank is clear of all debris and combustible material, unless otherwise specified by a forest officer,
- (b) there is a clear, bare mineral soil surface extending at least 8 metres around the flare pit or flare tank,

- (c) the flare pit or flare tank is constructed so that burning debris cannot escape from the flare pit or flare tank at any time, and
- (d) the discharge tip of the flare line is directed into the flare pit or flare tank at an angle of not less than 30 degrees below horizontal.

Flaring gas

14 No person shall flare gas at the end of a vertical pipe unless the base of the vertical pipe is located at least 30 metres, or such other distance as may be specified by a forest officer, from any timber, vegetation or combustible material.

Pipelines endangered by fire

15(1) In this section,

- (a) “installation” means an installation as defined in the *Pipeline Act*;
- (b) “licensee” means a licensee as defined in the *Pipeline Act* and includes any agent of the licensee approved under section 19 of the *Pipeline Act*;
- (c) “pipeline” means a pipeline as defined in the *Pipeline Act*, but does not include a pipe used to convey water.

(2) The licensee of a pipeline or an installation that is endangered by a fire shall, as soon as the licensee knows or ought to know of the fire, unless otherwise approved by the Minister,

- (a) immediately shut off every well supplying the pipeline,
- (b) immediately depressurize every pipeline located within one kilometre of the fire, and
- (c) notify the Minister in writing when the licensee has complied with the requirements of clauses (a) and (b).

(3) A licensee who is required to comply with subsection (2) shall not repressurize the pipeline until the licensee is notified in writing by the Minister that the licensee may do so.

Incinerators

16 No person shall operate an incinerator in a forest protection area unless

(a) the incinerator meets the following specifications:

- (i) the incinerator must be fully enclosed and constructed entirely of material that is not combustible;
- (ii) the draft and smoke vents of the incinerator must be covered with a heavy gauge metal screen with mesh openings not greater than 6 square millimetres,

and

(b) the incinerator is

- (i) located on an area of bare rock, gravel, sand, bare mineral soil, concrete or other non-combustible surface extending at least 3 metres around the base of the incinerator; and
- (ii) located at least 30 metres from any timber, vegetation or combustible material.

Administrative Penalties

Notice of administrative penalty

17(1) A notice of administrative penalty referred to in section 37.5 of the Act may be given in respect of the following:

- (a) a failure to comply with a term or condition of a fire permit;
- (b) a failure to comply with an order under section 26(1) or 26.2 of the Act;
- (c) a contravention of a provision of the Act or a regulation made under the Act as set out in the Schedule.

(2) A notice of administrative penalty must be given in writing and must contain the following information:

- (a) the name of the person required to pay the administrative penalty;

- (b) particulars of the contravention;
- (c) the amount of the administrative penalty and the date by which it must be paid.

Penalty assessment

18 Subject to section 37.5(3) of the Act, the director may determine the amount of an administrative penalty by considering the following factors:

- (a) the severity of the contravention;
- (b) any adverse effects caused by the contravention;
- (c) the degree of wilfulness or negligence in the contravention;
- (d) whether there was any mitigation relating to the contravention;
- (e) whether steps have been taken to prevent reoccurrence of the contravention;
- (f) whether the person who receives the notice of administrative penalty has a history of non-compliance;
- (g) whether the person who receives the notice of administrative penalty has derived any economic benefit from the contravention;
- (h) any other factors that, in the opinion of the director, are relevant.

Payment of penalty

19 A person who is served with a notice of administrative penalty shall pay the amount of the penalty within 30 days of the date of service of the notice.

Repeal and Consequential Amendments

Repeal

20 The *Forest and Prairie Protection Regulations, Part I* (AR 135/72) are repealed.

Consequential amendments

21 The *Timber Management Regulation* (AR 60/73) is amended

- (a) in section 100(1)(g) by striking out “*The Forest and Prairie Protection Regulations, Part II*” and substituting “*the Forest and Prairie Protection (Ministerial) Regulation*”;
- (b) in section 142.8(c) by striking out “*The Forest and Prairie Protection Regulations, Part II* (Alta. Reg. 310/72)” and substituting “*the Forest and Prairie Protection (Ministerial) Regulation*”;
- (c) in section 148 by striking out “lying south of an imaginary line described in Appendix “A” of the *Forest and Prairie Protection Regulations Part II*”.

Schedule

Provisions in Respect of Which an Administrative Penalty is Payable

An administrative penalty is payable in respect of a contravention of any of the following:

Forest and Prairie Protection Act	Forest and Prairie Protection Regulation	Forest and Prairie Protection (Ministerial) Regulation
11(3)(a)	3	2(1)
14(3)(a) and (b)	4(2)	2(2)
15	6(1) and (2)	3
16	7	4
18(1), (2) and (3)	8(2) and (3)	5
20	9(1) and (3)	6(1) and (2)
21(3)	10(1) and (2)	7
22	11	8
23(1)	12	9(2)
24	13	10
25	14	11(1) and (4)
26.1	15(2) and (3)	
31.3(2)	16	
32(2.2)		
35		
36		