

# *The Wild Rice Regulations, 2005*

*being*

Chapter F-19.1 Reg 6 (effective February 3, 2005).

## **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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## CHAPTER F-19.1 REG 6

### *The Provincial Lands Act*

Section 20

and

### *The Forest Resources Management Act*

#### **Title**

- 1 These regulations may be cited as *The Wild Rice Regulations, 2005*.

#### **Interpretation**

- 2 In these regulations:

- (a) **“applicable fee”** means any rate or fee imposed pursuant to section 16 for the use of any Crown resource land;
- (b) **“applicant”** means an applicant for a permit or licence or for an amendment to a permit or licence;
- (c) **“Crown resource land”** means all lands administered by the department other than park land within the meaning of *The Parks Act* but does not include any Crown mineral or Crown mineral lands within the meaning of *The Crown Minerals Act*;
- (d) **“department”** means the department over which the minister presides;
- (e) **“licence”** means a licence issued pursuant to these regulations;
- (f) **“minister”** means the member of the Executive Council to whom for the time being the administration of these regulations is assigned;
- (g) **“N.S.A.D.”** means the Northern Saskatchewan Administration District continued pursuant to *The Northern Municipalities Act*;
- (h) **“permit”** means a permit issued pursuant to these regulations;
- (i) **“person”** means an individual, corporation or co-operative.

11 Feb 2005 cF-19.1 Reg 6 s2.

#### **Permit or licence required**

- 3 No person shall seed, grow or harvest wild rice on Crown resource land unless he or she holds a permit or licence to do so.

11 Feb 2005 cF-19.1 Reg 6 s3.

**Eligibility**

4(1) Any person who wishes to apply for a permit or licence to seed, grow or harvest wild rice on Crown resource land must be at least 18 years of age.

(2) No person is entitled to apply for a permit or licence to seed, grow or harvest wild rice on Crown resource land that is within the N.S.A.D. unless he or she has lived in the N.S.A.D. for a total of:

- (a) 15 years; or
- (b) half his or her lifetime;

whichever is less.

11 Feb 2005 cF-19.1 Reg 6 s4.

**Application**

5(1) A person applying for a permit or licence, or a person who wishes to have an amendment made to a permit or licence, must:

- (a) apply to the minister in the form required by the minister;
- (b) submit to the minister the appropriate fee; and
- (c) provide the minister with any additional information that the minister may require to consider the application.

(2) A holder of a permit may apply to the minister for a licence to seed, grow or harvest wild rice on the Crown resource land covered by the permit.

(3) If an applicant is a corporation or a co-operative, the applicant must provide evidence satisfactory to the minister that, as at the date of the application:

- (a) the registration of the corporation or co-operative pursuant to *The Business Corporations Act*, *The Co-operatives Act, 1996* or *The New Generation Co-operatives Act* is in good standing; and
- (b) every shareholder or member of the corporation or co-operative meets the eligibility requirements set out in section 4.

11 Feb 2005 cF-19.1 Reg 6 s5.

**Minister may issue or amend permit or licence**

6(1) On receipt of an application pursuant to section 5, the minister may issue a permit or licence to the applicant, or amend the applicant's permit or licence, if the minister is satisfied that it is appropriate to do so.

(2) Subject to *The Provincial Lands Act* and *The Forest Resources Management Act*, on the issuance or amendment of a permit or licence, the minister may attach any terms and conditions to the permit or licence that the minister considers appropriate in addition to the terms and conditions set out in section 10.

11 Feb 2005 cF-19.1 Reg 6 s6.

**Permits**

- 7(1)** A permit entitles the permittee to seed, grow or harvest wild rice on the Crown resource land described in the permit.
- (2) A permit is to be issued for a term beginning on November 1 in one year and ending on October 31 in the following year.
- (3) A permit is not transferable or assignable except in exceptional circumstances at the discretion and with the approval of the minister.

11 Feb 2005 cF-19.1 Reg 6 s7.

**Licences**

- 8(1)** A licence entitles the licensee to seed, grow or harvest wild rice on the Crown resource land described in the licence.
- (2) A licence may be issued for a term not exceeding 10 years.
- (3) With the approval of the minister, a licence is transferable and assignable.

