

An Overview of Wildlife Legislation in Alberta

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Wildlife in Alberta is subject to federal, provincial and international laws and policies, and in the case of urban areas municipal law and policy. Municipal law falls primarily under provincial jurisdiction with limits and exceptions. Wildlife laws have traditionally been based around hunting, but increasingly involve habitat protection and protection of species at risk. In Alberta, a developing commitment to regional and land-use planning along with biodiversity may affect wildlife and habitat management. This paper provides an overview of the jurisdictional landscape of laws on wildlife, and traditional tools for wildlife management with an emphasis on the provincial perspective.¹

JURISDICTION

Wildlife in Canada is not expressly contemplated in the *Constitution Act, 1867*,² but has been considered to fall under provincial legislative authority under s.92(13) (property and civil rights in the province) and s.92(16) (generally all matters of a merely local or private nature in the province) and s.109 (all lands, mines, minerals, and royalties [belong to the provinces]).³ Wildlife is generally considered to be property owned by the Crown as a result of the legal tradition considering wildlife to be part of land, and associating land ownership with a “right to harvest wildlife.”⁴ An individual may gain an ownership interest, for example under the *Wildlife Act*.⁵

Areas including the environment and natural resources fall under concurrent federal and provincial legislative competence.⁶ In 2006, Kennedy and Donihee noted that the federal government has jurisdiction over migratory birds,⁷ matters of international trade and commerce,⁸ interjurisdictional wildlife, and fisheries.⁹ Wildlife management on federal lands within provinces also remains under federal jurisdiction.¹⁰ The Federal government jurisdiction also has legislative authority over federal species at risk,¹¹ and Indian reserves.¹² Kennedy and Donihee stress the importance of cooperation between both levels of government:

¹ This paper will not provide extensive or comprehensive discussion of wildlife law in relation to First Nations

² *Constitution Act, 1867* (UK), 30 & 31 Vict, c3, reprinted in RSC1985, Appendix II, No 5. Section 109 was extended to the Prairie Provinces by operation of the *Natural Resources Transfer Agreement* and the *Constitution Act, 1930*.

³ See Priscilla Kennedy and John Donihee, *Wildlife and the Canadian Constitution*, Canadian Wildlife Law Project Paper #4 (Canada: Canadian Institute of Resources Law, August 2006), online: < <http://cir.l.ca/publications/wildlife-law-papers> >

⁴ Kennedy and Donihee, *supra* note 4 at 7

⁵ Laura D Kumpf and Elaine Hughes, “Wildlife Sector Overview”, in Elaine L Hughes, Arlene J Kwasniak & Alistair Lucas, *Public Lands and Resources Law in Canada* (Toronto: Irwin Law Inc, 2016), Espec chapter 14: Wildlife Sector Overview, p293ff

⁶ Kennedy and Donihee, *supra* note 4 at 4

⁷ The *Migratory Birds Convention*, via the *Migratory Birds Convention Act*

⁸ *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRIITA), SC 1992, c52 – incorporates the Convention on International Trade in Endangered Species of wild fauna and flora (CITES) (1973, ratified by Canada 1975)

⁹ Kennedy and Donihee, *supra* note 4

¹⁰ *Canada National Parks Act*, SC 2000, c32. See Kennedy and Donihee, *supra* note 4

¹¹ *Species at Risk Act*, SC 2002, cC-5

¹² Indian lands fall under federal jurisdiction under s.91(24) of the *Constitution Act, 1867*

Both levels of government have essential roles to play in our national framework for the protection of and management of wildlife. In order to ensure a coordinated framework for wildlife management, cooperative federalism is essential. Our constitution sets out a division of powers which includes limits on both federal and provincial jurisdiction over wildlife. Only a cooperative effort will ensure the long term presence of wildlife on our landscapes.¹³

TRADITIONAL WILDLIFE MANAGEMENT

John Donihee has discussed the following three stages in the evolution of Canadian wildlife law:

Stage 1: The “game management era” (Confederation to the 1960s);

