

2024 Bill 35

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 35

ALL-SEASON RESORTS ACT

THE MINISTER OF TOURISM AND SPORT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 35

2024

ALL-SEASON RESORTS ACT

(Assented to , 2024)

Table of Contents

1 Definitions

Regulation of All-season Resorts

2 Director

3 All-season resort policies

4 Proceedings under specified provisions

5 Jurisdiction under specified provisions

Designation of All-season Resort Areas

6 Designation of all-season resort areas

7 Public land under administration of Minister

8 Continued application of land use plans, policies and programs

9 Continuation of interests

10 All-season resort disposition

Applications

11 Applications

Appeals

12 Consolidation of EAB appeals

13 Consolidation of EAB and PLAB appeals

14 Appeal to Court of Appeal

15 Exclusion of judicial review

Regulations

16 Regulations

Consequential Amendments

17-21 Consequential amendments

Coming into Force

22 Coming into force

Schedules

Preamble

WHEREAS Alberta is home to a diverse and stunning array of landscapes and geographic features, including majestic mountain ranges, rolling prairies, vast boreal forests, prehistoric badlands and sparkling lakes;

WHEREAS residents, families and visitors from all over the world cherish and enjoy Alberta's iconic landscapes and their experiences in Alberta's outdoors;

WHEREAS Alberta's world-class environmental standards ensure that the province's land is conserved and responsibly managed for the benefit of present and future generations;

WHEREAS the Government of Alberta is committed to expanding opportunities for the responsible use of Alberta's outdoors and developing the province as a globally renowned tourism destination where residents, families and visitors have access to a variety of year-round attractions, accommodations, experiences and amenities across the province;

WHEREAS Alberta's tourism sector is poised to play a leading role in Alberta's economic future and the Government of Alberta is committed to providing confidence and certainty to investors and developers to support the growth of the sector; and

WHEREAS the Government of Alberta recognizes that the creation of an all-season resort regulator will enable a streamlined approach to the approval and development of all-season resorts in Alberta, while ensuring that these projects are subject to the same high environmental and conservation standards as other projects in Alberta;

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

Definitions

1 In this Act,

- (a) “all-season resort area” means an area of public land designated as an all-season resort area under section 6;
- (b) “all-season resort development” means a resort facility with fixed-roof accommodation located in an all-season resort area where accommodation, activities, services and amenities are provided to members of the public throughout the year and includes any buildings or permanent structures located in the all-season resort area and the infrastructure required to support the development and its operations;
- (c) “all-season resort official” means an officer, inspector, investigator, director, manager, Deputy Minister or Assistant Deputy Minister, or a person specified in the regulations, under the administration of the Minister;
- (d) “application” means an application for an approval under a specified provision;
- (e) “approval” means an approval, permit, licence, registration, authorization, disposition, certificate, allocation, declaration or other instrument or form of approval, consent or relief under a specified provision, including an amendment, renewal or transfer of any of those instruments, but does not include a designation of an all-season resort area under section 6;
- (f) “director” means a director designated by the Minister under section 2;
- (g) “Environmental Appeals Board” means the Environmental Appeals Board established under section 90 of the *Environmental Protection and Enhancement Act*;
- (h) “Minister”, except in section 5, means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (i) “public land” means public land as defined in the *Public Lands Act*;

- (j) “Public Lands Appeal Board” means the Public Lands Appeal Board established under the regulations made under the *Public Lands Act*;
- (k) “specified director” means
 - (i) Director as defined in the *Environmental Protection and Enhancement Act*,
 - (ii) director as defined in the *Public Lands Act*, and
 - (iii) Director as defined in the *Water Act*;
- (l) “specified enactment” means
 - (i) the *Environmental Protection and Enhancement Act*,
 - (ii) the *Public Lands Act*,
 - (iii) the *Water Act*, and
 - (iv) a regulation made under an enactment referred to in subclauses (i) to (iii);
- (m) “specified official” means an officer, inspector, investigator, director, manager, Deputy Minister or Assistant Deputy Minister, or a person specified in the regulations, who is vested with a power, duty or function that is set out in a specified provision;
- (n) “specified provision” means a provision of a specified enactment prescribed in the Schedules or by the regulations.