11 Feb 2005 cF-19.1 Reg 6 s8.

**Maximum area**

**9** The maximum area of Crown resource land that may be held pursuant to a permit or licence is:

- (a) in the case of an individual, 400 hectares; and
- (b) in the case of a corporation or co-operative, 400 hectares for each shareholder or member who does not hold a permit or licence in his or her individual capacity, to a maximum of 2 000 hectares.

11 Feb 2005 cF-19.1 Reg 6 s9.

**Terms and conditions**

**10(1)** It is a term of every permit and licence that neither the minister, the department nor any employee or officer of the Crown is liable for any damage to wild rice crops or operations caused by:

- (a) wildlife or waterfowl or other natural phenomena, including water fluctuation; or
  - (b) water fluctuation due to an artificial structure that was in existence before the permit or licence was issued.
- (2) Every permittee or licensee shall:
- (a) provide and maintain shoreline identification of the boundaries of the area covered by the licence or permit and between that area and the area of another licensee or permittee;
  - (b) ensure that buffer zones of at least:
    - (i) 200 metres in width are maintained on each side of any cabins, docks, outfitters' camps, airstrips and other areas requiring public access that exist on the day on which he or she is granted the permit or licence; and
    - (ii) 400 metres in width are maintained on each side of communities or cottage subdivisions or similarly developed areas;

- (c) comply with any restrictions that are noted on the permit or licence;
  - (d) remove beaver dams only as permitted by and in accordance with *The Wildlife Regulations, 1981*;
  - (e) dispose of all garbage and waste materials in accordance with any regulations made pursuant to *The Public Health Act, 1994* or any other applicable Act or regulations; and
  - (f) on termination for any reason or expiration of the permit or licence:
    - (i) take any steps to restore the area covered by the permit or licence that the minister may require to return the area as far as possible to the condition that it was in before the permit or licence was issued; and
    - (ii) within 30 days after the termination or expiration, remove any personal property from the area.
- (3) Personal property that is not removed in accordance with subclause (2)(f)(ii):
- (a) is forfeited to the Crown without payment of compensation for that personal property; and
  - (b) may be removed or disposed of in any manner that the minister considers appropriate, and the costs of the removal or disposal are a debt due and owing from the permittee or the licensee, as the case may be, to the Crown.

11 Feb 2005 cF-19.1 Reg 6 s10.

#### **Prohibitions**

##### **11 No permittee or licensee shall:**

- (a) without the prior approval of the minister, alter, other than in accordance with the terms and conditions of the permit or licence, the Crown resource land covered by the permit or licence;
- (b) without the prior approval of the minister and any other necessary authorities, place or construct any dock, shed, building or other improvement on any Crown resource land or on any adjacent land;
- (c) use fertilizers, herbicides or pesticides on any Crown resource land;
- (d) use Crown resource land for any purpose that is not expressly provided for in the permit or licence; or
- (e) fail to comply with any term or condition of the permit or licence or with any provision of these regulations.

11 Feb 2005 cF-19.1 Reg 6 s11.

#### **When minister may amend, suspend, cancel or refuse to issue permit or licence**

##### **12(1) In the circumstances mentioned in subsection (2), the minister may:**

- (a) subject to subsection (3), amend, suspend or cancel a permit or licence; or
- (b) refuse to issue a permit or licence.

(2) The minister may take any action mentioned in subsection (1) if the minister is satisfied that:

- (a) the applicant, permittee or licensee, as the case may be:
  - (i) has been convicted of a contravention of any Act or regulations administered by the minister;
  - (ii) has failed to comply with any term or condition of the permit or licence or with any provision of these regulations;
  - (iii) is in arrears in any payment respecting an indebtedness to the Crown;
  - (iv) owes taxes to a municipality with respect to any Crown resource land; or
  - (v) made a false or misleading statement in any application or information submitted to the minister;
- (b) in the case of an applicant, permittee or licensee that is a corporation or co-operative, the registration of the corporation or co-operative has been revoked, or the name of the corporation or co-operative has been struck off the register, pursuant to *The Business Corporations Act*, *The Co-operatives Act, 1996* or *The New Generation Co-operatives Act*; or
- (c) it is in the public interest to:
  - (i) amend, suspend or cancel the permit or licence; or
  - (ii) refuse to issue the permit or licence.