Stage 2: the “wildlife management era” (1960s to mid 1980s) and

Stage 3: the “sustainable wildlife management era” (mid-1980s to the time of writing [2000]).¹⁴

In a 2006 cross-country in her comparative overview of wildlife laws, Monique Passelac-Ross noted:

The wildlife management paradigm embodied in wildlife acts is characterized by the following features identified by Valerius Geist: public ownership of the wildlife, strict controls on killing of wildlife, elimination or strict management of market hunting, allocation of harvestable surpluses based on equal opportunities for all users, and interjurisdictional cooperation.¹⁵

Traditional Mechanisms

Passelac-Ross completed a functional analysis across Canadian jurisdictions, on the “typical contents of wildlife statutes and regulations and their traditional wildlife management mechanisms,”¹⁶ as follows:

- **Administration:** empowering a Minister, as well as wildlife officers and often advisory boards or committees, often provisions for interjurisdictional agreements among governments or with First Nations groups;¹⁷
- **Property rights in wildlife:** generally, the Crown owns live wildlife, but ownership may be transferred by permit or licence when lawfully killed;¹⁸

¹³ Kennedy and Donihee, *supra* note 4 at 14

¹⁴ John Donihee, *The Evolution of Wildlife Law in Canada*, CIRL Occasional Paper #9 (Canada: Canadian Institute of Resources Law, May 2000), online: < <http://ciril.ca/publications/occasional-papers> > at vii

¹⁵ Monique Passelac-Ross, *Overview of Provincial Wildlife Laws*, Canadian Wildlife Law Project Paper #3 (Canada: Canadian Institute of Resources Law, July 2006), online: < <http://ciril.ca/publications/wildlife-law-papers> >, citing Valerius Geist, “North American Policies of Wildlife Conservation” in Valerius Geist, *Wildlife Conservation Policy* (Calgary: Detselig Enterprises Ltd., 1995) at 77-127

¹⁶ Passelac-Ross, *supra* note 16 at 2

¹⁷ *Ibid* at 3-5

¹⁸ *Ibid* at 6

- **Licensing provisions:** “The legislation usually contains a general prohibition against hunting without a licence.”¹⁹ “Central to the wildlife management paradigm,” the licensing system is extensive.²⁰ Licenses are issued and cancelled at the discretion of the Minister, by fee and with conditions and limitations;
- **Rules for hunting:** relating to animals, season, time, territory, and manner of hunting;²¹
- **Possession, use and sale of wildlife:** Generally, prohibiting possession, use and sale, without a licence, as well as regulating transportation and import/export;²²
- **Prohibitions:** “The most important general prohibition concerns hunting without a licence or contrary to the terms and conditions of a licence, and hunting outside an open season.”²³ Also, against harassing, disturbing, feeding wildlife, or disturbing habitat or abode, and not respecting traplines;²⁴
- **Enforcement:** extensive: wildlife officers “have and may exercise the powers and authority of peace officers. [...] The enforcement powers granted to wildlife officers and to other persons appointed by the Minister are very similar across jurisdictions”;²⁵
- **Offences and penalties:** similar across Canada: “Offences created by provincial wildlife laws are summary conviction offences and are often continuing offences, that is they constitute separate offences for each day on which the offence is committed or continues”.²⁶ Penalties include fines, imprisonment, seizure, forfeiture, creative sentencing, administrative penalties, licence/permit amendment, suspension or cancellation, or prohibition;
- **Regulations:** often extensive, may include “licensing system, the designation of areas, places or territories where hunting is allowed or prohibited, the rules relating to hunting, fishing and trapping, guide-outfitting, the rules relating to the possession, use and commerce of wildlife, the protection of wildlife and its habitat, the protection of species at risk, etc.”²⁷

Land-based Management: Monique Passelac-Ross then analyzes land-based wildlife management in habitat protection provisions in the wildlife statutes.²⁸ As Kumpf and Hughes write, “[h]abitat protection is ultimately deemed to be the most effective tool for conservation since a species’ survival is ultimately dependent on its habitat. Types of habitat protection include legally protected areas, land stewardship, prohibitions against harming a nest or

