The Alberta government is reviewing the Forest and Prairie Protection Act and Regulations Part I and Part II. This is the first comprehensive review of the legislation in more than 10 years. The changes are intended to provide sustainable wildfire management for Albertans.

Public engagement is a key step in the amendment and reform of legislation. Albertans are invited to complete an online survey regarding the proposed legislation amendments at:

- Forest and Prairie Protection Act and Regulations Amendments Survey

or mail in a completed survey to:

Senior Manager, Wildfire Prevention, Wildfire Compliance and Investigations
Provincial Forest Fire Centre, Agriculture and Forestry
9th Flr., 9920 - 108th Street
Edmonton, AB, T5K 2M4

Feedback must be submitted by April 15, 2016. Public comments will be reviewed and considered in guiding the legislation amendments. The drafted amendments may be brought forward to government as early as Fall 2016.

The amendments fall into three broad categories:

- Fines
- Operational requirements
- Administrative changes

The amendments are summarized as follows:

Amendments to Fines

1. Fines for burning an outdoor fire without due care and attention, as outlined in section 29(1) of Forest and Prairie Protection Regulations, Part I, are currently set at a maximum of $5,000.

   The courts deemed these fine levels to be inadequate to deal with the scale and impact of the offense.

   Proposed: Increase the fine level:

   - From $5,000 to $100,000 for an individual
   - From $5,000 to $1,000,000 for a corporation
2. Fines that address other infractions, as outlined in section 29(2) of Forest and Prairie Protection Regulations, Part I, are currently set at a maximum of $1,000.

The courts deemed these fine levels to be inadequate to deal with the scale and impact of the offense.

**Proposed:** Increase the maximum fine:

- From $1,000 to $50,000 for an individual
- From $1,000 to $500,000 for a corporation

### Operational Amendments

1. Section 15 of the Forest and Prairie Protection Regulations, Part I, addresses oil and gas well precautions. Current precautions include clearing the area around a flare facility of debris for 2.5 times the length of the vertical pipe, unless otherwise prescribed by a forest officer. The majority of flare stack wildfires ignite in fine fuels around the stack.

**Proposed:** All flare pits and flare stacks to be clear of debris for 30 metres.

2. Sections 15 and 16 of the Forest and Prairie Protection Regulations, Part II, address the debris disposal for exploration. The current regulations are outdated; they do not address current exploration practices.

**Proposed:** Consolidate debris disposal in exploration activities into one section. Remove the northern and southern distinctions to make requirements consistent throughout Alberta.

3. Section 17(5) of the Forest and Prairie Protection Regulations, Part II, specifies debris or brush piles on land cleared for exploration must be disposed of within 18 months.

**Proposed:** Debris or brush piles on land cleared for exploration to be disposed of within 12 months. This change is consistent with debris disposal timelines for other activities.

4. Section 8 of the Forest and Prairie Protection Regulations, Part II, deals with debris disposal during a logging operation, and section 8(2) addresses roads. Currently, the timeline to dispose of debris resulting from hazard reduction activities is 24 months.

**Proposed:** Change the debris disposal timelines for hazard reduction to 12 months after logging, unless otherwise permitted by the Minister.

5. Section 13(1) of the Forest and Prairie Protection Regulations, Part II, deals with debris disposal for pole and post manufacturing operations. The regulation specifies that the debris shall be disposed of by burning. Different debris disposal options may be viable.

**Proposed:** Allow for other debris disposal methods as approved by the Minister or designate.
Administrative and Clarification Amendments

1. Section 17(1) of the *Forest and Prairie Protection Act* specifies the period from April 1 to October 31 in each year as the wildfire season.

   **Proposed:** Extend the wildfire season to start one month earlier. The proposed fire season is March 1 to October 31.

2. Section 1(h) of the *Forest and Prairie Protection Act* defines “urban municipality” as a city, town or village (including summer village).

   **Proposed:** Expand the definition to also include urban service area of specialized municipalities. The revised definition would include municipalities such as Regional Municipality of Wood Buffalo.

3. Section 14(5) of the *Forest and Prairie Protection Act* addresses the notice of closure of forest areas. Current wording does not include existing operational practices of posting a closure. This practice is an acceptable way to inform the public of a forest closure.

