

The Wildlife Habitat Lands Disposition and Alteration Regulations

being

Chapter W-13.2 Reg 1 (effective December 22, 1993)
as amended by Saskatchewan Regulations 36/94 and 80/2001.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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Appendix

CHAPTER W-13.2 REG 1

The Wildlife Habitat Protection Act

Title

- 1 These regulations may be cited as *The Wildlife Habitat Lands Disposition and Alteration Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Wildlife Habitat Protection Act*;
- (b) “**cutline**” means a pathway cleared through a wooded area;
- (c) “**disposition**” means an instrument that grants an interest in or the right to enter on Crown land for any purpose, but does not include a disposition of minerals granted pursuant to *The Crown Minerals Act*;
- (c.1) “**forest harvesting**” means cutting, picking, gathering, collecting, accumulating or removing forest products as defined in *The Forest Resources Management Act* by any means;
- (d) “**slash**” means the debris resulting from the clearing of cutlines.

7 Jan 94 cW-13.2 Reg 1 s2; 16 Nov 2001
SR 80/2001 s3.

Crown corporation

- 3 The Saskatchewan Wetland Conservation Corporation is prescribed as a Crown corporation for the purposes of subsection 6(4) of the Act.

7 Jan 94 cW-13.2 Reg 1 s3.

Permitted dispositions

- 4(1) Subject to subsection (2) and section 5, for the purposes of subsection 6(2) of the Act, the following are permitted dispositions:

- (a) dispositions that permit or relate to the exploration for or the extraction of oil, natural gas or non-hydrocarbon gases and activities incidental to the exploration or extraction;
- (b) dispositions that permit the grazing of livestock and activities incidental to the grazing of livestock;
- (c) dispositions that permit haying for agricultural purposes and activities incidental to haying for agricultural purposes;
- (d) dispositions that permit cultivation and activities incidental to cultivation for agricultural purposes of Crown land that is under cultivation on the day the Crown land is designated as wildlife habitat land;

- (e) dispositions that permit forest harvesting and activities incidental to forest harvesting;
 - (f) dispositions that permit the exploration for or extraction of sand, gravel or clay and activities incidental to the exploration or extraction.
- (2) Notwithstanding any other provision of the Act or these regulations, no disposition that permits the exploration for or extraction of sand, gravel or clay and activities incidental to the exploration or extraction shall be granted for any wildlife habitat land described in the Appendix.

16 Nov 2001 SR 80/2001 s4.

Restriction on alterations

5 Subject to section 9, no disposition holder shall make any alteration to wildlife habitat lands other than an alteration that is permitted pursuant to these regulations or authorized by the minister in writing.

7 Jan 94 cW-13.2 Reg 1 s5.

Alterations of subsurface permitted

6(1) In this section, “**disposition**” means a disposition of minerals granted pursuant to *The Crown Minerals Act*.

(2) Every person who holds a disposition may make any alteration of the subsurface of wildlife habitat lands where the minerals that are the subject of the disposition are located if the alteration is necessarily incidental to exercising the person’s rights pursuant to the disposition.

7 Jan 94 cW-13.2 Reg 1 s6.

Oil and natural gas

7(1) For the purposes of this section “**motor vehicle**” means a vehicle that is required to be registered pursuant to *The Vehicle Administration Act*.

(2) Subject to subsections (3) to (5) and section 9, every person who holds a disposition of wildlife habitat lands described in clause 4(a) may make any alteration to the wildlife habitat land that is necessarily incidental to exercising that person’s rights pursuant to that disposition.

(3) Subject to subsection (4), a person may make an alteration pursuant to subsection (2) where:

- (a) the number of wells on the wildlife habitat land does not exceed four wells per quarter section of land;
- (b) the person breaks slash windrows at least once in every 100 metres with an opening that is at least five metres long;
- (c) the person does not make cutlines that exceed 10 metres in width; and
- (d) if the cutlines are not being used for the purpose for which they were made, the person blocks the cutlines so as to prevent access to them by motor vehicles.