¹⁹ *Ibid* at 7

²⁰ *Ibid* at 7

²¹ *Ibid* at 10

²² *Ibid* at 12-13

²³ *Ibid* at 14

²⁴ *Ibid* at 14-15

²⁵ *Ibid* at 16

²⁶ *Ibid* at 17. See also Arlene J. Kwasiak, *Enforcing Wildlife Law*, Canadian Wildlife Law Project Paper #2 (Canada: Canadian Institute of Resources Law, March 2006), online: < <http://ciril.ca/publications/wildlife-law-papers> >

²⁷ *Ibid* at 18

²⁸ *Ibid* at 18ff

dwelling, and through the minister acquiring land or designating private or public land as protected.”²⁹ Passelac-Ross noted,

There are two ways in which wildlife habitat may be protected. First, the legislation establishes general protection mechanisms for the abode or residence of wildlife species, as well as their habitat. Second, the legislation enables the Lieutenant Governor in Council or the Minister to set aside or acquire lands necessary for habitat protection. The designation of protected areas may occur on both public and private lands. Once designated, the lands are subject to various use restrictions.³⁰

In addition, habitat conservation funds are created by legislation in several jurisdictions, sometimes within wildlife acts, to conserve, enhance, acquire and/or manage land.³¹

Species at Risk:

Passelac-Ross analyzes species at risk legislation across Canada and notes the importance of federal and provincial cooperation. She notes that “the protection of endangered species is accomplished in large part by means of habitat protection measures.”³² A brief history on species at risk follows the 1992 *UN Convention on Biological Diversity*, ratified by Canada in December 1992;³³ the 1999 interjurisdictional *Accord for the Protection of Species at Risk*;³⁴ creation of the Canadian Endangered Species Conservation Council (CESCC) and recognition of the Committee on the Status of Endangered Species in Canada (COSEWIC); and the federal *Species at Risk Act (SARA)*³⁵ in force in 2004. Provinces have species at risk provisions in stand-alone legislation or within their wildlife legislation.³⁶ Provincial statutes on species at risk share the following components, as discussed by Passelac-Ross:³⁷

- **Definitions**
- Establishment of a **committee** or commission to facilitate the protection of species at risk
- **Designation** process for species at risk
- **Species protection measures:** prohibitions regarding hunting/taking/injuring/killing of endangered or threatened species, often including possession, disturbance, harassment, interference; as well as selling, exporting, trafficking; often with prescribed exceptions or defences.³⁸
- **Habitat protection measures:** Two ways: “First, the legislation establishes prohibitions against destroying, disturbing or interfering with the habitat of the protected species, as

²⁹ Kumpf and Hughes, *supra* note 6 at 295, citing Passelac-Ross, *supra* note 16 at 18

³⁰ Passelac-Ross, *supra* note 16 at 18

³¹ *Ibid* at 23

³² *Ibid* at 24

³³ Article 8 pertains to protection and recovery of threatened species and government commitments to their protection through legislation and/or regulation

³⁴ Environment Canada, *Accord for the Protection of Species at Risk* (September 1999), online: <<https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=92D90833-1> >

³⁵ *Species at Risk Act*, SC 2002, c29 [SARA]

³⁶ Alberta’s species at risk provisions fall within the *Wildlife Act*.

³⁷ Passelac-Ross, *supra* note 16 at 25ff

³⁸ *Ibid* at 29

well as with their abode or residence. [...] The second, more proactive way in which legislation achieves habitat protection is by allowing the acquisition or setting aside of land necessary for species protection.”³⁹

- **Penal provisions:** Fines and/or imprisonment and/or alternatives (eg re licenses): these vary among jurisdictions.
- **Recovery plans:** “Some provinces have enacted legislative provisions concerning the preparation and implementation of recovery plans for designated species.”⁴⁰
- **Conformity** with the *Accord for the Protection of Species at Risk* and with SARA: variable between jurisdictions. Passelac-Ross notes “the fact that the “safety net” provisions of SARA allow the federal Minister of the Environment to recommend to Cabinet that regulations to protect the critical habitat of listed species should be enacted and applied to provincial or private land, where the Minister is of the opinion that provincial laws and policies are inadequate.”⁴¹

INTERNATIONAL

Returning to Alberta’s interjurisdictional framework: Canada has a variety of formal and informal international commitments with respect to wildlife.⁴² Additional international instruments may be applicable to endangered species and migratory birds.⁴³ One such instrument is the *Convention on the International Trade in Endangered Species of Wild Fauna and Flora*⁴⁴ (CITES).

