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REGULATORY REGIME  
  
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# A COMPENDIUM OF THE NORTHERN REGULATORY REGIME

Compiled by  
Dan MacKinnon  
of  
PUBLIC AFFAIRS NORTH 60°  
MARCH 1986

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# A COMPENDIUM OF THE NORTHERN REGULATORY REGIME

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## ACKNOWLEDGEMENTS

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The idea for a compendium of the northern regulatory regime originated with Dennis Watson, formerly Director-General of Regulatory Review in the Northern Affairs Program. The work was supervised by Nigel Wilford, Director of Regulatory Review. Pam François, now retired, was invaluable in providing much of the source material and Monica Morrison, Research Coordinator for Regulatory Review was very helpful in preparation of the list of regulatory publications.

Many officials of the department and the territorial governments assisted with comments, corrections and explanations without which the work would be much less useful than it has already proven to be.

Thanks as well to my research associate Bill Glaister for many hours of useful assistance.

The above notwithstanding, responsibility for the accuracy, content and format of the compendium rests entirely with the author.

## ABOUT THE AUTHOR

Public Affairs North 60° was established in 1981 to provide specialized advice and counsel to clients with a significant interest in northern development. Since its inception PAN 60° has been retained as northern public affairs counsel by several of Canada's best known energy, mining and utility companies.

In addition during the past 5 years, the scope of PAN 60°'s functions has expanded to include government relations consulting, policy studies for public and private sector clients and general management consulting. In these areas, a wide ranging array of activities has been completed for specific clients.

In the private sector, these have included:

- design of land use planning submissions
- preparation of community consultation plans
- development agreements with native corporations
- outline of the regulatory system for projects
- evaluation of corporate northern affairs functions

For government:

- compendium of the northern regulatory regime
- editing of northern mineral policy series
- land claims advisor for Dene/Metis claim
- strategy for northern native economic development
- survey of federal government activities re arctic sovereignty

Management consulting:

- performance indicators for northern affairs program
- business plan for a native development corporation
- administrative system for Environmental Studies Revolving Fund
- capital formation plan for native economic development corporation
- implementation model for land use planning

Public Affairs North 60° is based in Ottawa with Associates in Calgary, Vancouver and Yellowknife. The Principal, Dan MacKinnon, is also Federal Government Affairs Advisor to Walden Public Relations of Vancouver.

Dan MacKinnon served 20 years in the federal public service, including senior posts as northern and energy policy advisor, Treasury Board, long range planning advisor, Revenue Taxation, senior policy advisor, Ministry of State for Economic Development and Director-General, Northern Development, Indian Affairs and Northern Development.



## PREFACE

This compendium is just that, a listing of the primary ingredients of the northern regulatory regime; major acts and regulatory procedures, review processes, guidelines and principal committees. It includes both statutory and non-statutory elements including provisions of native claim settlements. As such, the scope is very broad. Strict editing of the voluminous material has occurred, resulting perhaps in some oversimplification, at least for those administering the northern regulatory regime.

However, the work is not intended for current administrators but rather for those who are not expert in the field, yet who must come to grips with it in their lines of endeavour. These latter include public and private sector policy advisors in northern development, project executives and planners in resource companies, lawyers involved in northern claim negotiations, and consultants specializing in northern affairs.

The compendium makes no attempt to assess, critique or evaluate the efficiency and effectiveness of the northern regulatory regime. For the record, it should be noted that the regime, as it has evolved over the past ten to fifteen years, has managed the establishment of three national parks, several wildlife areas and bird sanctuaries, the development of six mines, two gas fields and associated pipelines, the construction of three major new northern highways, the expansion of an oil field and associated pipeline, massive oil and gas exploration and the start-up of a new oil field whose product is marine transported to southern Canada; all of this (and more) in a public environment as politicized as anywhere in Canada.

There is a message in the Compendium which explains the format, and that is the inter-relatedness of matters in the north whether political, social, economic, environmental or cultural. The format may be initially confusing but its purpose is to emphasize the linkages between the statutory and non-statutory components of the northern regulatory regime. The key concepts embodied in the northern

regulatory regime are balanced development and public consultation. It is impossible therefore to conceive of project planning as a list of permits required under this or that Act. Compliance with the technical provisions of one act or another is just the start of the regulatory process as it is applied in the north. Through a system of inter-departmental, intergovernmental and advisory committees, which is highly integrated, there is a well defined matching up of competing circumstances and factors. This integration, along with the legal, formal, and informal public consultation procedures built into the system, is the heart of the northern regulatory regime. If and when it is not working, or perceived not to be working, then the whole system will shut down and approvals will not be forthcoming.

The ongoing daily politics of northern development is essentially about land, its uses, by whom and why. The northern regulatory system has to deal with these questions daily in all their breadth and complexity. Thus the format of the Compendium was purposefully designed to emphasize and illustrate the linkages within the northern regulatory regime.

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## EXECUTIVE SUMMARY

A great number of federal and territorial agencies, acts and regulations, ordinances, procedures and processes and committees come to bear on the northern regulatory regime.

The major land resource owner and coordinating agency is the Department of Indian Affairs and Northern Development, which by virtue of its Act, and through its headquarters and regional office operations, has overall responsibility for granting approvals and coordinating the participation of all other agencies (see Figure 3 for location of DIAND offices).

The following tables outline the major regulatory agencies and their functions and illustrate the minimum authorities required for a development project (Figures 1 and 2).

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FIGURE 1  
MAJOR STATUTORY AGENCIES AND RESPONSIBILITIES

Government Agency	Responsibility
Department of Indian Affairs and Northern Development	Principal land resource owner and coordinating agency. Has overall responsibility for granting approvals and co-ordinating participation of all other agencies.
Land Resources	Issue Land Use Permits, Quarrying Permits and surface leases.
Water Resources	Issue licenses for water use, administer licenses issued by the Territorial Water Board and non-shiping activities under the Arctic Waters Pollution Prevention Act.
Forest Resources	Regulate timber harvesting, issue burning permits, and prevent and suppress forest fires.
Mining Recorders	Register claims. Ensure proper staking, filing, and maintenance
Oil and Gas (COGLA)	Regulates oil and gas exploration and development, exploratory agreements, development plan agreements, etc.
<hr/>	
Department of the Environment	
Environmental Protection Service	Concentrates on safe waste disposal, protection of aquatic ecosystems and administers the Ocean Dumping and Clean Air Acts.
Canadian Wildlife Service	Responsible for migratory birds. Mandate includes protection of nesting and staging areas, and the like.
<hr/>	
Department of Fisheries and Oceans	Responsible for protection of fisheries resources.
<hr/>	
National Energy Board	Regulates and approves inter-provincial pipelines
<hr/>	
Health & Welfare Canada	Responsible for ensuring compliance with the Public Health Act.
<hr/>	
Ministry of Transport	Responsible for safe operation of aircraft and boats. Co-administrator of Arctic Waters Pollution Prevention Act and regulations.
<hr/>	
RCMP	Responsible for law enforcement throughout the Territories.
<hr/>	
Territorial Governments	
Renewable Resources	Responsible for preservation of game. New access to remote areas of special concern.
Local Government	Issue Land Use Permits, Quarrying Permits and surface leases on Commissioner's Lands.

