

Provincial Agricultural Service Board Committee

**Report Card on Government and Non-Government Responses to the
2013 Provincial ASB Resolutions**

Introduction

The Agricultural Service Board (ASB) Provincial Committee is pleased to provide ASB members and staff with the Report Card on Government and Non-Government Responses to the 2013 Provincial ASB Resolutions. This document includes the Whereas and Therefore Be It Resolved sections from each of the resolutions passed at the 2013 Provincial ASB Conference, the associated responses and a tentative grade for each response as assigned by the Committee. Comments from the Committee are included with the grade assigned.

There are four response grades that can be assigned to a resolution response: Accept the Response; Accept in Principle, Incomplete and Unsatisfactory. The grade assigned relates to the quality of the response to the resolution. A definition of what each grade means is included as part of the Report Card. This report also summarizes actions undertaken by the Provincial ASB Committee and provides updates associated with resolution issues.

Please note that the grades assigned by the Committee are intended to provide further direction on future activities or follow up with respondents. If you would like to comment on the assigned grade or follow up activities, please contact your Provincial ASB Committee Representative.

The ASB Provincial Committee consists of five regional representatives, a representative from the Alberta Association of Agricultural Fieldman (AAAF) as recording secretary, a representative from the Alberta Association of Municipal Districts and Counties (AAMD&C) and the ASB Program Manager from Alberta Agriculture and Rural Development (ARD). The members for 2013 were:

Regional Representatives	Alternate
Patrick Gordeyko, Chair, Northeast Region	Daniel Warawa
Lloyd Giebelhaus, Vice-Chair, Northwest Region	Darrell Hollands
Garry Lentz, South Region	Henry Doeve
Jim Duncan, Central Region	Phillip Massier
Don Dumont, Peace Region	Mackay Ross
Other Representatives	
Soren Odegard, AAMD&C	
Jason Storch, Recording Secretary/1st VP, AAAF	
Maureen Vadnais, Manager, ASB Program, ARD	
Pam Retzliff, ASB Program Coordinator, Recording Secretary	

Definition of Terms

The Provincial Agricultural Service Board (ASB) Committee has chosen four indicators with which to grade resolution responses offered by government and non-government organizations.

Accept the Response

A response that has been accepted is one that addresses the resolution as presented or meets the expectations of the Provincial ASB Committee.

Accept in Principle

A response that has been accepted in principle is one that addresses the resolution in part or contains information, which indicates further action is being considered.

Incomplete

A response that is graded as incomplete is one that has not provided enough information or does not completely address the resolution. Follow up is required to solicit the information required for the Provincial ASB Committee to make an informed decision on how to proceed.

Unsatisfactory

A response that is graded as unsatisfactory is one that does not address the resolution as presented or does not meet the expectations of the Provincial ASB Committee.

Executive Summary

Grading given by the Provincial ASB Committee to Government and Non-Government Organizations response to resolutions passed at the 2013 Provincial ASB Conference.

Resolution Number	Title	Status	Page
1-13	Weed Control in Provincial Waterways	Unsatisfactory	5
2-13	Inclusion of all Invasive Hawkweed Species as Prohibited Noxious under the Alberta Weed Control Act and Regulation	Accept in Principle	7
3-13	Reporting Rats	Accept the Response	9
4-13	Wild Boar Eradication Initiative	Accept in Principle	11
5-13	Agricultural Pests Act Review/Invasive Species Act	Unsatisfactory	14
6-13	Composition of Soil Conservation Act Appeal Committee	Accept in Principle	18
7-13	Pesticide Container Collection Program	DEFEATED	20
8-13	Timeliness of Agriculture Financial Services Corp. (AFSC) on farm hail investigations	Accept the Response	21
9-13	Comprehensive Coverage for Wildlife Damage to Honey and Leafcutter Bee Structures	DEFEATED	24
10-13	Continuation of the Prairie Shelterbelt Program	Accept the Response	25
11-13	Short Term Solid Manure Storage	Accept the Response	28
12-13	Agri-Environment Services Branch Staffing	Accept the Response	29
13-13	Modernization of Seed Cleaning Plants	DEFEATED	31

ASBs were given an opportunity to provide input for the grading process by individually grading the resolution responses and submitting them to their regional representative. These results were compiled and the comments used by the Provincial Committee members to determine the final grade.

41% of the ASBs submitted their grading responses for consideration. The number of municipalities per region that responded and the overall grading summary response is included below.

No. of ASBs that Responded

Region	% of Region Responding
South	37%
Central	36%
Northeast	100%
Northwest	23%
Peace	31%
TOTAL	41%

NOTE: Northeast ASBs graded the resolution responses as a group

2013 Summary of Grading Responses Submitted

Resolution No.	Accept the Response	Accept in Principle	Incomplete	Unsatisfactory	Grade
1-13	3	6	6	5	Accept in Principle/Incomplete
2-13	10	7	3	1	Accept the Response
3-13	10	7	1	2	Accept the Response
4-13	5	7	3	5	Accept in Principle
5-13	3	6	4	7	Unsatisfactory
6-13	5	9	3	2	Accept in Principle
7-13					DEFEATED
8-13	14	2	2	2	Accept the Response
9-13					DEFEATED
10-13	6	10	2	2	Accept in Principle
11-13	9	7	1	4	Accept the Response
12-13	6	8	2	3	Accept the Response
13-13					DEFEATED

The ASB Provincial Committee met with Minister Verlyn Olson twice in 2013. We appreciate the opportunity we had to discuss the resolution responses with him and to discuss issues that impacted ASBs throughout the Province. The Committee worked with ARD in 2013 to finalize the ASB Program for 2014-2016 and was consulted on the proposed containment and eradication strategy for wild boars within the province. The Committee is looking forward to seeing the outcome of this consultation and implementation of the proposed strategy.

Weed Control in Provincial Waterways

- WHEREAS:** Municipalities are absorbing most of the cost of weed control along and within provincial waterways; and
- WHEREAS:** Provincial support and funding is minimal, a fraction of the real cost; and
- WHEREAS:** Weed control options are limited within the bed and shore of waterbodies, and are usually labor intensive and expensive; and
- WHEREAS:** The Province has ownership of the bed and shore of waterbodies, but doesn't appear to have sufficient programming or funding in place to properly manage regulated weeds; and
- WHEREAS:** Some weed control options require approvals from Alberta Environment and/or Department of Fisheries and Oceans; and
- WHEREAS:** Weed seeds and reproductive parts can travel great distances along waterways;

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that Alberta Environment and Sustainable Resource Development review their current weed control programming and funding for bed and shore of waterbodies, to ensure the effectiveness of the program, as well as implementing a monitoring and assessment program to ensure that weed populations are dealt with proactively.

Status: Provincial

Response:

Alberta Environment and Sustainable Resource Development

Areas of weed infestations often occur across public and private lands. To most effectively deal with weed infestations, our department works co-operatively with adjacent land owners.

Annually, the department budgets about \$150,000 for partnerships with municipalities throughout the province to proactively deal with weeds on public land, including the bed and shores of provincial waterways. In 2012 -13, our department spent almost \$165,000 on 28 agreements with 18 municipal districts and counties.

Throughout the province, our department's agrologists collaborate with the Association of Alberta Agricultural Fieldmen to identify areas of concern, align our priorities with those of the local municipalities, and determine the best mechanism for weed control. Environment and Sustainable

Resource Development encourages municipalities to continue working with our local area staff to identify and control weeds through mutually beneficial partnership agreements.

Alberta Agriculture and Rural Development

Since crown land is administered by Environment and Sustainable Resource Development (ESRD) and the WCA does not include waterways, this issue should be dealt with by ESRD.

Provincial ASB Committee Grade: Unsatisfactory

Provincial ASB Committee Comments:

The ASB Provincial Committee felt that a grade of “Unsatisfactory” was more appropriate for this response. The Committee felt that the response “does not address the resolution as presented”. The Committee has the authority to determine the final grade assigned to a resolution response.

ASBs’ comments indicated that ESRD did not address the resolution with their response. The response did not indicate whether they were going to undertake a review of their current program for funding levels and assessment or if a new program for monitoring and assessment was being considered to ensure weed populations along bed and shore of waterbodies was being considered.

ASBs indicated that the current program was not proactive, insufficiently funded and that ESRD was not taking responsibility for weeds along the bed and shore of waterbodies. They felt that ESRD was too reliant on municipalities to do the control work and cover the actual cost of doing control work.

ASBs would like to encourage ESRD to review their current program and budget. They would like to see budget allocated for a proactive monitoring and assessment program and for an increase in the budget available to do control work along the bed and shore of waterbodies. ESRD needs to ensure that they are meeting their legislated responsibilities under the *Weed Control Act* for the bed and shore of waterbodies.

Inclusion of all Invasive Hawkweed Species as Prohibited Noxious under the Alberta Weed Control Act and Regulation

- WHEREAS:** Currently, three Hawkweed species are included within the *Weed Control Act* as Prohibited Noxious; and
- WHEREAS:** There are several other non-native invasive species of Hawkweed that are currently present in Alberta or neighboring jurisdictions;
- WHEREAS:** The Alberta Weed Regulatory Advisory Committee (AWRAC) currently has a pending recommendation regarding adding these threatening Hawkweed species to the regulation;
- WHEREAS:** Addressing new and emerging weed issues quickly is proven to be the most effective way to minimize overall control costs and best protect agriculture and the environment;

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that Alberta Agriculture and Rural Development immediately revise the Alberta *Weed Control Act* Regulation to include all non-native Hawkweed species, as recommended by the Alberta Weed Regulatory Advisory Committee.

Status: Provincial

Response:

Alberta Agriculture and Rural Development

ARD has a process in place for the addition of species to the regulated weed lists that is based on a scientific basis. Let the AWRAC committee make the recommendation to the Minister to add other hawkweeds to the existing regulation list. After the recommendation is submitted, the Minister will decide on updating the list of regulated species.

Provincial ASB Committee Grade: Accept in Principle

Provincial ASB Committee Comments:

The ASB Provincial Committee felt that a grade of "Accept in Principle" was more appropriate for this response as there is still work that needs to be done to follow this resolution.