Regulation of All-season Resorts

Director

2(1) The Minister may designate any employee under the administration of the Minister as a director for the purposes of all or part of this Act.

(2) A director may delegate any power, duty or function of the director to any employee under the administration of the Minister.

All-season resort policies

3(1) The Minister may establish policies respecting all-season resort areas and all-season resort developments, including policies respecting

- (a) goals, objectives and priorities relating to the regulation of all-season resort areas and all-season resort developments, and
- (b) principles for the identification of public land for designation as all-season resort areas through the land-use planning process.

(2) The Minister shall publish or make publicly available any policies made under this section on the website of the Minister's department.

Proceedings under specified provisions

4 Except to the extent that this Act or the regulations provide otherwise, an application, decision or other matter under a specified provision in respect of an all-season resort area or all-season resort development must be considered, heard, reviewed or appealed, as the case may be, in accordance with section 5 and the specified provisions of the specified enactment.

Jurisdiction under specified provisions

5(1) In this section, "all-season resort Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

(2) Subject to the regulations,

- (a) all powers, duties and functions of specified officials set out in the specified provisions are to be carried out by all-season resort officials equivalent to and instead of the specified officials to the extent that those powers, duties and functions are to be carried out in respect of all-season resort areas or all-season resort developments,
- (b) all powers, duties and functions of a Minister or department set out in the specified provisions are to be carried out by the all-season resort Minister or the department of the all-season resort Minister to the extent that those powers, duties and functions are to be carried

out in respect of all-season resort areas or all-season resort developments,

- (c) the administration of specified provisions relating to the carrying out of powers, duties or functions referred to in clause (a) is to be carried out by all-season resort officials,
- (d) the administration of specified provisions relating to the carrying out of powers, duties or functions referred to in clause (b) is to be carried out by the all-season resort Minister or the department of the all-season resort Minister,
- (e) all-season resort officials, the all-season resort Minister and the department of the all-season resort Minister shall act in accordance with the specified provisions in the carrying out of the powers, duties and functions referred to in clauses (a) to (d), and
- (f) a reference in a specified provision to a specified official, a Minister or a department in relation to the carrying out of a power, duty or function in respect of all-season resort areas or all-season resort developments is a reference to an all-season resort official, the all-season resort Minister or the department of the all-season resort Minister, respectively.

Designation of All-season Resort Areas

Designation of all-season resort areas

6(1) Subject to subsection (3), the Lieutenant Governor in Council, on the recommendation of the Minister, may designate as an all-season resort area an area of public land to which the *Public Lands Act* applies.

(2) A designation must be made in accordance with

- (a) the *Alberta Land Stewardship Act* and any applicable plans made under that Act,
- (b) any regulations made under this Act, and
- (c) any policies established by the Minister under section 3.

(3) No area of public land shall be designated as an all-season resort area if that land is

- (a) a provincial park or provincial recreation area under the *Provincial Parks Act* or an area of land to which the *Provincial Parks Act* applies under section 7 of that Act, or
 - (b) a wilderness area, ecological reserve, natural area or heritage rangeland under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*.
- (4) For greater certainty, an area of public land referred to in subsection (3)(a) or (b) may be designated as an all-season resort area after
- (a) the Lieutenant Governor in Council rescinds the designation of the land
 - (i) as a provincial park or provincial recreation area under the *Provincial Parks Act*, or
 - (ii) as an ecological reserve, natural area or heritage rangeland under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*,
 - or
 - (b) the land is removed from a wilderness area established in the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*.

Public land under administration of Minister

7(1) Any public land designated as an all-season resort area is under the administration of the Minister.

(2) To the extent set out in this Act and the regulations, the *Public Lands Act* and the regulations made under that Act apply to public land designated as an all-season resort area.

Continued application of land use plans, policies and programs

8(1) Subject to subsection (2) and the regulations, any land use plans, policies or programs that applied to an area of public land immediately before it was designated as an all-season resort area

cease to apply to the land while it is designated as an all-season resort area.