DEVELOPMENT PROJECT

AUTHORITY

	Land Use Permit	Water Use License	Drilling Authority	Land Tenure Agreement or Lease	Timber Permit	Quarrying Permit	Prospecting Permit
Airstrip	●	● ↗		● ↗		● ↗	
Cottage lot				●	● *		
Trail, road, highway	●	● ↗		● ↗		● *	
Hydro-electric development	● ↗	●		●			
Lumbering	● ↗	● ↗		● ↗	●		
Mine Development and operation	● (a)	●		● (b)			● (c)
Mineral exploration	● (a)	● *					● (d)
Oil and Gas operations: Offshore exploration well Onshore exploration well Pipeline Production well (onshore) Production well (offshore)	● ● ● ● ●	● ↗ ● ↗ ● ↗ ● ↗ ●	● ● ● ● ●	● * ● * ● * ● * ●		● ↗ ● ● ●	
Power Line	● *			●	● *		
Research Project	● ↗	● ↗					
Resort		● *		●			
Rock and gravel quarrying	●					●	
Seismic operation (onshore)	●	● *					
Staging areas	●	● ↗ *		● *			
Municipal Development		●					

\*.May not be required

(a) Not required on claims in the Yukon

(b) Mineral lease not required for production in the Yukon

(c) Not required

(d) Optional in N. W. T., not applicable to Yukon

# DIAND Northern Affairs Program Offices

## Northwest Territories

Regional Director  
**DIAND,**  
Box 1500  
Yellowknife, N.W.T.  
XIA 2R3

District Manager  
**DIAND,**  
Box 2100  
Inuvik  
XOE 0T0

District Manager  
**DIAND,**  
Box 150  
Fort Simpson  
XOE 0N0

District Manager  
**DIAND,**  
Box 1500  
Yellowknife, N.W.T.  
XIA 2R3

District Manager  
**DIAND,**  
Box 658  
Fort Smith  
XOE 0P0

District Manager  
**DIAND,**  
Rankin Inlet  
XOC 0G0

District Manager  
**DIAND,**  
Frobisher Bay  
XOA 0H0

Resource  
Management  
Officer  
**DIAND,**  
Box 126  
Norman Wells  
XOE 0W0

Resource  
Management  
Officer  
**DIAND,**  
Fort Liard  
XOG 0A0

Resource  
Management  
Officer  
**DIAND,**  
Box 1420  
Hay River  
XOE 0R0

Assistant District  
Manager  
**DIAND,**  
Baker Lake  
XOC 0A0

## Yukon Territory

Regional Director  
**DIAND,**  
200 Range Road  
Whitehorse, Yukon  
YIA 3V1

Resource  
Management  
Officer  
**DIAND,**  
Box 289  
Watson Lake, Yukon  
YOA 1C0

Resource  
Management  
Officer  
**DIAND,**  
Ross River, Yukon  
YOB 1S0

Resource  
Management  
Officer  
**DIAND,**  
Box 100  
Mayo, Yukon  
YOB 1M0

Resource  
Management  
Officer  
**DIAND,**  
Haines Junction, Yukon  
YOB 1L0

Resource  
Management  
Officer  
**DIAND,**  
Box 279  
Dawson City, Yukon  
YOB 1G0

Resource  
Management  
Officer  
**DIAND,**  
Carmacks, Yukon  
YOB 1C0

**Resource**  
Management  
Officer  
**DIAND,**  
Box 2878  
Beaver Creek, Yukon  
YOB 1A0

Resource  
Management  
Officer  
**DIAND,**  
Teslin, Yukon  
YOA 1B0

FEDERAL AND TERRITORIAL ACTS,  
AND REGULATIONS  
RELATING TO NORTHERN  
RESOURCE DEVELOPMENT

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LAND RELATED FEDERAL ACTS, REGULATIONS AND PROGRAMS

Legislation/Program	Authority/Standard	Responsible Department/Agency
Land Titles Act	Registration of Interests in land	DIAND - Registrar of Land Titles transferred to territorial governments (Whitehorse and Yellowknife)
Oil and Gas Production and Conservation Act	Program approval	DIAND-COGLA
-Canada Oil and Gas Drilling Regulations	Drilling authority	DIAND-COGLA
Canada Petroleum Resources Act	Oil and Gas exploration rights, Royalty regime and Canadianization levels	DIAND-COGLA
	Production license	DIAND-COGLA
Public Lands Grants Act		Energy, Mines and Resources (Hudson Bay Seabed and Islands)
- Canada Mining Regulations		DIAND - Regional Manager Land Resources (Yellowknife and Whitehorse)
- Public Lands Leasing and Licensing Regulations	Offshore land tenure agreements	DIAND - Regional Manager Land Resources (Yellowknife and Whitehorse)
- Public Land Mineral Regulations	Licences to dredge offshore	DIAND - Regional Manager Land Resources (Yellowknife and Whitehorse)
National Parks Act		DOE
Territorial Lands Act	Grant of right-of-way	DIAND
-Canada Mining Regulations	Mineral lease	DIAND -Mining Division (Headquarters)
	Prospecting permit	DIAND - Mining Director General, Yellowknife
	Prospectors licence	DIAND -District Mining Recorders
- Territorial Coal Regulations	Coal license/lease	DIAND - District Mining Recorder (Yellowknife and NWT Min. Div. HQ)
- Territorial Dredging Regulations	Dredging license/lease	DIAND - Chief Mining Recorder (Yukon and N. W. T.)
- Territorial Land Use Regulations	Land use permit	DIAND - Land Use Administrator (Whitehorse and Yellowknife)
- Territorial Lands Regulations	Land tenure lease	DIAND - Regional Manager Land Resources (Whitehorse and Yellowknife)
-Territorial Quarrying Regulations	Quarrying permit	DIAND - Regional Manager Land Resources (Whitehorse and Yellowknife)
- Territorial Timber Regulations*	Timber permit	DIAND - District Forestry Offices (N.W.T. and Yukon)
Yukon Placer Mining Act	Lease to prospect	DIAND - Chief Mining Recorder (Yukon)
	Grant for placer mining claim	DIAND - District Mining Recorder (Yukon)
Yukon Quartz Mining Act	Mineral claim grant	DIAND - District Mining Recorder (Yukon)
	Mineral claim lease	DIAND - District Mining Recorder (Yukon)

\*Responsibility and function to be transferred to territorial governments in 1986.