   **Proposed:** Include public announcement of a forest closure as a method of notification.

4. Section 31.4(1) of the *Forest and Prairie Protection Act*, states that a forest officer may, without a warrant, seize any product that the officer has reasonable grounds to believe has an injurious forest tree pest infestation or a non-indigenous invasive species infestation or that is otherwise diseased.

   **Proposed:** Enhance wording to clarify a forest officer’s existing authority to seize diseased and infected products.

5. Section 37 (a) of the *Forest and Prairie Protection Act*: if the offence was a contravention of section 18 or 22 within a forest protection area, to a fine of not more than the amount prescribed in the regulations and in default of payment to imprisonment for a term of not more than one year.

   **Proposed:** Amend by replacing ‘not more than one year’ with ‘not more than three years’ to align with legislation in other Canadian jurisdictions, such as British Columbia, Ontario and Saskatchewan.

6. Add new Section 43 under the *Forest and Prairie Protection Act*.

   **Proposed:** Add new Section 43 under the Forest and Prairie Protection Act to provide the Minister with the powers to make Directives.

7. Many sections of the Forest and Prairie Protection Regulations, Part I address flare pits.

   **Proposed:** Change wording to be more inclusive of other techniques for flaring.

8. Section 7 of the Forest and Prairie Protection Regulations, Part I, deals with fire prevention general precautions. Glass containers are regarded as a source of wildfire ignition, but there are many other materials that could cause a fire.

   **Proposed:** Amend by replacing “glass” with “refuse”.

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9. Form A of the Forest and Prairie Protection Regulations, Part I, is an outdated form and is not used.

**Proposed:** Remove Form A from the regulation.

10. Form B of the Forest and Prairie Protection Regulations, Part I, is an outdated form and is not used.

**Proposed:** Remove Form B from the regulation.

11. Section 3(h) of the Forest and Prairie Protection Regulations, Part II, deals with the recovery of minerals as defined by the Mines and Minerals Act including tar sand development.

**Proposed:** Amend by changing the word “tar sands” to “oil sands” to align the wording with other legislation, such as the *Mines and Minerals Act*, *Environmental Protection and Enhancement Act*, *Responsible Energy Development Act*.

12. Section 6 of the Forest and Prairie Protection Regulations, Part II, addresses total debris disposal requirements and responsibility of the individual in charge of burning operations. Current wording states the individual should be “…present during the burning period…” but a burning period is not defined.

**Proposed:** Amend the wording to ensure the person in charge must ensure extinguishment of the fire.

13. Section 7 of the Forest and Prairie Protection Regulations, Part II, addresses total debris disposal requirements and the required equipment for burning operations. Currently the way an officer requests additional fire fighting equipment is not clarified.

**Proposed:** Clarify that requests must be provided in written form.

14. Add Section in the Forest and Prairie Protection Regulations Part II to allow acceptable disposal methods.

**Proposed:** Add new Section 8 to the Forest and Prairie Protection Regulations, Part II to provide the opportunity to allow disposal such as mulching, or rollback, in certain circumstances.

15. Section 12(3) of the Forest and Prairie Protection Regulations, Part II, addresses debris disposal by sawmills and planing mills. The regulation addresses times outside of the wildfire season, but the wildfire season can change depending on fire risk conditions.

**Proposed:** Amend the wording to allow for a possibility that the wildfire season ends or starts earlier or later than legislated.

16. Section 13(3) of the Forest and Prairie Protection Regulations, Part II, addresses debris disposal by pole and post manufacturing operations. The regulation addresses times outside of the wildfire season, but the wildfire season can change depending on fire risk conditions.

**Proposed:** Amend the wording to allow for a possibility that the wildfire season ends or starts earlier or later than legislated.
17. Section 14(a) of the Forest and Prairie Protection Regulations, Part II, addresses debris disposal by agriculture and the broadcast burning of grass or stubble. The word permit is used in two different contexts which may be confusing.

**Proposed:** Strike out the first reference to the word “permit” and replace with “allow” to provide clarity.

18. Section 14(c) and (d) of the Forest and Prairie Protection Regulations, Part II, addresses the debris disposal for agriculture and the responsibilities for attending to a fire and necessary equipment. These provisions could be combined to provide clarity.

**Proposed:** Combine section 14(c) and (d).