Canada is signatory to the United Nations *Convention on Biological Diversity* [CBD]⁴⁵. The CBD requires signatories to “translate this overarching international framework into revised and updated national biodiversity strategies and action plans.”⁴⁶ The CBD’s objective is “the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits.”⁴⁷ The *CBD Strategic Plan for Biodiversity 2011-2020* was created in 2010.

FEDERAL

³⁹ *Ibid* at 30-1

⁴⁰ *Ibid* at 32

⁴¹ *Ibid* at 33

⁴² See Nigel Bankes, *International Wildlife Law* Canadian Wildlife Law Project Paper #1 (Canada: Canadian Institute of Resources Law, February 2006), online: < <http://cirf.ca/publications/wildlife-law-papers> >

⁴³ See Kumpf and Hughes, *supra* note 6 at 307

⁴⁴ *Convention on the International Trade in Endangered Species of Wild Fauna and Flora* (3 March 1973, 993 UNTS 243, 27 UST 1087, 12 ILM 1085 (CITES))

⁴⁵ *United Nations Convention on Biological Diversity*, 11 June 1992, 1760 UNTS 79, 31 ILM 818 (1992) (entered into force 29 December 1993)

⁴⁶ City of Calgary, *Our BiodiverCity: Calgary’s 10-year biodiversity strategic plan* (approved by Council in March 2015 along with the accompanying Biodiversity Policy), online: City of Calgary <

<http://www.calgary.ca/CSPS/Parks/Documents/Planning-and-Operations/BiodiverCity-strategic-plan.pdf> > at 42

⁴⁷ Hinterland Who’s Who, *Benefits of Wildlife*, online: Canadian Wildlife Federation, Hinterland Who’s Who, < <http://www.hww.ca/en/issues-and-topics/benefits-of-wildlife.html> >

Canada first ratified the CBD in 1992, prompting development of the *Canadian Biodiversity Strategy*.⁴⁸ The purpose of the strategy [...] is to conserve biodiversity, use ecological resources sustainably, and contribute internationally to biodiversity efforts⁴⁹. Canada's revised National Biodiversity Strategy and Action Plan is reflected in the *2020 Biodiversity Goals and Targets for Canada*⁵⁰, the *Biodiversity Outcomes Framework*, and the *Canadian Biodiversity Strategy*.⁵¹ Canada's *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*⁵² (WAPPRIITA) is based on *CITES*.

As discussed above, Canada has federal jurisdiction over the environment and natural resources (concurrent with the provinces), and authority regarding migratory birds⁵³ and interjurisdictional wildlife, as well as species at risk (*SARA*), fisheries, and federal lands including national parks and Indian reserves. Kumpf and Hughes have noted that “[g]enerally, the federal legislation applies to federal land and federal species (migratory birds, fisheries), while provincial legislation applies to provincial land. If the province has inadequate coverage, the federal legislation will step in.”⁵⁴

PROVINCIAL

Alberta's wildlife legislation relates primarily to issues associated with hunting, in the traditional paradigm discussed above. Wildlife legislation in the province is not habitat-based, but includes designation of protected areas including habitat conservation areas, wildlife sanctuaries, migratory bird lure sites, and wildlife control areas.⁵⁵ Considerations for land-based wildlife management support regional and land-based approaches to biodiversity, such as regional land-use planning and use of municipal regional planning.