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(4) The minister may give notice in writing to the person who was granted the disposition requiring that person to perform rehabilitative measures that the minister considers necessary as a result of the alterations to the wildlife habitat land that the person has carried out on the wildlife habitat land that was the subject of the disposition.

(5) Where a person is given a written notice pursuant to subsection (4), that person shall perform the rehabilitative measures that are prescribed in the notice in the manner and in the period specified in the notice.

(6) The minister may, on any terms and conditions that he or she may determine, modify any requirement of clause (3)(a), (b), (c) or (d) in the case of a particular disposition where the minister is satisfied that:

(a) meeting that requirement will cause unnecessary hardship to the disposition holder; and

(b) failure to meet that requirement by the disposition holder will not seriously jeopardize the wildlife habitat land.

7 Jan 94 cW-13.2 Reg 1 s7.

Mineral dispositions

8 Subject to sections 7 and 9, every person who, on or after the day this section comes into force, holds a disposition to Crown lands designated as wildlife habitat lands permitting or relating to the exploration for or the extraction of any mineral may make any alteration to the wildlife habitat land that is necessarily incidental to exercising that person's rights pursuant to that disposition.

7 Jan 94 cW-13.2 Reg 1 s8.

No alterations on certain lands without minister's approval

9 Without the prior written approval of the minister, no person shall make any alteration of the surface of any wildlife habitat land described in the Appendix pursuant to a disposition permitting or relating to the exploration for or the extraction of any mineral activities incidental to that exploration or extraction.

7 Jan 94 cW-13.2 Reg 1 s9.

Grazing and haying

10(1) Subject to subsection (2), the following persons who hold the following dispositions of wildlife habitat lands may make any alteration to the wildlife habitat land that is necessarily incidental to exercising their rights pursuant to those dispositions:

(a) persons who hold dispositions permitting the grazing of livestock and activities incidental to that grazing; or

(b) persons who hold dispositions permitting haying for agricultural purposes and activities incidental to that haying.

(2) The persons mentioned in subsection (1) shall not engage in any clearing or breaking of the wildlife habitat land without the prior written approval of the minister.

7 Jan 94 cW-13.2 Reg 1 s10.

Cultivation

11 Every person who holds a disposition permitting cultivation, and activities incidental to that cultivation, for agricultural purposes of Crown land that is under cultivation on the day the Crown land is designated as wildlife habitat land may make any alteration to the wildlife habitat land that is necessarily incidental to exercising that person's rights pursuant to that disposition.

7 Jan 94 cW-13.2 Reg 1 s11.

Forest harvesting

11.1(1) No person shall, without the prior written approval of the minister, make any alteration of the surface of any wildlife habitat land pursuant to a disposition permitting or relating to forest harvesting or activities incidental to forest harvesting.

(2) The minister may provide prior written approval if he or she is satisfied that the proposed forest harvesting activities will not impair the usefulness of, or will improve, the wildlife habitat.

(3) The written approval provided pursuant to subsection (2) may contain any terms and conditions the minister considers necessary respecting:

- (a) the size and configuration of the harvest area;
- (b) the methods of harvest;
- (c) the location of the harvest;
- (d) the location, construction and use of roads; and
- (e) any other matters the minister considers appropriate.

(4) Notwithstanding any other provision of the Act or these regulations, the minister shall not provide written approval pursuant to subsection (2) for any wildlife habitat land described in the Appendix unless those lands require forest harvesting to prevent the loss of wildlife habitat.

(5) No person shall fail to comply with the terms and conditions of a prior written approval.

16 Nov 2001 SR 80/2001 s5.

Sand, gravel and clay dispositions

11.2(1) No person shall, without the prior written approval of the minister, make any alteration to the surface of any wildlife habitat land pursuant to a disposition permitting or relating to the exploration for or the extraction of sand, gravel or clay or activities incidental to the exploration or extraction.

(2) The minister may provide prior written approval if, after considering the following, he or she is satisfied that it is appropriate to do so:

- (a) whether or not there is an existing sand, gravel or clay disposition;
- (b) whether or not there is an alternate source of sand, gravel or clay in the vicinity;
- (c) whether or not the proponent is prepared to undertake rehabilitative measures;
- (d) any other information the minister considers appropriate.