LAND RELATED TERRITORIAL ACTS AND PROGRAMS

Legislation/Program	Authority/Standard		Responsible Department/Agency	
	Yukon	Northwest Territories	Yukon	Northwest Territories
Area Development Act	(Regulates land use, building construction, streets, public health, fire protection, animals and firearms in designated areas)	[Regulates zoning building and highway control in "development areas" outside communities)	Community and Transportation Services	Local Government
Commissioners Land Act		Land Use permits, Timber permits, Hay permits, Quarrying permits and leases on Commissioner's Land (Administers sale, lease or other disposition on Commissioner's Land)		Local Government
Environmental Protection Act		(Prohibits discharge of contaminants to the environment-applies where federal legislation not applicable)		Renewable Resources
Forest Protection Act	(Provides protection of forests)	(Prevents fires in forested areas; company cooperation required in combatting fires)	Administered by Northern Affairs Program' DIAND Library and Information Services	Administered by Northern Affairs Program, DIAND
Historic Sites and Monuments Act	(Provides for commemoration, preservation and maintenance of historic places)			
Scientists and Explorers Act	(registers and licences activity)			
Historical Resources Act		(protects historic and prehistoric remains)		Justice and Public Services
Local Improvement District Act	(Establishes local improvements districts outside municipalities and for the government of same)		Community and Transportation Services	
Municipal Act	(Establishes municipal corporations)	(Provides for assessment and collection taxes for properties within a municipality)	Community and Transportation Services	Local Government
Pesticides Act		(Controls use and distribution)		Renewable Resources
Planning Act		(Requires approval of Commissioner and municipality for works through private or municipal lands)		Local Government
Parks Act	Wildlife Act	(Regulates activities on territorial park lands)	Renewable Resources	Renewable Resources
Yukon Lands Act	(Regulates disposition of Commissioner's Lands)		Community and Transportation Services	

WATER/FISH RELATED FEDERAL ACTS,  
REGULATIONS AND PROGRAMS

Legislation/Program	Authority/Standard	Responsible Department/Agency
<b>Arctic Waters Pollution Prevention Act</b>		
Arctic Shipping Pollution Prevention Regulations	(Controls waste disposition by ships and ship navigation in arctic waters, standards for ship design, construction, machinery, equipment and operation)	MOT
- Arctic Waters Pollution Prevention Regulations	(Reviews and approve plans and specifications for installations that could be a source of pollution of arctic waters)	DIAND - Regional Manager (MOT re vessel standards)
<b>Canada Shipping Act</b>		
- Oil Pollution Prevention Regulations	(Ship-shore loading and unloading standards; mandatory updating of spills)	MOT
- Pollutant Substances Regulations	(Prohibits discharge of materials toxic and bio-accumulative to marine life, mandatory reporting of discharges)	
<b>Dominion Water Power Act</b>		
- Dominion Water Power Regulations	(Applies to hydro-developments on federal crown lands. North of 60° it is no longer in force for new developments -see Northern Inland Waters Act)	DIAND
	Federal Authority on Transboundary Water	DOE
<b>Fisheries Act</b>		
	Fisheries permit (Reviews and approves plans and specifications for works that would harm fish or damage fish habitat)	DFO - Freshwater Institute
- Beluga Protection Regulations		
- Fish Health Protection Regulations		
- Fishways Obstructions Removal Regulations		
- Metal Mining Liquid Effluent Regulations		
- Narwhal Protection Regulations		
- Northwest Territories Fisheries Regulations	Licence for use of explosives in water (Controls temporary stream crossings)	
<b>Walrus Protection Regulations</b>		
- Yukon Territory Fisheries Regulations	(Prohibits use of explosives in fish frequented waters, controls over gravel removal from stream beds)	
<b>Ocean Dumping Control Act</b>		
- Ocean Dumping Control Regulations	Ocean dumping permits	DOE
<b>Oil and Gas Production and Conservation Act</b>		
Northern Inland Waters Act	(Defines and prohibits offshore pollution)	DIAND-COGLA
- Northern Inland Waters Regulations	Water licence	DIAND -Territorial Water Boards (Whitehorse and Yellowknife)

AIR RELATED FEDERAL ACTS, REGULATIONS AND PROGRAMS

Legislation /Program	Authority/Standard	Responsible Department/Agency
Clean Air Act	(Establishes air quality monitoring stations to ensure emission levels of air contaminants are within applicable objectives, guidelines or standards)	Department of the Environment

WILDLIFE/BIRD RELATED FEDERAL ACTS,  
REGULATIONS AND PROGRAMS

Legislation/Program	Authority/Standard	Responsible Department/Agency
Canada Wildlife Act - Wildlife Area Regulations	(Regulates federal/territorial co-operation in conservation interpretation and research concerning wildlife)	DOE
Migratory Birds Convention Act - Migratory Birds Regulations	(Controls killing or molesting Of migratory birds or the disturbance of nesting in prescribed areas)	DOE
- Migratory Birds Sanctuary Regulations	(Permit for all activities in sanctuaries)	DOE

WILDLIFE/BIRD RELATED TERRITORIAL  
ACTS AND PROGRAMS

Legislation/Program	Authority/Standard		Responsible Department/Agency	
	Yukon	Northwest Territories	Yukon	Northwest Territories
Agriculture Enhancement Act	(Policy and control of agricultural activities)		Renewable Resources	
Fur Export Act		Fur export permit		Renewable Resources
Wildlife Act	(Regulates hunting under territorial administration)	(Controls hunting and trapping of wildlife, and games preserves)	Renewable Resources	Renewable Resources

BUSINESS RELATED FEDERAL ACTS,  
REGULATIONS AND PROGRAMS

Legislation/Program	Authority/Standard	Responsible Department/Agency
Eskimo Loan Fund		NWTG
Indian Economic Development Fund	(Provides loans, loan guarantees, contributions/grants, management advice to business giving economic benefits to Indian people)	DIAND
Industrial Benefits to Canada Program	(Ensures maximum industrial benefits to Canada)	Regional Industrial Expansion - Committee on Mega-Project Industrial and Regional Benefits
Economic Development Agreements	Regional development incentive grant	Joint DIAND/Territorial Governments with participation of other federal departments
Special ARDA	Regional development incentive grant	Regional Industrial Expansion