The relevant provincial statutes included the *Wildlife Act*, and the *Environmental Protection and Enhancement Act*,⁵⁶ that govern environmental matters generally. The government has included provisions in the *Wildlife Act* that address endangered species⁵⁷ and habitat protection.⁵⁸ The province has adopted a policy concerning species at risk called *Alberta's Strategy for the*

⁴⁸ Canada, *Canadian Biodiversity Strategy*, online: <
<http://www.biodivcanada.ca/default.asp?lang=En&n=560ED58E-1>>

⁴⁹ Kumpf and Hughes, *supra* note 6 at 303-4, citing the Species at Risk Public Registry, “National Framework for Species at Risk Conservation,” online: Government of Canada <www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=236A2A34-1>

⁵⁰ <http://biodivcanada.ca/default.asp?lang=En&n=9B5793F6-1>

⁵¹ Canada, “2020 Biodiversity Goals and Targets for Canada”, <https://www.canada.ca/en/parks-canada/news/2016/12/2020-biodiversity-goals-targets-canada.html> . See also www.Conservation2020canada.ca

⁵² *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*, SC 1992, c52 (WAPPRIITA)

⁵³ See the *Migratory Birds Convention Act*, RSC 1985, cW-9

⁵⁴ Kumpf and Hughes, *supra* note 6 at 303

⁵⁵ *Wildlife Act*, ss.103(1)(b), (p), and see *Wildlife Regulation*, Schedule 11 and 12. See discussion in Passelac-Ross, *supra* note 16

⁵⁶ *Environmental Protection and Enhancement Act*, RSA 2000, cE-12

⁵⁷ *Wildlife Act*, s6, etc., and *Wildlife Regulation*, Alta Reg 143/1997, s7, etc.

⁵⁸ *Wildlife Act*, s36, 103(1)(b) etc

Management of Species at Risk 2009-2014.⁵⁹ The provincial government had commenced creating a provincial *Biodiversity Policy*⁶⁰ in 2015, but the policy has not yet been completed.

Land use Planning

The provincial government instituted an innovative comprehensive provincial land-use planning framework starting in 2008 through the Land Use Framework [LUF]⁶¹ and its enacting legislation *Alberta Land Stewardship Act*⁶² [ALSA]. By its nature, this framework covers wildlife habitat generally, and has potential for more direct regulation and management. ALSA categorizes the province into seven land-use regions based on river basins, and directs that comprehensive regional land-use plans be created for each region.⁶³ Alberta's LUF is both provincial law and policy. Notably, ALSA has superordinate authority over other provincial laws: ALSA provides that ALSA will prevail over other enactments in the event of a conflict,⁶⁴ and regional plans, considered to be regulations,⁶⁵ will prevail over other regulatory instruments or regulations but not over Acts in the event of a conflict.⁶⁶ To date, the Lower Athabasca Regional Plan⁶⁷ (LARP) that incorporates the city of Fort McMurray and oil sands mines, and the South Saskatchewan Regional Plan⁶⁸ (SSRP) that includes the Calgary area, have been completed and are effective. The North Saskatchewan Regional Plan⁶⁹ (NSRP), that includes the Edmonton area) is under development.

The LUF and its regional plans contemplate biodiversity extensively. As well, each regional plan is intended to include a Biodiversity Management Framework [BMF] as a sub-regional plan. None of the sub-regional plans have been finalized to date. Linear Management Frameworks are also underway that will affect habitat. Alberta's recently released Draft

⁵⁹ Alberta, *Alberta's Strategy for the Management of Species at Risk (2009-2014)* (2008), online: Alberta Environment and Parks < <http://aep.alberta.ca/fish-wildlife/species-at-risk/documents/StrategyManagementSpeciesRisk2009-14.pdf> >

⁶⁰ Alberta, *Alberta's Biodiversity Policy DRAFT* (Alberta: 2015) **Draft** [unpublished], online: Alberta Association of Municipal Districts and Counties < <http://www.aamdc.com/attachments/article/776/Draft%20Albertas%20Biodiversity%20Policy%20December%202014.pdf> >

⁶¹ Alberta Environment and Parks, *Land Use Framework*, online: < <https://www.landuse.alberta.ca/Pages/default.aspx> >