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(3) The written approval provided pursuant to subsection (2) may contain any terms and conditions the minister considers necessary respecting:

- (a) the size and configuration of the quarrying area;
- (b) the location, construction and use of access roads;
- (c) the use of native seeds or plants in the rehabilitation of the area after the quarrying is completed; and
- (d) any other matters the minister considers appropriate.

(4) No person shall fail to comply with the terms and conditions of a prior written approval.

16 Nov 2001 SR 80/2001 s5.

Provincial roads

12(1) For the purposes of this section, “**road**” means a road that is designated as a provincial highway or a provincial road that appears on the Saskatchewan Official Highway Map 1993.

(2) Every person who has the authority to maintain or rebuild any road may make any alteration of wildlife habitat land that is necessarily incidental to maintaining or rebuilding that road on the condition that no alteration is made more than 40 metres from:

- (a) in the case of an undivided road, the centre-line of the roadway; or
- (b) in the case of a divided road, the road shoulder that is nearest to the proposed alteration.

7 Jan 94 cW-13.2 Reg 1 s12.

Municipal roads

13(1) For the purposes of this section, “**road**” means a municipal road within the meaning of *The Rural Municipality Act, 1989*.

(2) Every person who has the authority to maintain or rebuild any road may make any alteration of wildlife habitat lands that is necessarily incidental to maintaining or rebuilding that road on the condition that no alteration is made more than 25 metres from the centre-line of the road.

7 Jan 94 cW-13.2 Reg 1 s13.

Radio and telecommunications

14 Every person who has the authority to maintain radio or telecommunication facilities or equipment may make any alteration of wildlife habitat lands that is necessarily incidental to that maintenance.

7 Jan 94 cW-13.2 Reg 1 s14.

Transmission of electricity, oil or natural gas

15(1) Every person who has the authority to maintain facilities or equipment used or involved in the transmission of electricity, oil, natural gas, water or refined hydrocarbon substances may make any alteration of wildlife habitat lands that is necessarily incidental to that maintenance.

(2) Nothing in subsection (1) restricts a disposition holder mentioned in subsection 7(2) from making any permitted alteration that is necessarily incidental to exercising his or her rights pursuant to that disposition.

7 Jan 94 cW-13.2 Reg 1 s15.

R.R.S. c.C-47.1 Reg 2 repealed

16 *The Critical Wildlife Habitat Lands Disposition and Alteration Regulations* are repealed.

7 Jan 94 cW-13.2 Reg 1 s16.

Appendix

The wildlife habitat lands mentioned in section 9 of these regulations are those that fall within the following land descriptions:

- 1** Sections 6, 7 and 8, in Township 1, in Range 21, west of the Second Meridian.
- 2** All those lands in Township 1, in Range 22, west of the Second Meridian, described as follows:
 - (a) Sections 1 and 2;
 - (b) Sections 11 and 12;
 - (c) the north half of Section 13;
 - (d) Section 14;
 - (e) the south half of Section 15;
 - (f) Sections 33 and 34.
- 3** All those lands in Township 2, in Range 22, west of the Second Meridian, described as follows:
 - (a) Sections 1 to 3 inclusive;
 - (b) the north half of Section 4;
 - (c) the west half of Section 5;
 - (d) Sections 6, 7 and 9;
 - (e) that portion of Section 10 not covered by the waters of Big Muddy Lake;
 - (f) those portions of Sections 16, 17, 18, 21, 22 and 23 not covered by the waters of Big Muddy Lake;
 - (g) Section 24;
 - (h) the north half and the south-west quarter of Section 25;
 - (i) those portions of Sections 26 and 27 not covered by the waters of Big Muddy Lake;
 - (j) the south-east quarter of Section 34;
 - (k) those portions of Sections 35 and 36 not covered by the waters of Big Muddy Lake.