ASBs felt that the process for adding these species to the *Weed Control Act (WCA)* should be allowed to be completed. They recommended that the Provincial Committee write a letter to the Alberta Weed Regulatory Advisory Committee (AWRAC) to make them aware of the ASBs' support to add these species.

The ASBs also requested that AWRAC carefully consider the addition of these species. ASBs felt that control options and the impact on agricultural production should be considered as part of the scientific process AWRAC uses to make recommendations to the Minister for addition of new species to the *WCA*.

Reporting Rats

WHEREAS: Remaining rat free for the past 50 years is a great triumph for the province and is one of the most successful programs developed under the *Agricultural Pests Act*;

WHEREAS: Rat control is a provincial priority;

WHEREAS: Rat control needs to be a priority for everyone involved in pest management.

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that Alberta Agriculture and Rural Development make it a requirement, under the *Agricultural Pests Act*, that individuals and especially commercial pest control companies, finding a Norway Rat, be required by law to report the presence of the pest, alive or dead, to provincial Pest Inspectors.

FURTHER BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that Alberta Agriculture and Rural Development immediately take steps to inform pest control companies and the public that notification of the presence of rats, dead or alive, is required by law.

Status: Provincial

Response:

Alberta Agriculture and Rural Development

The *Agricultural Pests Act* is the only Act that deals with pests such as the Norway rat. This act was originally scheduled to be heard in the Legislature in 2014 but has been delayed until 2016. The review of this Act has been assigned to the Pest Management Branch of Agriculture and Rural Development (ARD). This review has included consultation with various stakeholders including the Agricultural Service Boards.

The contents of this resolution will be provided to the Pest Management Branch for consideration during the review process.

The Inspection and Investigation Branch of Regulatory Services Division, and in particular the Rat and Pest Specialist Phil Merrill, has been proactive in the operation of the Rat Control Program.

A generic response plan for municipalities outside the rat control zone has been developed after an infestation in Medicine Hat was discovered and eradicated last fall. This plan will be distributed to all Agricultural Fieldmen and Pest Control Officers in the Province as well as all urban municipalities as a draft guide for their use and implementation. Contained in this response plan is

the protocol that all confirmed rat sightings and confirmed rat infestations are to be reported to ARD's Rat and Pest Specialist.

This reporting would be completed by the Pest Control Officer or the commercial pest control company involved. Compliance of this new reporting protocol will be monitored by the Rat and Pest Specialist.

Provincial ASB Committee Grade: Accept the Response

Provincial ASB Committee Comments:

ASBs strongly encourage ARD to review the *Agricultural Pests Act* sooner than 2016. There is fear that an outbreak could easily happen again before the Act is reviewed and reporting is made mandatory. ASBs accept the "Province of Alberta Rat Control Plan" as a practical and reasonable interim solution to encourage voluntary reporting of rats, dead or alive, by individuals and pest control companies. ASBs encourage ARD to continue supporting the Provincial Rat and Pest Specialist in ensuring that all rats are voluntarily reported until the "Rat Control Plan" can be incorporated into legislation.

A copy of the "Province of Alberta Rat Control Plan" is included in the Appendix.

Wild Boar Eradication Initiative

- WHEREAS:** The population of Wild Boar on the loose as a pest in Alberta continues to grow in spite of random hunting and bounties. Random hunting may eliminate a few from a herd but educates the remainder, forcing them to go nocturnal;
- WHEREAS:** Feral hogs can rapidly increase their population. Sows can have up to 10 offspring per litter, and are able to have two litters per year. Each piglet reaches sexual maturity at 6 months of age. They have virtually no natural predators; and
- WHEREAS:** Time is being lost in the 4 year development of regulations and a discussion paper;
- WHEREAS:** Considered a problem since 2002 (with an estimated population of 200) and since becoming a Pest in 2008 little has been done to prevent further escape and or release of the hogs (see attachment #1);
- WHEREAS:** Only 483 pair of ears has been turned in since the bounty was started in 2007, 674 pair including County programs since 2003 (See background);
- WHEREAS:** It is possible for 20 pair to multiply to 200 pair in a year or less. We are not keeping up with a social hunting program!;
- WHEREAS:** The ROI (return on investment) at this early intervention date is 1:100. Statistics prove that eliminating a pest before it becomes wide spread and established is the most cost effective;
- WHEREAS:** The potential is to have a situation similar to the US with 2- 6,000,000 hogs in 44 states that cost \$800,000,000 per yr. on property and crop damage (see new #s attachment #3);
- WHEREAS:** Damage in the US has taken the form of 27,000 auto accidents, predation of sheep, cattle, goats, chickens, the destruction of crops, gardens, and carrying disease, up-setting natural environmental balances, water quality and riparian areas;
- WHEREAS:** The Provincial Government hired a Professional Pest Control company to rid the Province of rats in the 1950's. The Alberta Rat Program is proof that pests can be controlled. (Other than the N and S poles Alberta is, "the only place in the world," that is rat free). Alberta now has a chance to be wild boar free;
- WHEREAS:** Other provinces and states have recognized the problem and potential losses and are taking action (see attachment #2);
- WHEREAS:** Live trapping or (pen hunting) has proven to be an effective method of eliminating sizeable herds in Red Deer and in counties to the north;

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that Alberta Agriculture and Rural Development fast track and initiate a "Provincial Strategy to eradicate Wild Boar as a Pest in Alberta", followed by a 100% guaranteed escapeless penning regulations and enforcement program to address Wild boar in captivity.

Status: Provincial

Response:

Alberta Agriculture and Rural Development

Agriculture and Rural Development recognizes that the wild boar pest problem continues to increase and Regulatory Services Division (RSD) has been focused on dealing with the issue in two stages. The first stage will be to look at the need for a regulation to stop the escape of farmed boars. The second stage will be to enhance or develop a program to eradicate the wild boar.

In November 2011, a RSD working group started the review process. In June 2012, a consultation paper was prepared with the concept that it should be sent to all stakeholders. The consultation paper focused primarily on the identification and containment issues for farmed wild boar. Since then, a new approach for the consultation process was developed.

On February 11, 2013 an action plan was implemented by RSD focusing on known problem areas throughout the province.

RSD staff has been assigned the task of contacting and interviewing Agricultural Fieldmen, all known Wild Boar producers, affected landowners/neighbors, and municipalities respectively. The purpose of these interviews and visits will be to determine the extent of the wild boar problem with the goal of solving this issue in the Province of Alberta. Those assigned to interview Agricultural Fieldmen will also have the responsibility of determining if any other known Wild Boar Producers exist within their respective counties for the purpose of interviewing those individuals as well. Various survey questions have been prepared for these visits including seeking suggestions on confinement and eradication.

All of the information gathered will be tabulated, reviewed, and then recommendations will be provided to the Minister by April 5, 2013.

Provincial ASB Committee Grade: Accept in Principle

Provincial ASB Committee Comments:

The ASB Provincial Committee feels that there has been progress made towards development of a strategy to contain and eradicate wild boars in Alberta. The Committee was involved in a conference call on July 23 to discuss a provincial Wild Boar Strategy that would meet the needs of the industry and the public. The province indicated to the Committee that the Wild Boar Strategy would include components leading to an eradication strategy. The components of the Strategy would start with containment standards and a policy statement for wild boar production in Alberta to ensure that the number of wild boar escaping was limited. Regulatory Assurance Division moved forward with developing containment standards over the summer by interviewing current wild boar producers and consulting with agricultural fieldmen on minimum fencing standards in August 2013.

ASBs stress that this is a time sensitive issue and eradication of wild boar at large needs to be a priority. The detrimental impact of this species throughout the world is well documented and ASBs feel that these pests need to be eradicated quickly to protect Alberta's agricultural production and environment.

Update from Animal Health and Laboratories Division December 10, 2013

I can advise that the proposed minimum containment standards that were developed from authority of the *Agricultural Pests Act* is progressing through the government policy development process. It is anticipated that in the new year our Branch will be in a position to begin implementing the containment initiative. This will involve proactive education with wild boar producers regarding the new minimum standards, working with them to meet these standards through on farm inspections by Branch inspectors in 2014 and starting the process of developing agreements with MDs and Counties regarding the wild boar containment initiative and defined responsibilities. Once the containment strategy is implemented, work with start on a provincial eradication program for at large wild boar.

Agricultural Pests Act/Invasive Species Act

WHEREAS: The *Agricultural Pests Act* was scheduled to be read in the Legislature in the Fall of 2014. Agricultural Service Boards across the province were made aware of this and had started contributing comments to improve the Act. In the summer of 2012, after an election and a new Agriculture Minister was appointed, the Agricultural Pests Act was withdrawn from the queue as it was decided that there were other Acts of higher priority to be reviewed and read in the Legislature for 2014, delaying it to 2016;

WHEREAS: In the Province of Alberta there is only one Act that deals with invasive pests (agricultural or not) and that is the *Agricultural Pests Act*. There are some non-agricultural pests on the Act and a myriad of other invasive species that are not listed that are threatening the environment, water, and recreation in this province. Currently there is no way of enforcing control on these invasive species other than adding them to the *Agricultural Pests Act*;

WHEREAS: The Alberta Government needs to be proactive to keep new threats out of the Province and look at establishing legislation that addresses control/eradication of these imminent invaders. Although there is an Interdepartmental Invasive Alien Species Working Group (IIASWG, composed of representatives of the ministries of Agriculture and Rural Development, Environment and Sustainable Resource Development, Transportation, and Tourism, Parks and Recreation,) that is tasked to deal with this problem, there has been little progress made over the past few years;

WHEREAS: It is unclear who, if anyone, is responsible for controlling new non-agricultural invasive pests, thus highlighting the need for a new act and regulation to address these invasive species, and to identify the appropriate Ministries to handle them;

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that the Government of Alberta reconsider the priority of the review of the *Agricultural Pests Act* and schedule it for reading in the Legislature in the fall of 2014.

FURTHER BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that the Government of Alberta fast track the IIASWG to identify recommendations to create an Invasive Species Act, to be proactive and address alien invasive species that pose a significant environmental, recreational and social risk and cost to all of Alberta.