BUSINESS RELATED TERRITORIAL  
ACTS AND PROGRAMS

Legislation/Program	Authority/Standard		Responsible Department/Agency	
	Yukon	Northwest Territories	Yukon	Northwest Territories
Business Development Act	Incentives for business development		Economic Development and Tourism	
Economic Development Agreement	Regional economic development agreement with federal government (DIAND)		Economic Development and Tourism	Economic Development and Tourism
Companies Act	(Incorporation of new territorial companies and registration of extra-territorial companies)			
Sales of Goods Act	(Regulates sale of goods by contract including information, effects and performance of a contract)	(Gives rules with respect to contracts for sale of goods)		Justice and Public Services
Taxation and Assessment Act	(provides for imposition and collection of taxes on real property outside municipalities)	(Provides for assessment and collection of taxes on real property and improvements outside municipalities.	Finance	Local Government



LABOUR/EMPLOYMENT/TRAINING RELATED FEDERAL ACTS,  
REGULATIONS AND PROGRAMS

Legislation/Program	Authority/Standard	Responsible Department/Agency
Canada Labour Code - Canada Labour Standards Regulations	(Prohibits discriminating hiring and employment practices)	Labour
- Canada Labour Relations Board Regulations	(Establish, inspect and enforce labour standards)	Labour
- Canada Industrial Relations Regulations	(Mediate conciliation of Labour disputes)	Labour
Immigration Act - Immigration Regulations	Entry permit	Canada Employment and Immigration Commission (CEIC)
Unemployment Insurance Act - Unemployment Insurance Regulations	(Reviews claims against unemployment insurance)	CEIC
Adult Occupational Training Act - Adult Occupational Training Regulations	(Provides for agreements to foster manpower training programs in response to needs of the economy)	C EIC - Regional Manpower Needs Committee
Industrial Training Program	(Cost-shared training agreement)	C EIC
Mobility Program	Relocation grant	CEIC

**LABOUR/EMPLOYMENT/TRAINING RELATED**  
**TERRITORIAL ACTS AND PROGRAMS**

Legislation/Program	Authority/Standard		Responsible Department/Agency	
	Yukon	Northwest Territories	Yukon	Northwest Territories
Apprentice Training Act	(Regulates apprentice training in designated occupations)	(Regulates trades training and certification of NWT workers)	Education	Economic Development and Tourism
Fair Practices Act	(Prevents discrimination regarding accommodation, employment and union membership)	(Prohibits discrimination in employment)	Justice and Legal Services	Justice and Public Services
Workers' Compensation Act	(Requires employers to carry compensation insurance)	(Requires certification by Workers' Compensation Board of all employers re insurance coverage to cover compensation)	Workers' Compensation Board	Workers' Compensation Board
Labour Standards Act	Employment Standards	Employment Standards	Justice and Legal services	Justice and Public services

HEALTH/SAFETY RELATED FEDERAL ACTS,  
REGULATIONS AND PROGRAMS

Legislation/Program	Authority/Standard	Responsible Department/Agency
Canada Labour Code - Canada Noise Control Regulations - Canada Sanitation Regulations	(Sets standards for workers safety)	Labour
Explosives Act -Explosives Regulations	Explosives storage magazine licence (Regulates transport of explosives on land and water)	Energy, Mines and Resources

HEALTH/SAFETY RELATED TERRITORIAL  
ACTS AND PROGRAMS

Legislation/Program	Authority/Standard		Responsible Department/Agency	
	Yukon	Northwest Territories	Yukon	Northwest Territories
Blasting Act	(use of explosives)	(use of explosives)	DIAND	Justice and Public Services
Boiler and Pressure Vessels Act		(Sets and enforces standards, provides for inspection)	Community and Transportation services	Justice and Public Services
Electrical Protection Act	Canadian Electrical Code	Electric wiring installation permits	Community and Transportation services	Justice and Public Services
Explosives Use Act		(Requires permission for handling and use of explosives)	Community and Transportation services	Justice and Public Services
Fire Prevention Act	(Administers fire protection programs; investigates fires; ● establishes fire fighting organizations)	(Provides for review and approval of structure plans regulate sale of fire extinguishers, regulates sale and installation of burning appliances; investigates fires)	Community and Transportation Services	Justice and Public Services
Medical Care Act		(Requires registration Of workers establishing residence in territories under Medicare)		Justice and Public Services
Mining Safety Act	(Governs safe operation of mine)	(Governs safe operation of a mine)	DIAND	Justice and Public Services
Public Health Act	(Regulates control and prevention of communicable diseases and medical care of employees)	(Provides for medical care in construction camps, regulates sanitation and inspection by Health Officers)	Community and Transportation Services	Health and Social Services
Safety Act		(Regulates and establishes inspectors to ● nforce safety standards		Justice and Public Services
Steam Boilers Act	(Establishes design and operation of steam boilers and pressure vessels)		Community and Transportation Services	Justice and Public Services

TRANSPORTATION/COMMUNICATION RELATED  
FEDERAL ACTS, REGULATIONS AND PROGRAMS

Legislation/Pr%- m	Authority/Standard	Responsible Department/Agency
Aeronautics Act	(Requires pilots and navigators to meet certain safety standards, regulates construction and operation of public aerodromes, and aircraft operation)	MOT
Broadcasting Act	Broadcasting licences	Canadian Radio-Television Telecommunications Commission (CRTC)
Canada Shipping Act	(Regulates marine operations in the Mackenzie River system)	MOT
Government Harbours Act	(Controls and manages public harbours and piers)	MOT
National Energy Board Act	Certificates of public convenience and necessity (Regulates approval of pipeline works constructed in navigable waters)	National Energy Board
National Transportation Act	Licences of "for hire" carriers - rail, air, water, interprovincial road vehicles, commodity pipelines and telecommunications	Canadian Transport Commission - Air, water, rail, road
Navigable Waters Protection Act - Navigable Waters Works Regulations	(Regulate approval of works constructed in navigable waters)	MOT
Radio Act	Radio system licences	Communications
Railway Act	(Regulates construction and operation of railways)	MOT
Transport Act	Ship licence (for Mackenzie River trade)	MOT