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4 All those lands in Township 2, in Range 23, west of the Second Meridian, described as follows:

- (a) the south half of Section 2;
- (b) the east half and the north-west quarter of Section 3;
- (c) the north-west and south-east quarters of Section 10;
- (d) Sections 11 to 14 inclusive;
- (e) the north half of Section 15.

5 All those lands in Township 3, in Range 23, west of the Second Meridian, described as follows:

- (a) the north half of Section 30;
- (b) the south half of Section 31.

6 All those lands in Township 3, in Range 24, west of the Second Meridian, described as follows:

- (a) the south half and the north-east quarter of Section 17;
- (b) Sections 18, 19, 20 and 21;
- (c) the north-east quarter of Section 26;
- (d) the west half of Section 27;
- (e) Sections 28 to 36 inclusive.

7 All those lands in Township 4, in Range 24, west of the Second Meridian, described as follows:

- (a) the south-east quarter of Section 3;
- (b) Section 6.

8 All those lands in Township 3, in Range 25, west of the Second Meridian, described as follows:

- (a) Sections 13 and 14;
- (b) Sections 23 to 25 inclusive;
- (c) the north-east quarter of Section 26;
- (d) Section 36.

9 All those lands in Township 4, in Range 25, west of the Second Meridian, described as follows:

- (a) Section 1;
- (b) the south half and the north-east quarter of Section 12.

10 All those lands not covered by the waters of Twelve Mile Lake in Township 6, in Range 2, west of the Third Meridian, described as follows:

- (a) that portion of the north-west quarter of Section 7;
- (b) that portion of the west half of Section 16;
- (c) that portion of the north-east quarter of Section 17.

11 All those lands in Township 6, in Range 3, west of the Third Meridian, described as follows:

- (a) the west half and that portion of the north-east quarter of Section 12 not covered by the waters of Twelve Mile Lake;
- (b) that portion of the south-west quarter of Section 14 not covered by the waters of Twelve Mile Lake;
- (c) that portion of the north-west quarter of Section 14 covered by the waters of Twelve Mile Lake.

12 Repealed. 3 Jne 94 SR 36/94 s2.

13 Repealed. 3 Jne 94 SR 36/94 s2.

14 All those lands in Township 21, in Range 9, west of the Third Meridian, described as follows:

- (a) those portions of Section 8 not covered by the waters of Lake Diefenbaker that are Crown owned;
- (b) those portions of Sections 9 and 11 not covered by the waters of Lake Diefenbaker;
- (c) those portions of Sections 15, 16 and 17 not covered by the waters of Lake Diefenbaker that are Crown owned;
- (d) the east half and the north-west quarter of Section 18.

15 Repealed. 3 Jne 94 SR 36/94 s2.

16 All those lands in Township 3, in Range 10, west of the Third Meridian, described as follows:

- (a) the north half of Section 5;
- (b) Section 6;
- (c) the east half and the south-west quarter of Section 7;
- (d) the south-east and north-west quarters of Section 8;
- (e) the west half of Section 17;
- (f) the south-east quarter of Section 18;
- (g) the south half and north-west quarter of Section 20;
- (h) the east halves of Sections 21 and 28;
- (i) Section 29;
- (j) the south half and the north-west quarter of Section 32.

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17 Repealed. 3 Jne 94 SR 36/94 s2.

18 Repealed. 3 Jne 94 SR 36/94 s2.

19 Those portions of Sections 29, 30, 31 and 32, in Township 19, in Range 11, west of the Third Meridian, not covered by the waters of Lake Diefenbaker.

20 All those lands in Township 20, in Range 11, west of the Third Meridian, described as follows:

- (a) that portion of Section 5 not covered by the waters of Lake Diefenbaker;
- (b) Section 6.

21 That portion of Section 36, in Township 19, in Range 12, west of the Third Meridian, not covered by the waters of Lake Diefenbaker.