Status: Provincial

Response:**Alberta Environment and Sustainable Resource Development**

The Government of Alberta is aware of the concerns, risks, and potential impact of invasive species on the environment and economy. Better monitoring and reporting will enable earlier and more focused response to invasive species occurrences. Environment and Sustainable Resource Development as well as other outside agencies are developing further programs and tools for invasive species monitoring and reporting.

The Interdepartmental Invasive Alien Species Working Group co-ordinates activities to address threats and risks to agricultural and non-agricultural sectors. This group has representatives from four provincial government departments and may be an appropriate venue to review the benefits and costs of developing a stand-alone Invasive Species Act.

The Crown Managers Partnership is another venue to address policy gaps and opportunities from an inter-jurisdictional perspective. The partnership has designated multi-jurisdictional teams to develop monitoring programs. Key areas of focus for these teams include policy, legislation, and planning related to invasive species in Western Canada.

Team membership currently includes the Crown Managers Partnership; Environment and Sustainable Resource Development; Tourism, Parks and Recreation; Agriculture and Rural Development; Parks Canada – Waterton National Park; and irrigation districts. A transboundary directors group, drawn from various provincial departments and Waterton Lakes National Park, is providing direction and endorsing support for the initiative.

In Alberta, monitoring programs for Eurasian Water Milfoil, zebra mussels, and quagga mussels are being developed as pilot programs in southern Alberta for 2013. We are also ensuring that the South Saskatchewan Regional Plan addresses aquatic invasive species, and are considered as the Oldman Watershed Council and the Milk River Watershed Alliance develop integrated watershed management plans.

The Government of Alberta is also co-ordinating with other western provinces to provide input into the development of federal legislation on aquatic invasive species.

If you have any further questions, please contact Mr. Brooks Horne, the current co-chair representing Environment and Sustainable Resource Development on the Interdepartmental Invasive Alien Species Working Group. Mr. Horne can be reached at 780-422-0143 or at brooks.horne@gov.ab.ca.

Alberta Transportation

Alberta Transportation continues to have a representative as a member of the Interdepartmental Invasive Alien Species Working Group (IIASWG) and supports the development of an Agricultural Pests Act to address all pests, including terrestrial, aquatic and semi-aquatic invasive species.

Although Alberta Transportation is interested in matters related to this act, the responsibility for its introduction lies with the Department of Agriculture and Rural Development.

Alberta Tourism, Parks and Recreation

Thank you for your letter of February 11, 2013 regarding the Agricultural Service Boards Resolution #5, the review of the *Agricultural Pests Act*. Department staff are in the process of reviewing the resolution in relation to the business of our department.

Agriculture and Rural Development is the lead agency for this legislation. Tourism, Parks and Recreation will be providing our feedback to Deputy Minister John Knapp when our review has been completed, for a coordinated Government of Alberta response.

Thank you for bringing this to our attention, as well as providing the opportunity to review and provide feedback.

Alberta Municipal Affairs

Thank you for your letter outlining concerns relating to invasive species and the *Agricultural Pests Act* (APA).

Municipal pest control issues are under the jurisdiction of Alberta Agriculture and Rural Development (AARD).

I understand that you have also shared this information with Mr. John Knapp, Deputy Minister of AARD. I encourage you to continue working with AARD to address your concerns.

Alberta Agriculture and Rural Development

AARD will work with other Ministries in developing an IAS for the spring of 2016 scheduled reading.

Provincial ASB Committee Grade: Unsatisfactory

Provincial ASB Committee Comments:

ASBs requested that the Government of Alberta reconsider the priority for the review of the Agricultural Pests Act and that the Interdepartmental Invasive Alien Species Working Group (IIASWG) be tasked with developing recommendations for creating a new Invasive Species Act. The responses received do not address this resolution.

ASBs indicated that the current Agricultural Pests Act does not accurately reflect the current agricultural pest situation in the province or address the threat of invasive species to Alberta. They

would like to see this Act reviewed more quickly than 2016 to address this concern and for the various government departments involved in land management to work together to create an Invasive Species Act that would assign specific responsibilities to each department for monitoring for invasive species and controlling pest species. ASBs feel that there is a significant risk of an invasive species entering into Alberta and becoming established and for current pest populations to continue to increase because the current Agricultural Pests Act needs changes to it to make it more effective and relevant.

Composition of Soil Conservation Appeal Committee

- WHEREAS:** Section 14(a,b,c) of the *Soil Conservation Act* legislates that an appeal committee for Municipal Districts, Improvement Districts and Special Areas shall consist of the Board (if there exists an Agricultural Service Board);
- WHEREAS:** Section 14(d) of the *Soil Conservation Act* legislates that an appeal committee for all other municipalities shall consist of the Council, or at least 3 members of the Council (regardless of the existence of an Agricultural Service Board);
- WHEREAS:** Section 14(5) of the *Agricultural Pests Act* legislates that the local authority shall appoint a committee (at Council discretion, and regardless of the existence of an Agricultural Service Board) to hear and determine appeals;
- WHEREAS:** Part 4, Section 19(1) of the *Weed Control Act* legislates that the local authority shall establish an independent appeal panel to determine appeals;
- WHEREAS:** Legislative reviews for *Soil Conservation Act* and *Agricultural Pests Act* have been delayed; planned alignment of similar sections of these enabling legislations (related and/or applicable to the *Agricultural Service Board Act*) has not occurred.

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that Alberta Agriculture and Rural Development review the current legislations and standardize the criteria for appeal committee composition, to ensure enabling legislations are aligned with the *Weed Control Act*, which legislates an independent appointed panel to determine appeals (regardless of whether there exists an Agricultural Service Board).

Status: Provincial

Response:

Alberta Agriculture and Rural Development

Agriculture and Rural Development would like to assure the Agricultural Service Board membership that when the *Soil Conservation Act* is next opened for review it is our intention to engage the Agricultural Service Board Provincial Committee in the legislative review process.

The *Soil Conservation Act* is not currently under nor currently scheduled for legislative review.

Agriculture and Rural Development will retain these legislative suggestions for a future review of the Act.

By working in partnership we believe we can ensure the Act is effectively meeting the needs of and is aligned with other Acts administered by the Alberta Agricultural Service Boards, as well as achieving the soil conservation goals needed to protect this priceless resource.

Provincial ASB Committee Grade: Accept in Principle

Provincial ASB Committee Comments:

ASBs appreciate that this legislative suggestion will be considered when the *Soil Conservation Act* is reviewed. They look forward to working with ARD on a review of the Act when it occurs and hope that the Act is reviewed in the near future.

The ASB Provincial Committee will continue to follow this resolution and encourage the Minister to put it on the legislative review schedule quickly.

Pesticide Container Collection Program

- WHEREAS:** Since 1989, Alberta's municipalities have been involved with the collection of empty pesticide containers and have done so with only one time funding from Alberta Environment to establish permanent collection sites within their municipalities; and
- WHEREAS:** Municipal governments in cooperation with transfer station and landfill operators manage the day to day maintenance and supervision of the sites and cover the costs associated with the transfer of containers from temporary depots to permanent sites without any funding from Alberta Environment; and
- WHEREAS:** CleanFARMS oversees the removal of the containers sites by hiring contractors to process the containers and funds this program through a levy collected from its pesticide manufacturer members on each container (less than 23 litre) sold into the market place; and
- WHEREAS:** Collection programs are poised to become increasingly expensive and labor intensive with the likely addition of bale & silage wrap, Ag-film, twine and grain bag collection programs, and
- WHEREAS:** Alberta is only one of two provinces in Canada that utilize municipalities to deliver the pesticide collection program within their province while the remaining provinces place this responsibility and cost on agricultural retail facilities who market and sell pesticide products.

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

That Alberta Environment and Sustainable Resource Development develop, with CleanFARMS, an empty pesticide container program that places the responsibility of collecting pesticide containers in Alberta with the Agricultural Retail/Dealer and removes the financial responsibility from the municipalities.

FURTHER BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

That should Alberta Environment and/or CleanFARMS prefer the municipalities continue to co-operate in the Pesticide Container Collection program, that all costs to the municipalities associated with the program be recovered from Alberta Environment and Sustainable Resource Development and/or CleanFARMS.

DEFEATED AT THE 2013 PROVINCIAL CONFERENCE

Timeliness of Agricultural Financial Services Corp. (AFSC) on farm hail investigations

- WHEREAS:** Hail claims for Alberta are expected to be “close to double the amount AFSC experiences in an average year”, and
- WHEREAS:** Timely hail adjustment for agricultural producers are a necessity to ensure operational activities like harvest are not delayed excessively, and
- WHEREAS:** Agricultural producers are in more and more cases farming land at great distances, and to leave areas of the field for adjusters to complete their investigation requires the movement of large amounts and pieces of equipment when revisiting fields to complete harvest which is expensive and an inefficient use of time, especially when time at harvest is so valuable, and
- WHEREAS:** Areas of the harvested field left for investigation may not be representative of the hail damage received, potentially costing the producer or AFSC significantly, and
- WHEREAS:** Producers are reporting that hail investigations have been left in excess of 30 days after hail storms have passed, and
- WHEREAS:** AFSC is in the business of providing hail insurance to producers, and as such needs to be prepared with qualified staff to provide investigations in a timely manner.

THEREFORE BE IT RESOLVED

THAT ALBERTA’S AGRICULTURAL SERVICE BOARDS REQUEST

that AFSC undertake to have adequate and qualified staff in place, on retention if needed, to ensure hail investigations take place with minimal delay to harvest operations.

Status: Provincial

Response:

Agriculture Financial Services Corporation

Thank you for your letter and the attached resolution, we appreciate the opportunity to respond to the issue identified in the resolution.