(2) A director may determine in accordance with the regulations whether any land use plans, policies or programs that applied to an area of public land immediately before it was designated as an all-season resort area continue to apply to the land while it is designated as an all-season resort area.

Continuation of interests

9 Subject to the regulations, where a person other than the Crown holds an interest in a subsisting approval under any enactment with respect to an area of public land or a portion of public land designated as an all-season resort area, a director shall determine in accordance with the regulations whether the interest

- (a) is to be withdrawn, cancelled or otherwise terminated, or
- (b) continues until its expiry and may be renewed.

All-season resort disposition

10 An all-season resort development may only be constructed, operated and maintained on an all-season resort area if an all-season resort disposition established under the *Public Lands Act* has been issued in respect of the all-season resort area.

Applications

Applications

11(1) A director may combine applications in respect of

- (a) the same all-season resort area,
- (b) the same all-season resort development, or
- (c) an all-season resort area and the all-season resort development located in the all-season resort area.

(2) Applications combined under subsection (1) may be

- (a) made under the same enactment or under different specified enactments, and

- (b) considered by the director jointly or separately, as the director considers appropriate.

(3) Where a director is of the opinion that an application is not in respect of an all-season resort area or all-season resort development, the director shall refer the application to the appropriate official under the specified enactment.

Appeals

Consolidation of EAB appeals

12 The Environmental Appeals Board may consolidate appeals under the *Environmental Protection and Enhancement Act* or the *Water Act*, or both enactments, if the appeals are in respect of

- (a) the same all-season resort area,
- (b) the same all-season resort development, or
- (c) an all-season resort area and the all-season resort development located in the all-season resort area.

Consolidation of EAB and PLAB appeals

13(1) The Environmental Appeals Board or the appeals co-ordinator of the Public Lands Appeal Board may direct that one or more appeals under the *Public Lands Act* and one or more appeals under the *Environmental Protection and Enhancement Act* or the *Water Act*, or both enactments, are to be consolidated if the appeals are in respect of

- (a) the same all-season resort area,
- (b) the same all-season resort development, or
- (c) an all-season resort area and the all-season resort development located in the all-season resort area.

(2) On a direction being made under subsection (1), the Environmental Appeals Board and the appeals co-ordinator of the Public Lands Appeal Board shall

- (a) immediately give notice to the parties to each appeal before the respective Boards that the appeals are to be consolidated, and

- (b) within 30 days after notice has been given under clause (a), jointly establish a panel to hear the consolidated appeal.
- (3) A panel established to hear a consolidated appeal must consist of 3 or 5 members with at least one member of the Environmental Appeals Board and one member of the Public Lands Appeal Board.
- (4) The panel shall designate a member of the panel as the chair.
- (5) Where a panel is to hear a consolidated appeal, the hearing must be conducted by the panel on behalf of and in the name of the Public Lands Appeal Board.
- (6) A decision of a panel is a decision of the Public Lands Appeal Board.
- (7) Notwithstanding the *Environmental Protection and Enhancement Act* or the regulations made under that Act, a consolidated appeal must be heard and decided in accordance with Part 7 of the *Public Lands Act* and the regulations made under that Part.
- (8) For the purposes of a consolidated appeal,
 - (a) all powers, duties and functions of the Public Lands Appeal Board set out in Part 7 of the *Public Lands Act* and the regulations made under that Part are to be carried out by a panel established under subsection (2)(b),
 - (b) all powers, duties and functions of the appeals co-ordinator under the *Public Lands Act* are to be carried out by the chair of a panel established under subsection (2)(b), and
 - (c) a reference to the Board or the appeals co-ordinator in Part 7 of the *Public Lands Act* and the regulations made under that Part is a reference to a panel established under subsection (2)(b) or the chair of a panel, respectively.