22 Repealed. 3 Jne 94 SR 36/94 s2.

23 Repealed. 3 Jne 94 SR 36/94 s2.

24 The south half and the north-east quarter of Section 34, in Township 18, in Range 13, west of the Third Meridian.

25 All those lands in Township 19, in Range 13, west of the Third Meridian, described as follows:

- (a) the west half of Section 2;
- (b) the east half of Section 10;
- (c) the west halves of Sections 11 and 15.

26 All those lands in Township 20, in Range 13, west of the Third Meridian, described as follows:

- (a) the south-west quarter of Section 17;
- (b) Section 18.

27 All those lands in Township 20, in Range 14, west of the Third Meridian, described as follows:

- (a) that portion of Section 16 not covered by the waters of Lake Diefenbaker;
- (b) the north-east quarter of Section 18;
- (c) the south-east quarter of Section 19;
- (d) the south half and the north-east quarter of Section 21.

28 The north-west quarter of Section 12, in Township 20, in Range 15, west of the Third Meridian.

29 All those lands in Township 20, in Range 16, west of the Third Meridian, described as follows:

- (a) that portion of the south half of Section 9 not covered by the waters of the South Saskatchewan River;

- (b) those portions of Sections 10 and 11 not covered by the waters of the South Saskatchewan River;
- (c) the north-west quarter of Section 14;
- (d) the east half of Section 15.

30 All those lands in Township 5, in Range 17, west of the Third Meridian, described as follows:

- (a) the east half and the north-west quarter of Section 21;
- (b) the north-west and the south-east quarters of Section 22;
- (c) Section 27;
- (d) the east half and the north-west quarter of Section 28;
- (e) the south half and north-west quarter of Section 32;
- (f) Section 33;
- (g) the south-west quarter of Section 34.

31 The north-east quarter of Section 18, in Township 5, in Range 19, west of the Third Meridian.

32 All those lands in Township 5, in Range 20, west of the Third Meridian, described as follows:

- (a) the north half and the south-east quarter of Section 23;
- (b) the east half of Section 24;
- (c) the south-west quarter of Section 25;
- (d) the south half of Section 27.

33 All those lands in Township 23, in Range 21, west of the Third Meridian, described as follows:

- (a) the south half of Section 27;
- (b) those portions of Sections 28 and 29 not covered by the waters of the South Saskatchewan River;
- (c) those portions of Section 31 not covered by the waters of the South Saskatchewan River;
- (d) the east half of Section 32;
- (e) the south half and the north-west quarter of Section 33.

34 All those lands in Township 3, in Range 22, west of the Third Meridian, described as follows:

- (a) **Repealed.** 3 Jne 94 SR 36/94 s2;
- (b) the north-west quarter of Section 27;
- (c) Sections 28 to 30 inclusive;
- (d) the south half of Section 31.

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35 All those lands in Township 6, in Range 22, west of the Third Meridian, described as follows:

- (a) the north half of Section 19;
- (b) the west half and the north-east quarter of Section 20;
- (c) the south halves of Sections 29 and 30.

36 All those lands in Township 24, in Range 22, west of the Third Meridian, described as follows:

- (a) that portion of Section 9 lying to the left of the left bank of the South Saskatchewan River;
- (b) those portions of the north half and Legal Subdivisions 5 and 6 of Section 10 lying to the left of the left bank of the South Saskatchewan River;
- (c) that portion of the north half and the south-east quarter of Section 11 lying to the left of the left bank of the South Saskatchewan River;
- (d) Section 12;
- (e) the south-west quarter and the north half of Section 14;
- (f) Sections 15 and 16;
- (g) Sections 21, 22 and 23.

37 All those lands in Township 3, in Range 23, west of the Third Meridian, described as follows:

- (a) the north-east quarter of Section 4;
- (b) Sections 9, 10 and 16.

38 All those lands in Township 6, in Range 23, west of the Third Meridian, described as follows:

- (a) the south halves of Sections 22 and 23;
- (b) the south-west quarter of Section 24;
- (c) Sections 25 and 26;
- (d) that portion of the east half of Section 27 that is Crown owned;
- (e) Sections 34 and 35;
- (f) the west half of Section 36.