The resolution states:

“That AFSC undertake to have adequate and qualified staff in place, on retention if needed, to ensure hail investigations take place with minimal delay to harvest operations”

AFSC recognizes the effect delayed hail inspections have on clients waiting for an adjuster, especially during harvest. 2012 was an extraordinary year for hail claims with over 11,000 claims

which is more than double the historical average. After reviewing 2012, our adjusting management team is initiating some changes to processes and staffing designed to reduce wait times for our clients while maintaining the integrity of our loss assessments. These changes will also result in fewer clients having to leave strips for the adjuster. The changes include:

- Finalizing claims with light damage caused by early storms vs. deferring these claims. This results in only one farm visit as compared to two visits for these claims
- For claims that need to be deferred to arrive at a fair loss assessment the work required on the initial inspection is being reduced to save time
- For fields with severe (over 90%) hail damage the number of counts required will be reduced, this will also save time
- Continued reduction in paperwork through improvements in the IT and GPS systems that support adjusting
- Hiring summer students with an agricultural background to assist adjusters during hail season from May until September

We expect that the combined effect of these initiatives will significantly reduce the amount of time clients will have to wait for an adjuster and consequently the number of clients who will have to leave strips because of harvest.

In addition to the changes listed above we are looking at various communication channels to ensure clients waiting for an adjuster know what their options are and when to expect the adjuster to visit their farm.

Your resolution suggests that AFSC keep some adjusters on retainer to help when claim volumes are high. Hiring summer students to assist adjusters partly addresses this. We have looked keeping qualified adjusters on retainer but decided against this approach for the following reasons:

- Cost, keeping adjusters on retainer who are not required except during high claim years is expensive
- Adjusting requires skills and knowledge that must be kept current; it is difficult to maintain a group of adjusters who are trained and ready to step in when claims are high
- We are able to hire qualified people into adjusting partly because we can guarantee a minimum amount of work. Attracting applicants into a retainer role would be very difficult in Alberta's labor market

Again, thank you for your letter. At AFSC we are constantly looking for ways to improve our processes and gain efficiencies while maintaining the integrity of our programs. While the

initiatives listed above are different from the solutions suggested in your resolution, I believe they will achieve the results both our organizations are looking for.

Provincial ASB Committee Grade: Accept the Response

Provincial ASB Committee Comments:

ASBs are pleased with the response from AFSC and look forward to seeing the changes implemented.

Comprehensive Coverage for Wildlife Damage to Honey and Leafcutter Bee Structures

WHEREAS: AFSC currently does not offer comprehensive coverage for wildlife damage to Honey and Leafcutter bee structures;

WHEREAS: Other Provinces in western Canada offer this coverage;

WHEREAS: The average Leafcutter Bee Structure holds approximately 60,000 bees. Structures cost \$300 - \$350/ structure. Structures cover an average of 3 acres. There is an average of 15 to 25 nesting blocks per structure. At a 100% loss, replacement cost on a quarter sections is usually \$15,000-\$25,000;

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that AFSC offer regular comprehensive coverage to all bee structures, to help offset costs as a result of wildlife damage, and that Alberta producers receive the same coverage that other provinces offer.

DEFEATED AT THE 2013 PROVINCIAL CONFERENCE

Continuation of the Prairie Shelterbelt Program

- WHEREAS** The Government of Canada has announced it will cancel the Prairie Shelterbelt Program in 2013, a program which has successfully operated since 1901, and
- WHEREAS** The Prairie Shelterbelt Program is an excellent example of a cost-sharing approach, where all who benefit contribute. Canadians contribute by providing the trees. The landowners contribute by providing the land, the labour and equipment needed to prepare the land, plant the trees, and maintain them over time, and
- WHEREAS** The Prairie Shelterbelt Program has always been of great value to the agricultural community, contributing to snow trapping, the reduction of soil movement due to wind, enhancing the environment, providing wildlife habitat and beautifying the appearance of the prairie landscape, and
- WHEREAS** The Government of Canada website states: 'Shelterbelts on the Canadian prairies are a form of "afforestation", a term used in the Kyoto Protocol on greenhouse gases as one acceptable practice of removing carbon dioxide from the atmosphere (ie. a carbon "sink")', and
- WHEREAS** Municipalities are very involved at the grass root level and support the continuation of the Prairie Shelterbelt Program.

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that the Government of Canada continues the Prairie Shelterbelt Program to the benefit of all Canadians.

FURTHER BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that the Provincial Government of Alberta extensively lobby the Federal Government to reinstate this important program that serves the needs of their rural constituents in such a meaningful way.

Status: Provincial

Response:

Agriculture and Agri-Food Canada

Thank you for your letter regarding the conclusion of the Prairie Shelterbelt Program. I appreciate being made aware of your concerns and the related resolution from the January 2013 Agricultural Service Board conference.

As you mention, Agriculture and Agri-Food Canada (AAFC) has a long record of working successfully with the agricultural sector and rural landowners to produce and distribute trees in Western Canada to reduce erosion in support of the economic and environmental sustainability of agriculture and the stewardship of the land. That said, the cropping systems used in Canada have undergone significant improvements that have contributed to the resilience and the long-term sustainability of the agricultural sector. Consequently, the growing and distribution of tree seedlings is no longer an appropriate role for the federal government, although there remain a number of environmental, economic and communal benefits to including trees into the agricultural landscape.

The Department is working with other non-government entities to ensure that a new private business model for tree distribution is developed to serve western Canadian producers. Furthermore, there is a vibrant and growing nursery industry on the Prairies that has expressed interest in filling certain niches once occupied by the free tree distribution of the Prairie Shelterbelt Program.

As you have described, trees provide ongoing value to the agricultural landscape. AAFC, through its new Science and Technology Branch, will continue to support agroforestry efforts in Canada with respect to the profitability, productivity and sustainability of agricultural systems.

I appreciate your acknowledgement of the value of the Prairie Shelterbelt Program, and I hope this information clearly indicates that AAFC is continuing to address the future of agroforestry on the Prairies.

Alberta Agriculture and Rural Development

Agriculture and Rural Development has been in discussion with the Federal Government regarding the Prairie Shelterbelt Program and will continue our dialogue in the future. Through these discussions we have been made aware that a few private operators are investigating the opportunity to purchase the property and running the centre as a for-profit business.

Agriculture and Rural Development continues to develop the details of the Growing Forward 2 Programs, including the On-Farm Stewardship Program. Through this program producers will have

opportunities to recover a high percent of their costs associated with riparian restoration which will include tree establishment in those areas

Provincial ASB Committee Grade: Accept the Response

Provincial ASB Committee Comments:

ASBs feel that the decision to discontinue the Prairie Shelterbelt Program has been made and that it will not be reversed.

ASBs feel that the process to transition it to a private operator has been poorly communicated and badly handled. ASBs would like to continue to assist their producers in planting and maintaining shelterbelts and request that the Province provide information about tree nurseries that would be able to fill the gap left by the closure of the Prairie Shelterbelt Program.

Short Term Solid Manure Storage

- WHEREAS:** Weather conditions and other mitigating factors make offsite short term solid manure storage a necessary component of confined feeding operations;
- WHEREAS:** Short term solid manure storage guidelines are addressed in the Agriculture Operations Practices Act Regulations;
- WHEREAS:** AOPA Standards Administration Regulation states short term solid manure storage sites may be placed within 150 meters of residences but no mention is made of setbacks from roads or public places of gathering i.e. churches, active cemeteries, parks;

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that Alberta Agriculture and Rural Development bring forward to the AOPA Policy Advisory Group the review of short term solid manure storage as it pertains to setback distances from residences as it does not include places of public gathering or roadways.

Status: Provincial

Response:

Alberta Agriculture and Rural Development

As a member of the Policy Advisory Group, the AAMDC is encouraged to bring forward issues that fall under the AOPA to that group for discussion.

Although the Policy Advisory Group discussion often identifies areas of concern with the legislation, the Policy Advisory Group is not the venue for making legislative changes. However, Agriculture and Rural Development does document and take suggestions for legislative changes on an ongoing basis.

The concerns regarding gaps related to "Short Term Solid Manure Storage" have now been documented for future AOPA review.

Provincial ASB Committee Grade: Accept the Response

Provincial ASB Committee Comments:

ASBs commented that this resolution should be sent to AAMDC with a request for them to bring it forward to the Policy Advisory Group.

Agri-Environment Services Branch Staffing

WHEREAS: Agri-Environment Services Branch staff have provided Agricultural Service Boards and the farming community with expert information and help in many areas of Agriculture in conjunction with the Environment.

WHEREAS: Agri-Environment Services Branch staff have become well respected in their communities and this reflects well on government participation and indicates their interest in Agriculture.

WHEREAS: The Agri-Environment Services Branch has provided grass roots programs that have been an asset to the farming community in good sound direction with actual results on the ground.

WHEREAS: Although some programs outlive their usefulness, other new programs become necessary as our environment changes.

WHEREAS: It has become obvious that it is the government's intent to reduce staff in rural offices and have shut down 7 offices across western Canada where they are needed.

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that the federal government reconsider their direction and re-open and re-staff offices in rural communities to an appropriate number of staff that will allow programs to be carried out efficiently before their connection to the community is lost.

Status: Provincial

Response:

Agriculture and Agri-Food Canada

Thank you for your letter regarding the resolution from the delegates at the Agricultural Service Board Provincial Conference in January 2013 on programs at Agriculture and Agri-Food Canada (AAFC). I appreciate being made aware of your thoughts on this matter. Furthermore, I thank you for noting the valuable service that staff from the Agri-Environment Services Branch has provided to farming communities in Alberta.

AAFC strives to be a leader in designing and implementing responsive programs and services that contribute to a profitable and sustainable agriculture and agri-food sector. The Department is thus currently evolving the way it delivers programs and services to clients in order to enhance efficiencies and increase stakeholder satisfaction. Through partnerships with provinces and third parties, AAFC is enhancing and improving the delivery of programs and services. This allows the

Department to put staff and knowledge in those places where they can make the most difference for the sector.

Furthermore, AAFC has created the new Science and Technology Branch, formed by combining the Agri-Environment Services Branch and the Research Branch. This network of scientists extends across the country and is working together to address issues in many different locations.

As the agriculture sector evolves, so do the programs that AAFC researchers work within to support the economic sustainability of the sector. The Department is committed to managing its own expenditures effectively and efficiently and to providing service excellence throughout all of its centres and sites across Canada, as it supports a vibrant agriculture, agri-food, and agri-products sector.