TRANSPORTATION/COMMUNICATION RELATED  
TERRITORIAL ACTS AND PROGRAMS

Legislation/Program	Authority/Standard		Responsible Department/Agency	
	Yukon	Northwest Territories	Yukon	Northwest Territories
All-Terrain Vehicles Act		(Licences operators)		Renewable Resources
Canadian National Railway Telephone Systems Franchise Acts (6)		(Authorizes granting of a franchise to operate telephone systems)		Administered by Communications (Federal)
Franchises Act	(Grants telephone and electrical services franchises)		Commerce	Administered by Communications (Federal)
Highways Act	(Controls access to improvements and use of highways)		Community and Transportation services	Public Works
Petroleum Products Storage Act		(Regulates storage at gas stations, mining camps)		Justice Renewable Resources
Power Franchises Act (2)		(Authorizes granting of franchises to supply electrical power)		Justice and Public Services
Public Highways Act		(Gives permission to construct to/from a primary highway; regulates structures proximate to a primary highway)		Justice and Public Services
Public service Vehicles Act		(Certifies truck carrier transporting construction materials)		Justice and Public Works
Vehicles Act		(Provides for registration of vehicles and licensing of drivers for operation in the territory longer than three months)		Justice and Public
Motor Vehicles Act	Licensing of vehicles and drivers		Community and Transportation Services	
Electrical Public Utilities Act	(Regulates distribution of electric services)		Justice and Government Services (Electrical Public Utilities Board)	
Transport Public Utilities Act	(Regulates public service vehicle operation)		(Transport Public Utilities Board)	
Transport of Dangerous Goods Act		National Transportation Act (MoT)	Community and Transportation services	Renewable Resources

FIGURE 4

II ACTS AND REGULATIONS

This section describes the principal statutory elements of the northern regulatory regime with the focus on Mining, Oil and Gas, Land and Water Acts and Regulations, with reference to linkages such as related procedures, review processes, committees and requirements for hearings, studies by proponents and public consultation.

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## MINING ACTS AND REGULATIONS

The object of most northern mineral legislation concerns the ownership of mining rights and clear rules for the settlement of ownership disputes. At the heart of northern mineral legislation are

- a) free access with the right to extract, and
- b) large land holdings held in title by the crown.

In Yukon, the legislative base dates from the early part of this century and all details are locked in statutes. In the Northwest Territories, extensive Regulations have been made under the enabling power of the Territorial Lands Act and the Public Lands Grants Act and promulgated under the title Canada Mining Regulations.



LEGISLATION, REGULATIONS AND ACTS  
APPLICABLE TO NORTHERN MINING OPERATIONS

Atomic Energy Control Act

Canada Mining Regulations

Territorial Dredging Regulations

Territorial Lands Act, R. S., c. 263, s. 1

Territorial Lands Regulations, P.C. 1960-1711

Territorial Lands Use Regulations, P.C. 1977-532

Territorial Quarrying Regulations, P.C. 1957-424

Territorial Coal Regulations

Mining Safety Acts and Regulations

Northern Inland Waters Act

Arctic Waters Pollution Prevention Act and Regulations

Dominion Water Power Act and Regulations

Public Lands Grants Act, R. S., c. 224, s. 1

Land Titles Act

Dominion Water Power Act and Regulations

Northern Inland Waters Regulations, Amendment, P.C. 1982-2360

Yukon Placer Mining Act

Yukon Quartz Mining Act

Yukon Blasting Act

Explosives Use Act of the Northwest Territories

Inuvialuit Land Claim Settlement Act

CANADA **MINING** REGULATIONS

The Regulations were adopted pursuant to the Territorial Lands Act and the Public Lands Grants Act and were first promulgated in 1960 with revisions in 1961 and 1977. The Regulations govern mining rights, collection of Royalties, work performance, and license requirements for mineral exploration and development in Northwest Territories.

Mineral Claims may be staked on lands to which the Regulations apply with the exception of lands occupied by a building in use, lands of a church or cemetery, Indian reserve, national park, etc.

Agency The administering agency is the Department of Indian Affairs and Northern Development.

Related Legislation Northern Inland Waters Act - re licenses for water uses in mining projects (DIAND).

Territorial Lands Act - re permits for land uses and land based operations (DIAND).

Territorial Dredging Regulations - re dredging rights for minerals in underwater beds of rivers in NWT and Yukon (DIAND).

Territorial Quarrying Regulations - regulation by permit of quarrying of sand, gravel, stone, topsoil (DIAND).

Arctic Waters Pollution Prevention Regulations - re waste and effluent disposal in arctic waters (DIAND).

Fisheries Act - re protection of fisheries, various regulations are issued including Metal Mining Liquid Effluent Regulations (DFO).

Mine Health & Safety Legislation - Territorial Acts. GNWT assumed responsibility 1981, DIAND remains responsible in Yukon.

Inuvialuit Land Claims Settlement Act (DIAND)

Navigable Waters Protection Act - Approval of works constructed in navigable waters (MOT).

Public Health Act - Department of National Health and Welfare, medical care, sanitation, inspection by health officials.

CANADA MINING REGULATIONS (cont'd)

Procedure	Prospector's licences are required, issued by DIAND, Yellowknife, effective April 1st. Permits cover about 45,000 acres, for 3 to 5 years varying by latitude north or south of 68°. After required work, claims may be staked. After representation work on claims a lease may be acquired for a renewable period of 21 years by applying to the District Mining Recorder DIAND.
Related Procedures	Land Tenure (lease) and Quarrying Permits re surface land uses and granular materials.  Land Use Permit re land operations.  Inland Water Use licenses re water use.  Environmental Assessment and Review Process (EARP)  Inuvialuit Screening Review (EISC/EIRB)
Committees	Northwest Territories Water Board - Issues water license and sets terms and conditions for water use.  Land Use Advisory Committee (NWT) - re land uses and operations.  Northern Benefits Committee - re socio-economic action plans.  Regional Environmental Review Committee (NWT) - re initial screening of project's environmental impact.  Inuvialuit Environmental Impact Review Board 1984.  Inuvialuit Environmental Impact Screening Committee 1984.
Related Committees	Northern Mineral Advisory Committee (DIAND) Arctic Waters Advisory Committee (DIAND) Senior Policy Committee, Northern Resource Development Projects

CANADA MINING REGULATIONS (cont'd)