Appeal to Court of Appeal

14(1) In this section, “decision-maker” means

- (a) the Environmental Appeals Board, with respect to a decision referred to in subsection (2)(a);

- (b) the Minister, with respect to a decision referred to in subsection (2)(b) or (c);
- (c) the panel established under section 13(2)(b), with respect to a decision referred to in subsection (2)(d).

(2) The following decisions made in respect of an all-season resort area or all-season resort development may be appealed to the Court of Appeal with the permission of the Court of Appeal on a question of jurisdiction or a question of law:

- (a) a decision of the Environmental Appeals Board with respect to a notice of appeal referred to in
 - (i) section 91(1)(n) or (o) of the *Environmental Protection and Enhancement Act*, or
 - (ii) section 115(1)(j), (l) or (q) of the *Water Act*;
- (b) a decision of the Minister under section 100 of the *Environmental Protection and Enhancement Act* with respect to a notice of appeal referred to in
 - (i) section 91(1)(a) to (m) of the *Environmental Protection and Enhancement Act*, or
 - (ii) section 115(1)(a) to (i), (k), (m) to (p) and (r) of the *Water Act*;
- (c) a decision of the Minister under section 124 of the *Public Lands Act* with respect to an appeal referred to in section 211(a) to (d) and (g) to (n) of the *Public Lands Administration Regulation* (AR 187/2011);
- (d) a decision of a panel established under section 13(2)(b).

(3) An application for permission to appeal must be filed and served within 30 days after the person making the application receives notice of a decision referred to in subsection (2).

(4) Filing an application for permission to appeal a decision does not operate to stay the decision.

(5) On hearing the appeal, the Court of Appeal shall confirm, vacate or give directions to vary the decision.

(6) Where the Court of Appeal vacates or gives directions to vary the decision, the Court of Appeal shall refer the matter back to the decision-maker for further consideration and determination.

Exclusion of judicial review

15 Subject to section 14, every decision of the Minister, a director, a specified director or other person carrying out powers, duties and functions under this Act or the specified enactments in respect of an all-season resort area or all-season resort development is final and shall not be questioned or reviewed in any court by application for judicial review or otherwise, and no order shall be made or process entered or proceedings taken in any court, by way of injunction, certiorari, mandamus, declaratory judgment, prohibition, quo warranto, application to quash or set aside or otherwise, to question, review, prohibit or restrain any decision, order or proceedings of the Minister, a director, a specified director or other person under this Act or the specified enactments.

Regulations

Regulations

16(1) The Lieutenant Governor in Council may make regulations

- (a) specifying persons for the purposes of section 1(c) and (m);
- (b) prescribing additional provisions of specified enactments as specified provisions;
- (c) respecting the application of section 4;
- (d) respecting the carrying out by all-season resort officials, the Minister and the department of the Minister of the powers, duties and functions of specified officials, other Ministers and other departments under specified provisions in respect of all-season resort areas and all-season resort developments, including regulations providing, for the purposes of giving effect to or limiting the carrying out of a power, duty or function, that a specified provision
 - (i) does not apply to an all-season resort official, the Minister or the department of the Minister, or

- (ii) applies to an all-season resort official, the Minister or the department of the Minister with the modifications set out in the regulations;
 - (e) respecting any matters that are necessary for or ancillary or incidental to the carrying out of a power, duty or function by all-season resort officials, the Minister and the department of the Minister under a specified provision;
 - (f) respecting the designation of all-season resort areas under section 6;
 - (g) respecting the application of land use plans, policies or programs to all-season resort areas for the purposes of section 8, including regulations respecting exemptions from section 8(1) or varying the application of land use plans, policies or programs;
 - (h) respecting interests in subsisting approvals for the purposes of section 9, including regulations respecting exemptions from section 9;
 - (i) respecting rents that may be charged by holders of dispositions referred to in section 10 in respect of all-season resort areas and all-season resort developments;
 - (j) respecting any transitional matter concerning the application of this Act in respect of matters dealt with under this Act;
 - (k) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the purposes of this Act.
- (2)** A regulation made under subsection (1) may be specific or general in its application.

Consequential Amendments

Amends SA 2009 cA-26.8

17(1) The *Alberta Land Stewardship Act* is amended by this section.