I would also like to mention that with the three new federal Growing Forward 2 programs (AgriInnovation, AgriMarketing and AgriCompetitiveness) coming into effect on April 1, 2013, opportunities will soon be available for industry-led projects where organizations such as the Agricultural Service Board can work in conjunction with department staff and industry partners on specific projects of relevance. To view the regularly updated information on Growing Forward 2, you may wish to consult AAFC's website at www.agr.gc.ca/growingforward2.

Again thank you for writing. I trust that this information is of assistance to you.

Provincial ASB Committee Grade: Accept the Response

Provincial ASB Committee Comments:

ASBs feel that the decision has been made and will not be reversed.

ASBs caution that this decision will have a negative impact. The connection that currently exists between the federal government and rural communities will be lost, much like the disconnect that occurred when Alberta Agriculture restructured and removed the District Agriculturists and Home Economists from the rural municipalities.

Modernization of Seed Cleaning Plants

WHEREAS: Presently most Seed Cleaning Plants are in need of improvements to meet the current needs of today's grain producers;

WHEREAS: When producers received a reasonable price for their grain, relative to their expenses, Seed Cleaning Plants charged fees that adequately covered operational and maintenance expenses;

WHEREAS: Over the past several years the narrowing of profit margins for producers, and Seed Cleaning Plants holding their fees low to retain a slim profit margin for the producer, it has created a situation where most Plants are near obsolete with an inability to ever afford to modernize;

WHEREAS: Most local municipalities have identified this dilemma for the Plants and have provided just enough funding to keep the Plants surviving, but not to fully modernize;

WHEREAS: The prolonged lack of financial support at the Provincial and Federal government level is leading to a gradual demise of existing Seed Cleaning Plants;

THEREFORE BE IT RESOLVED

THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

that the provincial and federal governments provide financial assistance to Seed Cleaning Plant co-operatives to modernize their facilities to meet the current local needs of grain producers.

DEFEATED AT THE 2013 PROVINCIAL CONFERENCE

Update on Previous Years Resolutions

2012

Resolution 1-12: Alberta Rat Control Program (Accept in Principle)

The ASB Provincial Committee has decided to change the grade on this response to “Accept the Response”. The new Alberta Rat Control Plan should assist to address the concerns that were raised by this resolution. The Alberta Rat Control Plan is included in the appendix.

Resolution 4-12: Wild Boar Eradication Initiative (Incomplete)

The ASB Provincial Committee is encouraged with the work that has been completed towards developing a containment strategy for wild boar within the province. The Committee has been consulted on the strategy and has been told that developing a containment strategy is the first step in developing an overall eradication strategy. The needs of the public and the producers must both be considered as this strategy is implemented. The Committee has raised the concerns of the ASBs to the Minister regarding the length of time it has taken in order to create and implement these strategies and will continue to advocate for a containment and eradication strategy to be implemented in a more timely fashion.

Resolution 6-12: Requiring Seed Cleaning Plants to Test for Fusarium (Accept in Principle)

There is a need to change the regulation of the *Agricultural Pests Act* in order for this to be made possible. The ASB Provincial Committee will continue to advocate for the Agriculture Minister to start the review of the *Agricultural Pests Act* in the near future and to include a new regulation that would require seed cleaning plants to test for fusarium prior to cleaning seed.

Resolution 7-12: Herbicide Selection for Noxious Weed Control on Acreages (Accept in Principle)

The ASB Provincial Committee has been invited to sit on the working group investigating a pilot program to allow acreage owners greater access to herbicides for noxious weed control. The Committee is aware that work is currently ongoing to develop a certification program for acreage owners to allow them greater access to certain herbicides and will continue to work with AAAF and ESRD to address this issue.

A copy of the letter inviting the ASB Provincial Committee to sit on the working group is included in the appendix.

Resolution 8-12: 2011 Provincial Enforcement of the Weed Act (Unsatisfactory)

The ASB Provincial Committee feels that the current letter campaign that has been used by Pest Surveillance Branch over the past three years has been ineffective. There are still prohibited noxious and noxious plants being sold through online retailers and at greenhouses. The ASB Provincial Committee will be sending Pest Surveillance Branch a letter requesting that more

provincial inspectors be made available to ensure that all municipalities are in compliance with the Acts.

Resolution 9-12: Requiring labelling of flower seed mixes with all species present (Unsatisfactory)

The ASB Provincial Committee will be sending a letter to the CFIA requesting that all seed packages, including packages containing less than 50 grams, must be labelled with a list of contents contained within the package.

The ASB Provincial Committee is also currently following research work currently being done by ARD to investigate the contents of commonly available wildflower seed mixes. The purpose of this study is to determine the accuracy of seed package labels and to determine which wildflower mixes contain noxious or prohibited noxious seeds within them. Information obtained from this study may be beneficial in assisting the Committee to advocate for better labelling of seed packages.

Resolution 10-12: Request for Alberta Agriculture and Rural Development (AARD) to take a more forceful approach to the selling of noxious and prohibited noxious weeds at greenhouses and plant retailers (Unsatisfactory)

Please see comments for resolution 8-12.

Resolution 13-12: Liability on Sustainable Resource Development Lease Lands (Incomplete)

The ASB Provincial Committee feels that there should be more clarity when an agreement is signed between ESRD and a leaseholder regarding liability and the need for insurance. The Committee recommends that there should be an insurance clause included in the agreement outlining responsibilities for all parties.

The Committee also reviewed the *Occupier's Liability Act* as mentioned in the response to the resolution and feels that this Act and the Recreational Access Regulation address the concerns that were raised by this resolution.

The Occupiers Liability Act can be found at:

http://www.qp.alberta.ca/1266.cfm?page=004.cfm&leg_type=Acts&isbncln=077972934X. A copy is also attached in the Appendix.

The Recreational Access Regulation can be found at:

http://www.qp.alberta.ca/1266.cfm?page=2003_228.cfm&leg_type=Regs&isbncln=9780779748112. A summary of information regarding Liability of Recreational Users of Agricultural Public Land is also included in the Appendix.

APPENDIX

Province of Alberta Rat Control Plan

Appendix I - Rat Control Plan Objective

Alberta's "rat free" status is important to Alberta's Agricultural Industry and to the urban communities economically. This protocol is required to establish responsibilities and guidelines for inspections and eradication of rats for all areas outside the Special Areas within the Province of Alberta.

Regulatory Status

Alberta's *Agricultural Pests Act* (APA) is the legislative authority for the enforcement of control measures for declared pests in Alberta. The Minister of Agriculture and Rural Development is responsible for this Act. The APA provides authority for the Minister to declare as a pest or nuisance, any animal, bird, insect, plant or disease that is destroying or harming or is likely to destroy or harm any land, livestock or property in all or part of Alberta. The legislation enables inspectors and local authorities to deal with native and introduced pests and nuisances which affect agricultural production.

Section 5 of the APA states: "An owner or occupant of land or property or the owner or person in control of livestock shall take active measures to (a) prevent the establishment of pests on or in the land, property or livestock unless otherwise authorized by the Minister, (b) control or destroy all pests on or in the land, property or livestock unless otherwise authorized by the Minister, and (c) destroy any crop, vegetation or other matter that contributes or may contribute to the maintenance or spread of a pest on or in the land, property or livestock."

Section 9 of the APA states: "Inspectors may be appointed by a local authority or by the Minister to carry out this Act and the regulations. An agricultural fieldman under the *Agricultural Service Board Act* is by virtue of that office an inspector under this Act."

Section 10 of the APA states: "The local authority of a municipality shall appoint a sufficient number of inspectors to carry out this Act and the regulations within the municipality. Two or more local authorities may jointly appoint inspectors to act within the municipalities represented by the local authorities, and enter into an agreement for the sharing of the costs of the inspectors appointed jointly."

Responsibilities

Alberta Agriculture and Rural Development (ARD)

Regulatory Services Division (RSD) will coordinate the Alberta Rat Control Program and will:

- Be responsible for the Inspections in the Special Areas of the Province.
- Provide regulatory consultation and training to all agencies involved in this program.
- Prepare and provide technical information and support to all field inspectors.
- Educate the program stakeholders, agricultural community, and the general public.

- Attend confirmed infestations and offer guidance and expertise.
- Provide bait and bait stations for use in eradicating confirmed infestations.
- Provide bait to landowners within the Rat Control Zone for the purpose of pro-active baiting.
- Conduct research on new control/eradication methods.
- Ensure proper registration with Pest Management Regulatory Agency (PMRA) for toxicants used for pest control.
- Administer the program, provide program standards, and coordinate the program among municipalities to maintain consistency and provide effective, efficient rat and rabies control.
- Provide professional advice, literature, training, seminars, workshops and extension material to create public awareness.
- Provide rat bait in consultation with inspectors.
- Specify the records, reports, and data required from the Pest Control Inspectors; review and summarize this information.
- Handle inquiries from the media and promote the Rat and Rabies Control Program through news releases and education of the general public.

The Rat Control Zone

Pest Control Officers (PCO)

Rats found within the Rat Control Zone of the Province are ultimately the responsibility of the landowner to remove or destroy. A constant threat of migration and dispersal of rats overland from farms near the eastern border of Alberta remains a high risk to all Albertans.

Rural municipalities within the Control Zone will have an Alberta-Municipal Rat and Rabies Control Agreement which identifies responsibilities of the municipality:

- The Municipality agrees to conduct a rat control program as outlined in this Agreement to prevent rats from spreading westward beyond Range 3, West of the Fourth Meridian. The program is in cooperation with, and coordinated between the Minister and surrounding municipalities. This may include municipalities in Saskatchewan.
- The Municipality will employ and supervise a PCO(s) to successfully conduct the program.
- The PCO(s) will inspect all inspection sites for rats and signs of their presence within a control zone that is three ranges (30 km) wide from east to west, from the Fourth Meridian extending from the northern to the southern boundary of the Municipality (the Rat Control Zone). The Rat Control Zone may be in Saskatchewan.
- The PCO(s) will exterminate rat infestations wherever they are found within a reasonable time and will enforce the provisions of the APA and *Pest and Nuisance Control Regulation* as they apply to rats within the Municipality and the Rat Control Zone. The PCO(s) will also investigate suspected rat infestations and exterminate rat infestations outside of the Rat Control Zone within the Municipality.
- Each premise within the Rat Control Zone must be inspected. All premises in Range 1 will be inspected at least two times per year. All premises within Range 2 and Range 3 will be inspected once per year, such that the time span between inspections is sufficient for rat evidence to be apparent in the subsequent inspection (i.e. spring and fall). Second

2/7

and additional inspections are required in Range 2 and Range 3 within five miles of any infestation site where the presence of rats is detected.