Guidelines	<p>Land Use Guidelines Mineral Exploration, Yukon and NWT, DIAND, 1983.</p> <p>Land Use Guidelines, Access Roads &amp; Trails, DIAND, 1984.</p> <p>Guidelines for preparing Initial Environmental Evaluations, Federal Environmental Assessment and Review Office, (FEAR• ) 1977.</p> <p>Guidelines for preparation of an Environmental Impact Statement, DOE.</p> <p>NWT Resource Development Guidelines - indicates specific GNWT objectives on resource development community consultation process.</p> <p>NWT Compensation Guidelines - re guidelines on compensation from prospective developers, social, cultural and environmental impacts.</p>
Public Consultation	<p>DIAND Officials routinely consult with northern organizations and the public District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND Officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.</p> <p>NWT Land Use Advisory Committee (DIAND) - solicits community comments.</p> <p>Inuvialuit Environmental Impact Review Board - public meetings.</p> <p>Inuvialuit Environmental Impact Screening Committee - public meetings.</p> <p>NWT Water Board - hearings and invitations for comment.</p> <p>Northern Benefit Committees - invitations for comment</p> <p>GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.</p> <p>Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.</p>

## YUKON QUARTZ MINING ACT

**The Act** Promulgated in 1924 and primarily designed for individual prospectors and small operators searching for precious metals, mainly gold. As exploration has shifted to larger holdings, operation of the Act has tended to become inefficient for both companies and government. In 1984 the Act was amended to allow a larger grouping of claims. The Act governs mining rights, collection of royalties, work performance and license requirements for bedrock minerals in Yukon.

**Ag cy** The administering agency is the Department of Indian Affairs and Northern Development (DIAND), initial contact being the District Mining Recorder, Yukon.

**Related Legislation** Territorial Lands Acts & Regulations - re permits for land uses and land based operations (DIAND) of claims.

Northern Inland Waters Act - in respect of water use. Yukon Water Board issue water use licenses containing terms and conditions with approval of the Minister, DIAND. Studies required and public hearings may be held. Water use provisions of the Quartz Mining Act were revoked on passing of the Northern Inland Water Act of 1970. (DIAND)

Fisheries Act - re water use impact on aquatic habitat. Has a bearing on terms and conditions for water use set by Water Board. (DFO)

Territorial Quarrying Regulations - regulation by permit of quarrying of sand, gravel, stone, topsoil. (DIAND)

Inuvialuit Land Claims Settlement Act (DIAND)

**Procedure** No prospecting permits or licenses are required to prospect and stake mineral claims in the Yukon (except on land governed by Inuvialuit Settlement Acts). Production may start from a claim at any time. In order to secure tenure, applications must be made to the District Mining Recorder, DIAND, for a 21 year lease (renewable).

**Related Procedures** Land Tenure (lease) and quarrying permits re surface land uses and granular materials.

Land Use Permit re land operations.

YUKON QUARTZ MINING ACT (cont'd)

Inland Water Use licenses re use of water.

Environmental Assessment and Review Process (EARP)

Inuvialuit Screening/Review (EIRB and EISC)

Committees

Yukon Water Board - re water license, terms and conditions.

Land Use Advisory Committee (DIAND) - re associated land uses and operations.

Related  
Committees

Regional Environmental Review Committee - reviews projects for environmental impact (DIAND).

Yukon Benefits Committee (DIAND/YTG)

Senior Policy Committee, Northern Resource Development Projects

Northern Mineral Advisory Committee (DIAND/Industry).

EIRB (Inuvialuit)

EISC (Inuvialuit)

Guidelines

Land Use Guidelines Mineral Exploration, Yukon and NWT, DIAND, 1982.

Land Use Guidelines, Access Roads & Trails, DIAND, 1984.

Guidelines for preparing Initial Environmental Evaluations, Federal Environmental Assessment and Review Office, (FEARO) 1977.

Guidelines for preparation of an Environmental Impact Statement, DOE.

Development Assessment Guidelines, YTG.

Socio-Cultural Guidelines, YTG.

## YUKON PLACER MINING ACT

The Act	<p>Promulgated in 1906, the Act governs mining rights, collection of royalties, work performance and license requirements in respect of placer materials in the Yukon Territory.</p> <p>Few changes have been made over the years. Because of inherent conflicts between placer operations, water use and impact on fish, there have been several attempts to establish guidelines in these regards, most recently in 1984. Various aspects of the Act are under review for amendment; including production reporting, streamlining of acquisition of rights, grouping of claims and credit for non-physical and environmental related work.</p>
The Agency	<p>The administering agency is the Department of Indian Affairs and Northern Development (DIAND), initial contact being the District Mining Recorder (Yukon).</p>
Related Legislation	<p><u>Territorial Lands Act and Regulations</u> - re permits for land uses and land based operations (DIAND).</p> <p><u>Northern Inland Waters Act</u> - in respect of water use (DIAND).</p> <p><u>Navigable Waters Protection Act</u> - re impediments to navigation (MOT).</p> <p><u>Fisheries Act</u> - re water use and impact on aquatic habitat. Has a bearing on terms and conditions for water use (DFO).</p> <p><u>Inuvialuit Land Claim Settlement Act</u> (DIAND)</p> <p><u>Territorial Quarrying Regulations</u> - regulation by permit of quarrying of sand, gravel, stone, topsoil (DIAND).</p> <p><u>Territorial Dredging Regulations</u> - re permit for dredging operations (DIAND).</p>
<u>Procedures</u>	<p>Prospecting permits or licenses are not required to prospect and stake mineral claims in Yukon. In order to secure tenure, applications must be made to the District Mining Recorder, DIAND for a 21 year lease.</p>

YUKON PLACER MINING ACT (cont'd)

Related Procedures	Land Tenure (lease) and Quarrying Permits re surface land uses and granular materials.  Land Use Permit - re land operations.  Inland Water Use Licenses - re water use.  Environmental Assessment Review process (EARP)
Committees	Yukon Water Board - re water license and terms and conditions.
Related Committees	Joint (industry-government) Committee on Yukon Placer Mining Research and Development.  Regional Environmental Review Committee - reviews projects for environmental impact (DIAND).  Interdepartmental Committee on Water (DOE).  Yukon Benefits Committee (DIAND/YTG).  EIRB (Inuvialuit)  EISC (Inuvialuit)
Guidelines	Land Use Guidelines Mineral Exploration, Yukon and NWT, DIAND, 1983.  Placer Mining Guidelines (1984 - DIAND) - issued as Policy Statement to Yukon Water Board.  Land Use Guidelines, Access Roads & Trails, DIAND, 1984.  Development Assessment Process Guidelines - (YTG).
Related Guidelines	Environmental Screening Guidelines.  Guidelines for preparing Initial Environmental Evaluation - (FEARO).  Guidelines for Preparation of an Environmental Impact Statement (FEARo).