(2) Section 5 is amended by renumbering it as section 5(1) and by adding the following after subsection (1):

(2) Subsection (1)(a) does not apply with respect to any part of a regional plan or amendment that applies to an all-season resort area under the *All-season Resorts Act*.

Amends RSA 2000 cE-12

18(1) The *Environmental Protection and Enhancement Act* is amended by this section.

(2) The following is added after section 2.1:

Application of All-season Resorts Act

2.2 This Act, to the extent that it applies to all-season resort areas and all-season resort developments as defined in the *All-season Resorts Act*, shall be read and applied in conjunction with the *All-season Resorts Act*.

Amends RSA 2000 cN-3

19(1) The *Natural Resources Conservation Board Act* is amended by this section.

(2) Section 1(h) is amended by adding “, but does not include a project to construct an all-season resort development” after “has been ordered”.

Explanatory Notes

17(1) Amends chapter A-26.8 of the Statutes of Alberta, 2009.

(2) Section 5 presently reads:

5 Before a regional plan is made or amended, the Stewardship Minister must

- (a) ensure that appropriate public consultation with respect to the proposed regional plan or amendment has been carried out, and present a report of the findings of such consultation to the Executive Council, and*
- (b) lay before the Legislative Assembly the proposed regional plan or amendment.*

18(1) Amends chapter E-12 of the Revised Statutes of Alberta 2000.

(2) Application of All-season Resorts Act.

19(1) Amends chapter N-3 of the Revised Statutes of Alberta 2000.

(2) Section 1(h) presently reads:

1 In this Act,

- (h) “recreational or tourism project” means a project to construct one or more facilities for recreational or tourism purposes for which an environmental impact assessment report has been ordered;*

Amends RSA 2000 cP-40

20(1) The *Public Lands Act* is amended by this section.

(2) The following is added after section 2.01:

Application of All-season Resorts Act

2.02 This Act, to the extent it applies to all-season resort areas and all-season resort developments as defined in the *All-season Resorts Act*, shall be read and applied in conjunction with the *All-season Resorts Act*.

(3) The following is added after section 119:

Appeals under All-season Resorts Act

119.1 An appeal board shall hear appeals as provided for in the *All-season Resorts Act*.

Amends RSA 2000 cW-3

21(1) The *Water Act* is amended by this section.

(2) The following is added after section 2.1:

Application of All-season Resorts Act

2.2 This Act, to the extent that it applies to all-season resort areas and all-season resort developments as defined in the *All-season Resorts Act*, shall be read and applied in conjunction with the *All-season Resorts Act*.

Coming into Force

Coming into force

22 This Act comes into force on Proclamation.

20(1) Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Application of All-season Resorts Act.

(3) Appeals under All-season Resorts Act.

21(1) Amends chapter W-3 of the Revised Statutes of Alberta 2000.

(2) Application of All-season Resorts Act.

22 Coming into force.

Schedule 1
Environmental Protection and Enhancement Act and regulations

Specified provisions

1 *Environmental Protection and Enhancement Act*

- (a) sections 1, 2, 3, 3.1, 16, 17, 18, 25, 26, 28, 32(3), 35, 37(1)(d), (e), (f), (g), (i) and (j) and 38,
- (b) sections 39 and 40,
- (c) sections 41 to 43, which are to be read as if “Director” were struck out wherever it occurs and “Minister” were substituted,
- (d) section 44, which is to be read as if,
 - (i) in subsection (1), as it applies to a proposed activity that is not a mandatory activity, “Director” were struck out wherever it occurs and “Minister” were substituted,
 - (ii) in subsection (2), “assist the Director” were struck out and “assist the Minister” were substituted, and
 - (iii) in subsections (3) to (6), “Director” were struck out wherever it occurs and “Minister” were substituted,
- (e) section 45, which is to be read as if,
 - (i) in subsection (1), “Director decides” were struck out and “Minister decides” were substituted,
 - (ii) in subsection (2), “Director” were struck out and “Minister” were substituted,
 - (iii) in subsections (3) and (4), “Director decides” were struck out and “Minister decides” were substituted, and
 - (iv) in subsection (5), “Director’s decision” were struck out and “Minister’s decision” were substituted,
- (f) sections 46 to 52,
- (g) section 53, except clauses (a) and (b),