- The PCO(s) may be required to assist adjoining municipalities with rat control to increase the overall efficiency and effectiveness of the rat and rabies control programs within Alberta.
- The PCO(s) must be duly trained and in possession of a valid "Form7 Permit for Coyote and Skunk Control on Another Person's Land."
- The PCO(s) will also submit to the Minister, a semi-annual summary of infestations, inspections, bait used and other pertinent information. The first report is to summarize activities during the period January 1 to June 30. The second report is to summarize activities during the period July 1 to December 31.

County and Municipal Land (Outside the Control Zone)

- Rats discovered in Counties and Municipalities are the responsibility of the landowner to destroy.
- The Agricultural Fieldman or his/her Assistant are appointed as PCOs for the County and are responsible to see that rat control is conducted by any property owner finding rats on their land.
- All confirmed rat infestations are to be reported to ARD's Rat and Pest Specialist by the PCO or commercial pest control company.
- All rat reports are to be investigated by the PCO. At any confirmed rat sighting, the PCO is responsible to initiate control if rat evidence, other than the rat sighting, is found or if a threat of further rat infestation is likely.
- Control will be conducted by the landowner, the PCO, or a commercial pest control company. Rat control will be continued until all rat activity ceases or the threat of rat infestation ends.
- Rat control costs are the responsibility of the property owner but may be shared by the County. ARD will supply advice, assistance, and rat control bait and devices in controlling any rat infestations found within the County.

Urban Municipalities

- Rats encountered in cities, towns, villages, and on commercial land are the responsibility of the resident or property owner to control.
- All urban jurisdictions must appoint a PCO(s) to investigate reported rat sightings in their jurisdictions.
- Small urban jurisdictions may appoint, upon mutual agreement, the County or Municipal Agricultural Fieldman as a PCO. Urban PCOs must investigate rat sighting reports to determine if a rat or rats are present.
- Any confirmed rat sighting will be reported by the local PCO to the ARD Call Centre at 310-FARM (3276).
- The city or urban jurisdiction will initiate rat control measures or ensure the property owner initiates rat control measures at confirmed rat sightings where evidence of rat activity is found.
- At confirmed rat sighting locations where notable evidence of rat habitation exists, preventive rat control measures will be conducted to ensure any existing rat or dispersing rat will be controlled. These preventive measures will be conducted by the resident or property owner, the PCO, or a commercial pest control company.

- It is the responsibility of the urban jurisdiction to make certain rat control is implemented when control is needed.
- Preventive control measures may consist of bait in bait stations, traps, the clean-up of property, removal of rat habitat, etc.
- If a rat infestation is discovered, it will be reported immediately to ARD and the urban jurisdiction will record and implement control action.
- ARD will assist with advice and rat control bait and devices for rat infestations.
- The cost will be the responsibility of the resident or property owner.

Appendix II Urban Rat Control Operating Plan

<Town> Municipal Bylaw Enforcement Standard Operating Procedure

Rat Sightings

Rationale/Objective

As owners of public lands and facilities, the <City or town of> is responsible to control pests under the *Agricultural Pests Act*, RSA 2000, c A-8. The municipality has an important role in preventing and controlling rats and rat infestations, providing media communications attributed to sightings or confirmed infestations and the ongoing role of the municipality to respond, investigate, and control as per their standard operating procedures for the <City or Town>, Alberta.

Under Section 10 of the *Agricultural Pests Act*, the <City or Town> has appointed <members of the Municipal Bylaw Enforcement Section or Parks or....name of department or person appointed> as Pest Control Officers for the purposes of the Act in relation to the control of *Rattus* species (Norway and Roof Rats). Under the Act it is illegal to possess or otherwise allow a *Rattus* species to be present in the Province.

Response Priority

As soon as practical, with emphasis on quick response if carcass remains are involved.

Procedure

- 1) The member attending shall:
 - a) Take custody of any suspect rat or suspect rodent carcass found.
 - i) In the case of a positively identified dead rat, photograph the rat and dispose of the carcass. If uncertain of the rodent's identity, keep the carcass for further investigation.
 - ii) In the case of a live rat, photograph the rat, have the rat humanely euthanized and dispose of the carcass.
- 2) If no rat is found, inspect the area for rat signs and make attempts to find any evidence of live rats living at the location. If a rat is found, take photos for evidence.
- 3) Notify the property owner/occupant of their obligation to control rats if they are suspected or found living at the location.

Section 5 of the *Agricultural Pest Act* states:

An owner or occupant of land or property or the owner or person in control of livestock shall take active measures to

- (a) prevent the establishment of pests on or in the land, property or livestock unless otherwise authorized by the Minister,
 - (b) control or destroy all pests on or in the land, property or livestock unless otherwise authorized by the Minister, and
 - (c) destroy any crop, vegetation or other matter that contributes or may contribute to the maintenance or spread of a pest on or in the land, property or livestock.
- 4) At confirmed rat sightings, if there is evidence of rat activity, ensure rat control measures are initiated:
- (a) ensure property owner sets out control,
 - (b) have a commercial pest control company initiate control,
 - (c) as a PCO, set out the control measures.
- 5) Control measures may consist of bait, bait stations, traps, or cleanup of property and removal of rat habitat.
- 6) Submit a report before the end of the shift if a rat has been found, alive or dead, or if rat activity or potential rat habitat is found at the location.
- 7) Add all photos to the working file and submit to your supervisor.
- 8) The Supervisor shall notify Agriculture and Rural Development (ARD) by emailing details of the incident, including photos if practicable.
- a) The current contact information for ARD is:

Phil Merrill
Rat and Pest Specialist
Inspection and Investigation Branch
Regulatory Services Division
3115-5th Avenue North
Lethbridge, AB T1J 4C7
phil.merrill@gov.ab.ca
403-381-5856 (office)
403-382-4001 (fax)
403-308-0960 (cell)

Occurrence Reports shall include:

- 1) Entity information including:
 - a) Complainant
 - b) Witnesses.
- 2) Case Summary text page.

- 3) Officers Comments to Supervisor text page.
- 4) Follow-up date to check on further rat activity if control measures were required.

Minimum Containment Standards for Alberta Wild Boar Farms

Containment Standards for those producers with existing fencing systems that are not a buried or double fence:

- The bottom of the existing fence must be anchored to the surface with stakes spaced no more than 1.5 metres apart and the stakes must be a minimum of one metre into the ground. This will be considered as equivalent containment to buried or double fencing.
- All other fencing requirements regarding height, material, electric wire and output must be met.

All new fence construction:

There will be two acceptable minimum containment standards. Wild boar producers have a choice of either building a fence that is partially buried into the ground (Standard 1) or using a double fence system (Standard 2). Both of these fencing systems require an electric fencing component.

Standard 1 Buried fence with an electric wire.		Standard 2 Double fencing system with an electric wire.	
Fence height above surface	Minimum 1.2 metres	Outer fence height above surface	Minimum 1.2 metres
Fence depth below surface	Minimum depth of 45 cm	Inner fence depth above surface	Minimum 1.2 metres
Fence material:	Woven fence that has spacing capable of containing all wild boars	Fence material:	Woven fence that has spacing capable of containing all wild boars
	Gauge of the wire must be sufficient to withstand pressure applied		Gauge of the wire must be sufficient to withstand pressure applied
		Distance between fences	1.2 metres
Electric wire:	Must be 8 cm to 30 cm above the surface	Electric wire:	Must be 8 cm to 30 cm above the surface
Electric output:	Minimum of 10 joules	Electric output:	Minimum of 10 joules

Note: It is expected that at all producers will maintain their fences in good condition at all times.

Survey results:

Eleven wild boar producers were identified within the province and a survey was conducted in July 2013 to obtain information about the wild boar industry in Alberta including the types of fencing that each producer has.

From the survey data gathered only one producer does not meet the 1.2 metre height requirement.

Four out of the 11 producers use buried fencing while 5 of the 11 producers use a double fencing system. Two producers incorporate both a double and buried fence therefore 7 of the 11 producers already have either a double or buried fence. Six of these seven producers also incorporate an electric component in their fencing system.

In summary:

- 6 of the 11 wild boar producers are already compliant with the proposed fencing standards.
- 1 producer would have to incorporate an electric fence component only in order to be compliant.
- 1 would have to anchor the fence to the ground.
- 2 would have to anchor the fence and provide an electric component.
- 1 would have to increase the fence height by 15 cm and anchor it to the ground.



Environment and Sustainable
Resource Development

Policy Division
Land and Forestry Policy Division
10th Floor, Oxbridge Place
9820 - 108 Street
Edmonton, Alberta T5K 2J6
Canada
Telephone: 780-427-0031
Fax: 780-422-4192

August 29, 2013

Mr. Patrick Gordeyko, Chairman
ASB Provincial Committee
Room 200, J.G. O'Donoghue Building
7000 - 113 Street
Edmonton, Alberta T6H 5T6

Dear Patrick:

Thank you for your letter dated August 12, 2013, supporting the proposal put forward by the Association of Alberta Agricultural Fieldmen regarding regulated weed control on non-cropland and pastures on acreages. Environment and Sustainable Resource Development and the Association of Alberta Agricultural Fieldmen have a long history of working together to improve the lives of Albertans, especially those in our rural areas. This pilot certification program for acreage owners is another positive opportunity for us to work together to meet regulatory requirements and improve our rural landscapes.