YUKON PLACER **MINING** ACT (cont'd)

Public  
**Consultation**

DIAND Officials routinely consult with northern organizations and the public. District Managers of DIAND refer land use permit applications to community councils. As well, the daily operations of district mining recorders, district managers and regional offices involve discussions between senior DIAND Officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

Yukon Land Use Advisory Committee (DIAND) - solicits community comments.

Yukon Water Board - hearings and invitations for comment.

Inuvialuit Environmental Impact Review Board - public meetings

Inuvialuit Environmental Impact Screening Committee - public meetings

Environmental Assessment and Review process (EARP) - invitations for comment and possibly formal hearings.

## TERRITORIAL COAL REGULATIONS

The Regulations	Issued pursuant to the Territorial Lands Act and govern the disposition of rights in Yukon and the NWT. New draft regulations have been prepared which are similar to the existing Canada Mining Regulations.
The Agency	The administering agency is the Department of Indian Affairs and Northern Development, initial contact being the District Mining Recorders.
Related Legislation	<p><u>Northern Inland Waters Act</u> - re license for water uses project (DIAND).</p> <p><u>Territorial Lands Act</u> - re permits for land uses and land based operations (DIAND).</p> <p><u>Territorial Dredging Regulations</u> - re dredging rights for minerals in underwater beds of rivers in NWT and Yukon (DIAND).</p> <p><u>Territorial Quarrying Regulations</u> - regulation by permit of quarrying of sand, gravel, stone, topsoil (DIAND).</p> <p><u>Arctic Waters Pollution Prevention Regulations</u> - re waste and effluent disposal in arctic waters (DIAND).</p> <p><u>Inuvialuit Land Claims Settlement Act</u> (DIAND)</p> <p><u>Fisheries Act</u> - re protection of fisheries, various regulations are issued including Metal Mining Liquid Effluent Regulations (DFO).</p> <p><u>Navigable Waters Protection Act</u> - approval of works constructed in navigable waters (MOT).</p>
Procedures	Three year exploration license allows one lease of one square mile to be staked. Locations may be leased for a term of 21 years by application to the mining Recorder who also issues mining permits which allow small quantities of coal to be mined.

**TERRITORIAL** COAL REGULATIONS (cont'd)

Related  
Procedures

Land Tenure (**lease**) and Quarrying Permits re surface land uses and granular materials.

Land Use Permit re land operations.

Inland Water Use licenses re water use.

Environmental Assessment Review Process (EARP)

Committees

Territorial Water Boards - issue water license and set terms and conditions for water use.

Land Use Advisory Committees - re land uses and operations.

Northern Benefits Committee - re socio-economic action plans.

Yukon Benefits Committee.

Regional Environmental Review Committees - re initial screening of project's environmental impact.

Related  
Committees

Arctic Waters Advisory Committee (DIAND)..

Guidelines

Land Use Guidelines Mineral Exploration, Yukon and NWT, DIAND, 1982.

Land Use Guidelines, Access Roads & Trails, DIAND, 1984.

Guidelines for preparing Initial Environmental Evaluation, Federal Environmental Assessment and Review Office, (FEARO), 1977.

Guidelines for preparation of an Environmental Impact Statement, DOE.

TERRITORIAL COAL REGULATIONS (cont'd)

NWT Resource Development Guidelines - indicates specific GNWT objectives on resource development community consultation process.

Development Assessment Guidelines (YTG).

Public  
Consultation

DIAND Officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

Inuvialuit Environmental Impact Review Board - public meetings.

Inuvialuit Environmental Impact Screening Committee - public meetings.

NWT Water Board - hearings and invitations for comment.

Northern Benefit Committees - invitations for comment

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

ATOMIC ENERGY CONTROL ACT  
(re Uranium Mining)

The Act                   The Act and Regulations require that any person or organization wishing to produce mine, refine, process, export or sell radioactive prescribed substances obtain a license from the Atomic Energy Control Board (the Act does not regulate uranium exploration).

Agency                   The administering agency is the Atomic Energy Control Board which reports to the Minister of Energy, Mines and Resources.

Before issuing a license, the Board requires sufficient information to demonstrate that health, safety and security standards will be maintained, and that any wastes will be managed in a satisfactory manner, and holds public hearings for these purposes.

The AECB defines standards which must be met, assesses potential licencees' capabilities and monitors compliance.

Draft regulations with respect to uranium mining have been prepared and discussed with industry. Promulgation of these is expected in 1986.

Related                   Canada Mining Regulations (DIAND)- transport Packaging of  
Legislation               Radioactive Materials Remulations (AECB).

Northern Inland Waters Act - re licenses for water uses in mining projects (DIAND).

Territorial Lands Act - re permits for land uses and land based operations (DIAND).

Territorial Dredging Regulations - re dredging rights for minerals in underwater beds of rivers in NWT and Yukon (DIAND).

Territorial Quarrying Regulations - regulation by permit of quarrying of sand, gravel, stone, topsoil (DIAND).

Arctic Waters Pollution Prevention Regulations - re waste and effluent disposal in arctic waters (DIAND).

Fisheries Act - re protection of fisheries, various regulations are issued including Metal Mining Liquid Effluent Regulations (DFO).

ATOMIC ENERGY CONTROL ACT (cont'd)  
(re Uranium Mining)

Mine Health & Safety Legislation - Territorial Ordinances. GNWT assumed responsibility 1981, DIAND remains responsible in Yukon.

Navigable Waters Protection Act - Approval of works constructed in navigable waters (MOT).

Public Health Ordinance - Department of National Health and Welfare, medical care, sanitation, inspection by health officials.

Procedure

Prospector's licences are required, issued by DIAND, **Yellowknife**, effective April 1st. Permits cover about 45,000 acres, for 3 to 5 years varying by latitude north or south of 68°. After required work, claims may be staked. After representation work on claims a lease may be acquired for a renewable period of 21 years by applying to the District Mining Recorder DIAND. At development stage application for a license to produce, transport, and export is made to AECB which will hold public hearings on the application.

Related Procedures

Land Tenure (lease) and Quarrying Permits re surface land uses and granular materials.

Land Use Permit re land operations.

Inland Water Use licenses re water use.

Environmental Assessment and Review Process (EARP)

Committees

Northwest Territories Water Board - Issues water license and sets terms and conditions for water use.

Land Use Advisory Committee (NWT) - re land uses and operations.

Northern Benefits Committee - re socio-economic action plans.

Regional Environmental Review Committee (NWT) - re initial screening of project's environmental impact.

Inuvialuit Environmental Impact Review Board 1984.

Inuvialuit Environmental Impact Screening Committee 1984.