(3) Before the minister amends, suspends or cancels a permit or licence pursuant to clause (1)(a), the minister shall give the permittee or licensee:

- (a) written notice of the minister's intention and the reasons for the proposed amendment, suspension or cancellation of the permit or licence; and
- (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the permit or licence should not be amended, suspended or cancelled.

(4) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (3).

(5) After receiving written representations pursuant to clause (3)(b) or if no written representations are received within the 30-day period mentioned in clause (3)(b), the minister shall issue a written decision and serve the decision on the person to whom notice was given pursuant to subsection (3).

**Service**

**13(1)** Any notice, decision or other document required to be given by the minister pursuant to these regulations is to be served personally or by registered mail to the last known address of the person being served.

(2) A notice, decision or other document served by registered mail is deemed to have been received on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, it was not received or was received on a later date.

(3) If, in the opinion of the minister, it is not practical to serve a person personally or by registered mail, the person may be served by any method the minister considers appropriate.

11 Feb 2005 cF-19.1 Reg 6 s13.

**Change of name**

**14(1)** If a permittee or licensee is a corporation or a co-operative and there is a change in the name of the corporation or the co-operative, within 90 days after that change, the corporation or co-operative must:

- (a) advise the minister of the change, in writing; and
- (b) submit to the minister the appropriate fee for an amended permit or licence.

(2) On receipt of a written notice pursuant to this section, the minister may issue an amended permit or licence to the applicant if the minister considers it appropriate to do so.

11 Feb 2005 cF-19.1 Reg 6 s14.

**Rights on termination**

**15(1)** On the expiration, termination or cancellation for any reason of a permit or licence:

- (a) the permittee or licensee has no further right to use the Crown resource land that was the subject of the permit or licence; and
- (b) any wild rice crop that has not been harvested and any future renewals of the crop on the Crown resource land are deemed to be the property of the Crown without compensation from the Crown.

(2) On the expiration, termination or cancellation for any reason of a permit or licence, the minister may:

- (a) dispose of the wild rice crop that has not been harvested or any future renewals of the crop, in whole or in part, in any manner the minister considers appropriate; and
- (b) reallocate the Crown resource land in any manner the minister considers appropriate.

11 Feb 2005 cF-19.1 Reg 6 s15.

**Applicable fees**

**16(1)** Subject to subsections (2) and (3), the rate payable:

- (a) by permittees is \$0.25 per hectare per year; and
- (b) by licensees is \$2.50 per hectare per year.

(2) Notwithstanding clause (1)(a), if any Crown resource land is subject to a permit or permits for four consecutive years, the rate payable by any permittee of that land in each consecutive year after the fourth year is \$2.50 per hectare per year.

(3) The minimum annual amount payable:

- (a) by permittees is \$5; and
- (b) by licensees is \$25.

(4) The rate payable for a permit or licence must be paid annually, in advance.

(5) In addition to any other amount payable pursuant to this section, the fee for issuance of a licence or for an assignment, amendment or renewal of a licence is \$30.

11 Feb 2005 cF-19.1 Reg 6 s16.

**R.R.S. c.F-19 Reg 5 repealed**

**17** *The Wild Rice Regulations* are repealed.

11 Feb 2005 cF-19.1 Reg 6 s17.

**Transitional – permits and licences**

**18** Notwithstanding the repeal of *The Wild Rice Regulations*, any permit or licence issued pursuant to those regulations that was valid on the day before the coming into force of these regulations remains in force until its expiry date as if issued pursuant to these regulations and is subject to the provisions of these regulations.

11 Feb 2005 cF-19.1 Reg 6 s18.

**Coming into force**

**19** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

11 Feb 2005 cF-19.1 Reg 6 s19.