I would like to invite you to put forth a member of the Agricultural Service Board Provincial Committee to join our working group. The group is made of representatives from Environment and Sustainable Resource Development, the Association of Alberta Agricultural Fieldmen and industry.

Thank you again for your support. I look forward to the development and implementation of this pilot program, along with its positive results for Albertans.

Sincerely,

Laura Hammer
Pesticide Policy Advisor

Cc: Vivianne Servant, Tim Dietzler



Province of Alberta

OCCUPIERS' LIABILITY ACT

Revised Statutes of Alberta 2000
Chapter O-4

Current as of May 1, 2004

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
5th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

OCCUPIERS' LIABILITY ACT

Chapter O-4

Table of Contents

1	Definitions
	Application of Act
2	Effective date
3	Liability of employer
4	Act inapplicable to highways or private streets
	Liability of Occupier to Visitors
5	Duty of care to visitors
6	When common duty of care applies
6.1	Recreational users
7	Risks willingly accepted
8	Variation of duty of care
9	Effect of warning
10	Contract not to affect strangers
11	Liability of independent contractor
	Liability of Occupier to Trespassers
11.1	Liability of agricultural disposition holder
12	Trespassers
13	Child trespassers
	General
14	Liability re personal property
15	Application of other Acts
16	Crown bound

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

Definitions

1 In this Act,

- (a) "common duty of care" means the duty of care of an occupier of premises to visitors provided for in section 5;
- (b) "entrant as of right" means a person who is empowered or permitted by law to enter premises without the permission of the occupier of those premises;
- (c) "occupier" means
 - (i) a person who is in physical possession of premises, or
 - (ii) a person who has responsibility for, and control over, the condition of premises, the activities conducted on those premises and the persons allowed to enter those premises,

and for the purposes of this Act, there may be more than one occupier of the same premises;

- (d) "premises" includes
 - (i) staging, scaffolding and similar structures erected on land whether affixed to the land or not,
 - (ii) poles, standards, pylons and wires used for the purpose of transmission of electric power or communications or transportation of passengers, whether or not they are used in conjunction with the supporting land,
 - (iii) railway locomotives and railway cars,
 - (iv) ships, and
 - (v) trailers used for, or designed for use as, residences, shelters or offices,

but does not include aircraft, motor vehicles or other vehicles or vessels except those mentioned in subclauses (iii) and (iv) or any portable derrick or other equipment or movable things except those mentioned in subclauses (i) and (v);

- (e) "visitor" means

- (i) an entrant as of right,
- (ii) a person who is lawfully present on premises by virtue of an express or implied term of a contract,
- (iii) any other person whose presence on premises is lawful, or
- (iv) a person whose presence on premises becomes unlawful after the person's entry on those premises and who is taking reasonable steps to leave those premises.

RSA 1980 cO-3 s1

Application of Act

Effective date

2 This Act applies only in cases where the cause of action arose after January 1, 1974.

RSA 1980 cO-3 s2

Liability of employer

3 This Act does not apply to or affect the liability of an employer in respect of the employer's duties to employees.

RSA 1980 cO-3 s3

Act inapplicable to highways or private streets

4(1) This Act does not apply to highways, other than leased road allowances,

- (a) where a Minister of the Crown in right of Alberta has the administration of, or the management, direction and control of, the highway,
- (b) where the Crown in right of Canada has the administration and control of the highway, or
- (c) where a municipal corporation or Metis settlement has the management, direction and control of the highway.

(2) This Act does not apply to private streets as defined in section 78 of the *Law of Property Act*.

RSA 1980 cO-3 s4; 1998 c22 s26

Liability of Occupier to Visitors**Duty of care to visitors**

5 An occupier of premises owes a duty to every visitor on the occupier's premises to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which the visitor is invited or permitted by the occupier to be there or is permitted by law to be there.

RSA 1980 cO-3 s5

When common duty of care applies

6 The common duty of care applies in relation to

- (a) the condition of the premises,
- (b) activities on the premises, and
- (c) the conduct of third parties on the premises.

RSA 1980 cO-3 s6

Recreational users

6.1(1) The liability of an occupier to a person who uses the premises described in subsection (2) or a portion of them for a recreational purpose shall be determined as if the person was a trespasser unless the occupier

- (a) receives payment for the entry or activity of the person, other than a benefit or payment received from a government or government agency or non-profit recreation club or association, or
- (b) is providing the person with living accommodation on the premises.

(2) Subsection (1) applies to the following:

- (a) rural premises that are
 - (i) used for agricultural purposes including land under cultivation,
 - (ii) vacant or undeveloped premises, and
 - (iii) forested or wilderness premises;
- (b) golf courses when not open for playing;
- (c) utility rights-of-way excluding structures located on them;

- (d) recreational trails reasonably marked as such.

2003 c45 s2

Risks willingly accepted

7 An occupier is not under an obligation to discharge the common duty of care to a visitor in respect of risks willingly accepted by the visitor.

RSA 1980 cO-3 s7

Variation of duty of care

8(1) The liability of an occupier under this Act in respect of a visitor may be extended, restricted, modified or excluded by express agreement or express notice but no restriction, modification or exclusion of that liability is effective unless reasonable steps were taken to bring it to the attention of the visitor.

(2) This section does not apply with respect to a visitor who is an entrant as of right.

RSA 2000 cO-4 s8; 2003 c11 s1

Effect of warning

9 A warning, without more, shall not be treated as absolving an occupier from discharging the common duty of care to the occupier's visitor unless in all the circumstances the warning is enough to enable the visitor to be reasonably safe.

RSA 1980 cO-3 s9

Contract not to affect strangers

10 When an occupier of premises is bound by a contract to permit strangers to the contract to enter or use the premises, the liability of the occupier under this Act to a stranger to the contract may not be enlarged, restricted or excluded by that contract.

RSA 1980 cO-3 s10

Liability of independent contractor

11(1) An occupier is not liable under this Act when the damage is due to the negligence of an independent contractor engaged by the occupier if

- (a) the occupier exercised reasonable care in the selection and supervision of the independent contractor, and
- (b) it was reasonable in all the circumstances that the work that the independent contractor was engaged to do should have been undertaken.

(2) Subsection (1) does not operate to abrogate or restrict the liability of an occupier for the negligence of the occupier's independent contractor imposed by any other Act.

RSA 1980 cO-3 s11

Liability of Occupier to Trespassers

Liability of agricultural disposition holder

11.1 The liability of a holder of an agricultural disposition issued under the *Public Lands Act* in respect of a person who, under section 62.1 of the *Public Lands Act* and the applicable regulations, enters and uses the land that is subject to the agricultural disposition shall be determined as if the person entering the land were a trespasser.

2003 c11 s1

Trespassers

12(1) Subject to subsection (2) and to section 13, an occupier does not owe a duty of care to a trespasser on the occupier's premises.

(2) An occupier is liable to a trespasser for damages for death or injury to the trespasser that results from the occupier's wilful or reckless conduct.

RSA 1980 cO-3 s12

Child trespassers

13(1) When an occupier knows or has reason to know

- (a) that a child trespasser is on the occupier's premises, and
- (b) that the condition of, or activities on, the premises create a danger of death or serious bodily harm to that child,

the occupier owes a duty to that child to take such care as in all the circumstances of the case is reasonable to see that the child will be reasonably safe from that danger.

(2) In determining whether the duty of care under subsection (1) has been discharged, consideration shall be given to

- (a) the age of the child,
- (b) the ability of the child to appreciate the danger, and
- (c) the burden on the occupier of eliminating the danger or protecting the child from the danger as compared to the risk of the danger to the child.

(3) For the purposes of subsection (1), the occupier has reason to know that a child trespasser is on the occupier's premises if the occupier has knowledge of facts from which a reasonable person would infer that a child is present or that the presence of a child is so probable that the occupier should conduct himself or herself on the assumption that a child is present.

RSA 1980 cO-3 s13

General

Liability re personal property

14(1) Subject to subsections (2) to (4), the liability of an occupier under this Act to a visitor or trespasser extends to destruction or loss of, or damage to, property brought on to the occupier's premises by the visitor or trespasser, as the case may be, whether or not it is owned by the visitor or trespasser or by any other person.

(2) An occupier is not liable under this Act in respect of a loss of or damage to property of any person resulting by reason of the act of a third party.

(3) When a person in an action under this Act claims damages in respect of the destruction or loss of, or damage to, property of which the person is the owner and that was brought on to the occupier's premises by some other person either as a visitor or trespasser on those premises, the occupier is entitled to raise any defence to the claim that the occupier would be entitled to raise if the claimant were the visitor or trespasser, as the case may be.

(4) This Act does not apply to or affect any liability of an occupier of premises in respect of personal property arising by virtue of

- (a) a contract of carriage,
- (b) a bailment, or
- (c) the *Innkeepers Act*.

RSA 1980 cO-3 s14

Application of other Acts

15(1) When the occupier does not discharge the common duty of care to a visitor and the visitor suffers damage partly as a result of the fault of the occupier and partly as a result of the visitor's own fault, the *Contributory Negligence Act* applies.

(2) When an occupier is liable under section 12(2) or 13, and the trespasser or child trespasser, as the case may be, suffers damage partly as a result of the fault of the occupier and partly as a result of

the trespasser's or child trespasser's own fault, the *Contributory Negligence Act* applies.

(3) When in an action brought under this Act 2 or more occupiers of the same premises are each found to be at fault, the *Tortfeasors Act* applies.

RSA 1980 cO-3 s15

Crown bound

16 The Crown in right of Alberta is bound by this Act.

RSA 1980 cO-3 s16

External Directive

Liability of Recreational User on
Staff Directive 2010-03

Lands Division
Rangeland Management
September 21, 2010

Liability of Recreational Users on Agricultural Public Land

Purpose

This document is intended to provide general information about the Recreational Access Regulation which pertains to Alberta public land administered under grazing lease or farm development lease. It is not intended to address specific situations. **The department recommends that agricultural leaseholders obtain their own legal advice regarding their legal risks and liability arising from regulated recreational access on agricultural leases.**

Context

In 2003, the Alberta Government clarified the rules for recreational access on agricultural dispositions. Enacted under the *Public Lands Act*, Section 62.1, the Recreational Access Regulation encourages communication, cooperation, and respect among disposition holders and recreational users. Leaseholders' liability arising from regulated recreational access is limited by changes made to the *Occupier's Liability Act*, also in 2003.