⁶² *Alberta Land Stewardship Act*, SA 2009, cA-26

⁶³ See Sara L Jaremko, *A Critical Exploration of the South Saskatchewan Regional Plan in Alberta*, CIRL Occasional Paper #54 (Canada: Canadian Institute of Resources Law, March 2016), online: < <http://ciril.ca/publications/occasional-papers> >

⁶⁴ ALSA s.17(4)

⁶⁵ ALSA s.13(2). The regional plans themselves include policy as well as regulatory components

⁶⁶ ALSA ss.17(1) and (3)

⁶⁷ Alberta, *Lower Athabasca Regional Plan 2012-2011* (Alberta: 2012), online: < <https://www.landuse.alberta.ca/LandUse%20Documents/Lower%20Athabasca%20Regional%20Plan%202012-2022%20Approved%202012-08.pdf> >

⁶⁸ Alberta, *South Saskatchewan Regional Plan 2014-2024: An Alberta Land-use Framework Integrated Plan, amended February 2017* (Alberta: 2014) online: < <https://www.landuse.alberta.ca/LandUse%20Documents/South%20Saskatchewan%20Regional%20Plan%202014-2024%20-%20February%202017.pdf> >

⁶⁹ See Alberta Environment and Parks Land-use Framework, "North Saskatchewan Region," online: <https://landuse.alberta.ca/RegionalPlans/NorthSaskatchewanRegion/Pages/default.aspx>

Provincial Woodland Caribou Range Plan, is a “form of land-use planning covering 23 per cent of the province, and incorporates social and economic considerations. Thus, it will be a sub-regional plan under regional plans [and will] form the main component of the LARP landscape management plan.”⁷⁰ Woodland caribou are listed as threatened species under federal and provincial legislation and subject of recovery plans at both levels. This illustrates the potential implications for broader and future wildlife management through the LUF.

The draft SSRP BMF’s objectives include the following:

- Terrestrial and aquatic biodiversity are maintained;
- Biodiversity and healthy, functioning ecosystems continue to provide a range of benefits to Albertans and communities in the region, including First Nations’ continued ability to exercise constitutionally protected rights to hunt, fish, and trap for food; and other First Nations cultural practices;
- Long-term regional ecosystem health and resiliency are sustained;
- Species at risk are recovered and no new species at risk are designated;
- Intact grasslands habitat is sustained.⁷¹

New tools: The LUF and ALSA provide for “stewardship of private lands in Alberta through the development of applicable incentives and market-based instruments.”⁷² These novel tools include the transfer of development credits (TDCs), land trusts, charitable easements, and other tools, land conservation offsets, lease-swapping and dealing with existing tenure rights in ecologically sensitive areas.⁷³

MUNICIPAL

Provincial wildlife legislation prevails in municipal jurisdictions. Municipalities restrict hunting within their boundaries.⁷⁴ In the urban context, wildlife is also affected by municipal biodiversity measures and pest control.⁷⁵ Biodiversity in municipalities, with impacts on habitat and wildlife, is governed by law and, mostly, policy: including components of Calgary and Edmonton’s Municipal Development Plans⁷⁶ and biodiversity policies.⁷⁷

⁷⁰ Alberta, *DRAFT Provincial Woodland Caribou Range Plan* (Alberta: December 2017) Draft, online: , <http://aep.alberta.ca/fish-wildlife/wildlife-management/caribou-range-planning/> > at 61-2

⁷¹ Alberta, *South Saskatchewan Region Biodiversity Management Framework: v.1.0 November 20, 2015* (Alberta: 2015) Draft [unpublished] at 2

⁷² LUF, *supra* note 62 at 33

⁷³ *Ibid*

⁷⁴ See Calgary Bylaw 20M88, *A Bylaw of the City of Calgary to Control and Regulate the Use of Streets in the City and to Restrict and Regulate Activities on, Adjacent, or Near to Streets*, at ss.8-11.1 “Dangerous and Unlawful Practices,” which prohibit and restrict discharge of weapons and projectiles within the City. See also *Criminal Code*, RSC 1985, cC-46, s.175(1)(d). More research would be needed to clarify the authorities around restrictions of the *Wildlife Act* within municipalities

⁷⁵ For example, Calgary’s *Integrated Pest Management Plan* includes provisions regarding beavers and ground squirrels.