- (h) section 54(1),
- (i) sections 55 to 57,
- (j) sections 59 to 86,
- (k) Part 3,
- (l) Part 4, except sections 93 and 99(2),
- (m) Part 6, except section 146,
- (n) Part 7,
- (o) Part 10,
- (p) Part 11, and
- (q) the Schedule.

2 *Activities Designation Regulation* (AR 276/2003)

- (a) sections 2(2)(ww) and (xx), 5(1) and (2) and 6,
- (b) Part 7 of Schedule 1, Division 2, and
- (c) Schedule 1, Division 5.

3 *Administrative Penalty Regulation* (AR 23/2003)

- (a) sections 2, 3 and 4, and
- (b) the Schedule.

4 *Conservation and Reclamation Regulation* (AR 115/93)

- (a) sections 6 and 8 to 15.1.

5 *Environmental Appeal Board Regulation* (AR 114/93)

- (a) entire enactment.

6 *Environmental Assessment Regulation* (AR 112/93)

- (a) sections 1 and 3 to 8.

7 *Environmental Assessment (Mandatory and Exempted Activities) Regulation (AR 111/93)*

- (a) sections 1 and 2,
- (b) Schedule 1, clause (f), and
- (c) Schedule 2, clause (f).

8 *Environmental Protection and Enhancement (Miscellaneous) Regulation (AR 118/93)*

- (a) sections 1, 2, 3 and 7.

9 *Release Reporting Regulation (AR 117/93)*

- (a) section 4.

10 *Remediation Regulation (AR 154/2009)*

- (a) section 1,
- (b) sections 2 to 8, and
- (c) sections 9 and 10.

Schedule 2
Public Lands Act and Public Lands Administration Regulation

Specified provisions

1 *Public Lands Act*

- (a) sections 1 and 2.1,
- (b) sections 3 to 7,
- (c) sections 9.1, 11 and 11.1,
- (d) sections 12 to 16,
- (e) section 20,
- (f) sections 24 to 28,
- (g) section 32,
- (h) sections 35 to 45,
- (i) sections 47 and 47.1,
- (j) sections 52 to 54,
- (k) sections 56 to 57.1,
- (l) sections 59.01 to 59.92,
- (m) sections 60 to 70,
- (n) sections 71.4 to 78,
- (o) sections 81 and 82, and
- (p) Part 7.

2 *Public Lands Administration Regulation (AR 187/2011)*

- (a) section 1,
- (b) sections 8 to 16,
- (c) sections 17 to 19,
- (d) section 20(1), (2) and (3)(a) to (d),

- (e) sections 21 to 32,
- (f) Part 2,
- (g) Division 4 of Part 3,
- (h) Divisions 8.1 and 9 of Part 3,
- (i) Part 4, except sections 155 to 159,
- (j) Parts 5, 6 and 7,
- (k) Part 8, except sections 169 and 174,
- (l) Part 9, and
- (m) Part 10, except sections 211 and 217(2).

Schedule 3
Water Act and regulations

Specified provisions

1 *Water Act*

- (a) section 1(1)(a) to (s), (u), (v), (z), (aa) to (kk), (mm) to (bbb), (ddd) to (mmm), (2) and (3),
- (b) sections 2 and 3 to 6,
- (c) sections 16, 17, 18, 20, 26 and 28 to 31,
- (d) section 32(1), (3), (4) and (5),
- (e) section 33,
- (f) Part 4, except Division 4, and
- (g) Parts 5 to 14, except sections 116(2), 169(2)(f), (z), (qq) and (rr) and 174.

2 *Water (Ministerial) Regulation (AR 205/98)*

- (a) entire enactment.

3 *Water (Offences and Penalties) Regulation (AR 193/98)*

- (a) entire enactment.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To