What is the agricultural leaseholder's liability for a recreational user?

As an agricultural leaseholder, your liability to recreational users is limited by law. Unless the leaseholder intentionally or recklessly injures a recreational user, the legal duty owed to a recreational user is the lowest duty owed by a legal occupier of land. Recreational users are responsible for their own personal safety, and enter the lease land at their own risk.

Which legislation applies to liability?

In Alberta, liability for recreational users on

agricultural dispositions is governed by the *Occupier's Liability Act*. There are two levels of "duty of care" – that which a landowner owes to an invited "visitor", and that which the landowner owes to a "trespasser". Under the Act, when a recreational user accesses an agricultural disposition, they enter at their own risk because they have the same legal protections as a trespasser under the Act.

Is the leaseholder responsible for defining all hazards, including natural hazards?

Respect for all users of public land would suggest that leaseholders should identify hazards on the land that are known to them. For example, the leaseholder may want to notify all users of any hidden or obscured dangers such as excavations, cutbanks, and unconventional fences that may be on the property.

Does the leaseholder need any additional liability insurance?

It is sound practice that agricultural producers carry liability insurance for both private and public land. Leaseholders are encouraged to consult their insurance and legal advisors to address their specific situation.

Background

Portions of the *Occupier's Liability Act*

Liability of Occupier to Trespassers

Liability of Agricultural Disposition Holder

11.1 The liability of a holder of an agricultural disposition issued

Government of Alberta ■

under the *Public Lands Act* in respect of a person who, under section 62.1 of the *Public Lands Act* and the applicable regulations, enters and uses the land that is subject to the agricultural disposition shall be determined as if the person entering the land were a trespasser.

2003 c11 s1

Trespassers

12(1) Subject to subsection (2) and to Section 13, an occupier does not owe a duty of care to a trespasser on the occupier's premises.

(2) An occupier is liable to a trespasser for damages for death or injury to the trespasser that results from the occupier's wilful or reckless conduct.

RSA 1980 cO-3 s12

Child trespassers

13(1) When an occupier knows or has reason to know:

- (a) that a child trespasser is on the occupier's premises, and
- (b) that the condition of, or activities on, the premises create a danger of death or serious bodily harm to that child,

the occupier owes a duty to that child to take such care as in all the circumstances of the case is reasonable to see that the child will be reasonably safe from that danger.

(2) In determining whether the duty of care under subsection (1) has been discharged, consideration shall be given to

- (a) the age of the child,
- (b) the ability of the child to appreciate the danger, and
- (c) the burden on the occupier of eliminating the danger or protecting the child from the danger as compared to the risk of the danger to the child.

(3) For the purposes of subsection (1), the occupier has reason to know that a child trespasser is on the occupier's premises if the occupier has knowledge of facts from which a reasonable person would infer that a child is present or that the presence of a child is so probable that the occupier should conduct himself or herself on the assumption that a child is present.

RSA 1980 cO-3 s13

For more information on the *Occupier's Liability Act* or the *Recreational Access Regulation* please view the Queen's printer website at: www.qp.alberta.ca

Authorities

Public Lands Act
Occupiers Liability Act
Recreational Access Regulation

Contacts

Rangeland Management Branch
Lands Division
4th Floor Great West Life Building
9920-108 Street
Edmonton, Alberta T5K 2M4
(780) 427-3595

Did you know not all agricultural dispositions require contact prior to access?

No Contact Required

Grazing licences are longer term tenure commonly found in forested areas.

Head tax permits, grazing permits, hay permits, and cultivation permits are dispositions issued annually.

These dispositions require basic conditions be followed but contact is not required. Some licences and permits have specific conditions placed on them by a local settlement officer for management reasons. The basic conditions and local settlement officer conditions are posted at www.srd.alberta.ca/AccessAgPublicLand.

Contact Required

Grazing Leases and Farm Development Leases are long-term tenures and require recreational users to contact the leaseholder prior to access. Contact and condition information can be found at www.srd.alberta.ca/AccessAgPublicLand. The majority of agricultural public land is under lease.

Always respect the land, fences, livestock and other leaseholder assets.



In Case of Disagreement

If you cannot resolve a disagreement with a leaseholder, contact your nearest Lands office. They can be reached by calling 310-0000. A staff member will try to assist you in reaching an agreement.

This process is designed to be informal and flexible, with the goal of resolving the issue quickly and effectively. If an agreement cannot be reached, a dispute resolution process is available to both parties through a local settlement officer.

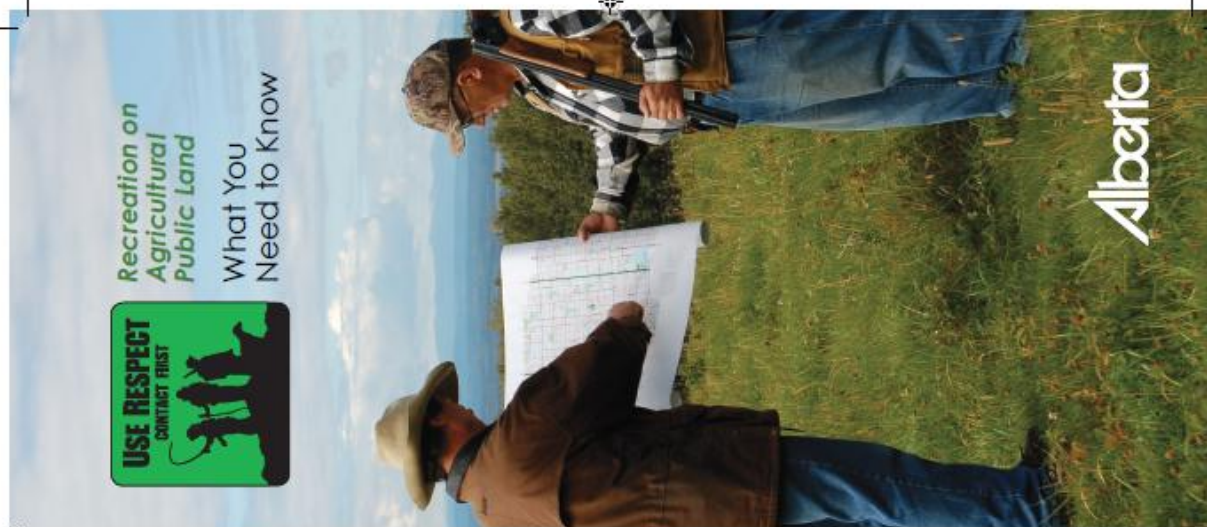
Did You Know

Riparian areas are the green areas around lakes, rivers and streams. They are popular areas for animals, and humans, to spend their time. Make sure to limit your impact on these very sensitive areas.

ISBN No. 978-0-7785-7078-3 (Printed Edition)

ISBN No. 978-0-7785-7079-0 (Online Edition)

Pub No. 1/318



USE RESPECT
CONTACT FIRST

Recreation on
Agricultural
Public Land
What You
Need to Know

Alberta

Two Steps to Accessing Public Lands

There are two steps you need to go through before you travel on agricultural public land:

1. Find out if the land you're planning to visit is privately or publicly owned

It's your responsibility to know the land ownership before you go onto a piece of property. Detailed maps, leaseholder contact information and access conditions are available for leased land on the Alberta Sustainable Resource Development website: www.srd.alberta.ca/AccessAgPublicLand. Or you can receive assistance by



telephone, toll free at 1-866-279-0023.

2. Contact the Leaseholder

If the land is under an agricultural lease you must contact the leaseholder before you go onto his or her lease. Talking to the leaseholder will allow you to discuss important information. For example, there may be sensitive areas, hazards or livestock that you need to avoid.

Guidelines for Recreational Users

When visiting agricultural public lands, please observe the following basic guidelines:

- Park vehicles clear of driveways and access routes
- Obtain consent from the leaseholder to light a fire
- Leave gates the way you found them — opened or closed
- Pack out all litter
- Take care not to damage land or property

Introducing Agricultural Leaseholders

Agricultural leaseholders are individuals who lease public lands from the Alberta government for agricultural purposes. They are required to allow public access to the land as long as it poses no harm to the land or to their investment in crops or livestock. Leaseholders are stewards of the land, and as such, they manage our land resources in a way that benefits us all.

Did You Know

Alberta has about 100 million acres of public land, including over five million acres of land leased for grazing and/or cultivation.

A leaseholder can refuse access if ...

- Access is by anything other than foot
- Livestock are present in a fenced pasture
- A crop has not yet been harvested
- A fire ban has been issued by a municipal or provincial authority
- You intend to camp
- The proposed use is disallowed by the recreational management plan or a condition set by the government

Contact the leaseholder at least 2 weeks prior to your trip to confirm your plans.

About Provincial Grazing Reserves

There are 32 provincial grazing reserves in Alberta. They are used primarily for cattle grazing during the summer. To prevent conflicts with grazing operations, some grazing reserves have restricted use during certain times of year. For information on grazing reserve restrictions, contact the grazing reserve office in the area you wish to visit.

Provincial Grazing Reserves Contact Information

- Southeast Grazing Reserves — (403) 381-5486, (403) 529-3677
- Northeast Grazing Reserves — (780) 645-6336
- Southwest Grazing Reserves — (780) 542-6616
- Northwest Grazing Reserves — (780) 835-7525

Guidelines for Recreational Users of Grazing Reserves

- Access is not allowed in pastures where livestock are present or through locked gates
- All motorized vehicles are required to stay on designated roads or trails
- Gates must be left as they are found — opened or closed
- Camping is prohibited unless authorized by the grazing office
- Organized recreational groups require a letter of authority from the grazing reserve office to use grazing reserves

For further guidelines on recreational access to provincial grazing reserves, visit Alberta Sustainable Resource Development online at www.srd.alberta.ca/pgro or contact your grazing reserve office.