39 All those lands in Township 24, in Range 23, west of the Third Meridian, described as follows:

- (a) that portion of Section 11 not covered by the waters of the South Saskatchewan River;
- (b) that portion of Section 12 lying to the left of the left bank of the South Saskatchewan River;
- (c) Section 13.

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40 All those lands in Township 2, in Range 24, west of the Third Meridian, described as follows:

- (a) **Repealed.** 3 Jne 94 SR 36/94 s2;
- (b) the south-east quarter of Section 19.

41 All those lands in Township 1, in Range 25, west of the Third Meridian, described as follows:

- (a) the north half of Section 25;
- (b) the north-east quarter of Section 26.

42 All those lands in Township 2, in Range 25, west of the Third Meridian, described as follows:

- (a) **Repealed.** 3 Jne 94 SR 36/94 s2;
- (b) Sections 28, 29, 32 and 33.

43 All those lands in Township 6, in Range 25, west of the Third Meridian, described as follows:

- (a) the north-east quarter of Section 10;
- (b) Section 14;
- (c) the south-east quarter of Section 15;
- (d) the east half of Section 24.

44 All those lands in Township 2, in Range 26, west of the Third Meridian, described as follows:

- (a) the south-west quarter of Section 28;
- (b) the west half and the south-east quarter of Section 29;
- (c) the west half of Section 32.

45 All those lands in Township 6, in Range 26, west of the Third Meridian, described as follows:

- (a) that portion of Section 16 not covered by the waters of Cypress Lake;
- (b) the islands within Cypress Lake.

46 The south-east quarter of Section 27, in Township 3, in Range 27, west of the Third Meridian.

47 All those lands in Township 6, in Range 27, west of the Third Meridian, described as follows:

- (a) Section 9;
- (b) the west half of Section 10.

48 The south-east quarter of Section 34, in Township 10, in Range 27, west of the Third Meridian.

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49 The north-west quarter of Section 34, in Township 2, in Range 28, west of the Third Meridian.

50 All those lands in Township 3, in Range 28, west of the Third Meridian, described as follows:

- (a) the west half of Section 1;
- (b) the east half of Section 12.

51 Sections 24 and 25, in Township 6, in Range 28, west of the Third Meridian.

52 All those lands in Township 8, in Range 28, west of the Third Meridian, described as follows:

- (a) the west half of Section 7;
- (b) the east half and the south-west quarter of Section 18;
- (c) the south-west quarter of Section 19.

53 All those lands in Township 2, in Range 29, west of the Third Meridian, described as follows:

- (a) the south half of Section 6;
- (b) the north-east quarter and that portion of the north-west quarter of Section 7 lying to the north of Spangler Irrigation ditch;
- (c) **Repealed.** 3 Jne 94 SR 36/94 s2;
- (d) Section 19.

54 All those lands in Township 3, in Range 29, west of the Third Meridian, described as follows:

- (a) the west half of Section 7;
- (b) the east halves of Sections 28 and 33;
- (c) the south-west and north-east quarters of Section 34;
- (d) Section 35.

55 All those lands in Township 4, in Range 29, west of the Third Meridian, described as follows:

- (a) the west half, the north-east quarter and Legal Subdivisions 1, 2 and 7 of Section 8;
- (b) the south half of Section 17.

56 All those lands in Township 5, in Range 29, west of the Third Meridian, described as follows:

- (a) Sections 6, 7, 17, 18 and 20;
- (b) the north-west quarter of Section 21.

57 The east half of Section 30, in Township 8, in Range 29, west of the Third Meridian.

58 All those lands in Township 2, in Range 30, west of the Third Meridian, described as follows:

- (a) the east half of Section 1;
- (b) Section 11;
- (c) the south-east quarter of Section 24.

59 All those lands in Township 3, in Range 30, west of the Third Meridian, described as follows:

- (a) Sections 1, 2, 3, 4, 9, 10, 11, 12 and 15;
- (b) the south-east quarter of Section 16.

7 Jan 94 cW-13.2 Reg 1; 3 Jne 94 SR 36/94 s2.