⁷⁶ Calgary, *Municipal Development Plan*, Adopted by Council September 2009, (Calgary: Office consolidation 2017 August), online: City of Calgary < www.calgary.ca/MDP >; Edmonton, *The Way We Grow: Municipal Development*

The cities of Calgary and Edmonton are signatory⁷⁸ to the Durban Commitment: Local Governments for Biodiversity,⁷⁹ thereby acknowledging “accountability and responsibility for the health and wellbeing of our communities through protecting, sustainably utilizing and managing biodiversity and recognizing its role as the foundation of our existence.”⁸⁰

Recent changes to the *Municipal Government Act*⁸¹ support metropolitan and municipal regional planning and potentially other environmental considerations,⁸² that are likely to affect habitat protection in and around urban areas. Amendments include changes to mandates for Municipal Development Plans and growth plans for the Calgary and Edmonton metropolitan regions.⁸³ The contents of a Growth Plan are to address density, infrastructure, “corridors for recreation, transportation, energy transmission, utilities and inter-municipal transit,”⁸⁴ and “policies regarding environmentally sensitive areas”⁸⁵

CONCLUSION

As discussed above, wildlife in Alberta falls primarily under provincial jurisdiction, within the context of federal, international and provincial laws, and in the case of urban areas, municipal law and policy. Historically wildlife laws have been created to address hunting activities, but more recently focus on habitat protection and protection of species at risk. In the province, an emerging commitment to regional and land-use planning along with biodiversity, may have implications for wildlife and habitat management in the future.

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Plan, Bylaw 15100 (26 May 2010), online: < https://www.edmonton.ca/city_government/documents/PDF/MDP_Bylaw_15100.pdf >

⁷⁷ City of Calgary, *Our BiodiverCity: Calgary’s 10-year biodiversity strategic plan* (approved by Council in March 2015 along with the accompanying Biodiversity Policy), online: City of Calgary < <http://www.calgary.ca/CSPS/Parks/Documents/Planning-and-Operations/BiodiverCity-strategic-plan.pdf> >; and Edmonton, *Natural Connections: City of Edmonton Integrated Natural Areas Conservation Plan* (Edmonton: 2007), online: City of Edmonton < https://www.edmonton.ca/city_government/documents/PDF/Natural_Connections_-_Strategic_Plan_JUNE_09.pdf >

⁷⁸ Edmonton signed in 2008, Calgary signed in 2016. Montreal is also signatory to the Durban Commitment.

⁷⁹ The Durban Commitment: Local Governments for Biodiversity, ICLEI: Local Governments for Sustainability, online: ICLEI < <http://archive.iclei.org/index.php?id=12224> >. The Durban Commitment is an acknowledgment within a program coordinated by a non-profit group, Local Action for Biodiversity [LAB], coordinated by ICLEI – Local Governments for Sustainability, and does not carry the legal authority of signing a United Nations convention.

⁸⁰ Calgary Parks, *Calgary’s Biodiversity*, online: < <http://www.calgary.ca/CSPS/Parks/Pages/Planning-and-Operations/Biodiversity.aspx> >

⁸¹ *Municipal Government Act*, RSA 2000, cM-26 [MGA]

⁸² See Dr Judy Stewart, *Do Recent Amendments to Alberta’s Municipal Government Act Enable Management of Surface Water Resources and Air Quality?*, CIRL Occasional paper# 62 (Canada: Canadian Institute of Resources Law, December 2017), online: < <http://cirl.ca/publications/occasional-papers> >

⁸³ See *MGA*, Part 17 and 17.1; *Capital Region Board Regulation*, Alta Reg 38/2012; and the *Calgary Metropolitan Region Board Regulation*, Alta Reg 190/2017

⁸⁴ *Capital Region Board Regulation*, Alta Reg 38/2012 at s.9(1)(c)

⁸⁵ *Ibid* at s.9(1)(e)