ATOMIC ENERGY CONTROL ACT (cont'd)  
(re Uranium Mining)

Related Committees	Arctic Waters Advisory Committee (DIAND) Senior Policy Committee, Northern Resource Development Projects
Guidelines	Land Use Guidelines Mineral Exploration, Yukon and NWT, DIAND, 1983.  Land Use Guidelines, Access Roads & Trails, DIAND, 1984.  Guidelines for preparing Initial Environmental Evaluations, Federal Environmental Assessment and Review Office, (FEARO) 1977.  Guidelines for preparation of an Environmental Impact Statement, DOE.  NWT Resource Development Guidelines - indicates specific GNWT objectives on resource development community consultation process.  NWT Compensation Guidelines - re guidelines on compensation from prospective developers, social, cultural and environmental impacts.
Public Consultation	DIAND Officials routinely consult with northern organizations and the public District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND Officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.  NWT Land Use Advisory Committee (DIAND) - solicits community comments.  NWT Water Board - hearings and invitations for comment.  Northern Benefit Committees - invitations for comment  GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.  Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

CANADA PETROLEUM RESOURCES ACT (1986)

The Act	The Act sets out the requirements for the granting of oil and gas exploration and production rights, establishes the fiscal regime applicable to oil and gas activities in the Canada lands, stipulates Canadianization measures and establishes the Environmental Studies Revolving Fund. This Act replaces the Canada Oil and Gas Act (1982) and in so doing does away with the Crown share concept as well as preferential provisions for Petro-Canada.
Agency	The Act is administered by the Minister of DIAND with respect to Canada lands North of 60° of the line of administrative convenience and by the Minister of EMR with respect to all other Canada lands through a joint administrative agency, the Canada Oil and Gas Lands Administration (COGLA). The Act allows the delegation to designated officials of such of the Minister's powers, duties and functions as may be specified. The Administrator (COGLA) is the designated official to exercise such of the Minister's respective powers under the Act as well as the <u>Oil and Gas Production and Conservation Act</u> as specified.
Related Legislation	<u>Oil and Gas Production and Conservation Act</u> - re production licenses (DIAND/COGLA) <u>Territorial Lands Act</u> - (DIAND) <u>National Energy Board Act</u> - (NEB) <u>Northern Inland Waters Act</u> - (DIAND) <u>Navigable Waters Protection Act</u> - (MOT) <u>Public Lands Grants Act</u> - DIAND re offshore, e.g. artificial islands <u>Fisheries Act</u> - (DFO) <u>Ocean Dumping Control Act</u> - (DoE) <u>Environmental Contaminants Act</u> - (DOE) <u>Canada Shipping Act</u> - (MOT) <u>Arctic Waters Pollution Prevention Act</u> -( DIAND/MOT/EMR) <u>Inuvialuit Land Claim Settlement Act</u> (DIAND)



CANADA PETROLEUM RESOURCES ACT (1986) (cont'd)

Procedure                      Exploration and Production License System - re general drilling approval, drilling of offshore wells, and exploration agreement and production license (DIAND/COGLA)

Related Procedures              Oil and Gas Operating Licence  
Land Use Permit  
Land Tenure Lease  
Ocean Dumping Permit  
Inland Water License  
National Energy Board Certificate  
Navigable Waters Permit  
Environmental Assessment and Review Process (EARP)  
Inuvialuit Screening/Review (EISC, EIRB)  
Environmental Studies Revolving Fund

Committees                      Committee on Mega Project Industrial and Regional Benefits (DRIE)  
Northern Benefits Committee  
EISC (Inuvialuit)  
EIRB (Inuvialuit)  
Senior Policy Committee on Resources Development (DIAND)

Related , Committees              Arctic Waters Advisory Committee (DIAND)  
Interdepartmental Environmental Review Committee (DIAND)  
Regional Environmental Review Committee (DIAND)  
Land Use Advisory Committee (DIAND)  
Yukon Benefits Committee (DIAND/YTG)

CANADA PETROLEUM RESOURCES ACT (1986) (con't)

Related  
Guidelines

Territorial Water Boards (DIAND)  
TERMPOL Coordinating Committee (MOT)  
Regional Ocean Dump Advisory Committee (DOE)  
NWTG "DIZ" Groups (independent)

Guidelines

Drilling for Oil and Gas on Canada Lands (DIAND/COGLA)  
1984

Related  
Guidelines

Land Use Guidelines, Access Roads & Trails (DIAND) 1984.  
Guidelines for preparing Initial Environmental Evaluations,  
Federal Environmental Assessment and Review Office,  
(FEARO), 1977.  
Guidelines for preparation of an Environmental Impact  
Statement (DoE).  
NWT Resource Development Guidelines - indicates specific  
GNWT objectives on resource development community  
consultation process.  
NWT Compensation Guidelines - re guidelines on  
compensation from prospective developers, social, cultural  
and environmental impacts.  
Development Assessment Guidelines (YTG)  
Socio-Economic Guidelines for Petroleum Industry  
Representatives Operation North of 60° (DIAND).  
Beaufort Sea Hydrocarbon Exploration - A Federal  
Perspective (DIAND)

CANADA PETROLEUM RESOURCES ACT (1986) (cont'd)

Public  
Consultation

DIAND officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

Inuvialuit Environmental Impact Review Board - public meetings.

Inuvialuit Environmental Impact Screening Committee - public meetings.

Water Boards - hearings and invitations for comment.

Northern Benefit Committees - invitations for comment

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

Arctic Waters Advisory Committee - community consultations

## CANADA OIL AND GAS PRODUCTION AND CONSERVATION ACT

The Act	<p>The Act authorizes the Minister of DIAND to issue operating licenses and specific authorizations in the absence of which no oil or gas activity may take place in the Canada lands. Before authorizing any work activity, the Minister may determine requirements and deposits relating to the operator's liability for damage or expenses, for the carrying out of environmental programs or studies and for the payment of expenses incurred by the Minister in approving the program. The Act empowers the minister to make orders for the management and control of oil and gas production and authorizes the making of regulations respecting the exploration and drilling for and the production, conservation, processing and transportation of oil and gas. The Minister must also, prior to issuing any authorization, require the submission of a satisfactory Canada Benefits plan that may include affirmative action programs. The Act allows the delegation to designated officials of such of the Minister's powers, duties and functions as may be specified.</p>
Agency	<p>The Act is administered by the Minister of DIAND with respect to Canada lands situated roughly North of 60° and by the Minister of EMR with respect to all other Canada lands through a joint administrative agency, the Canada Oil and Gas Lands Administration (COGLA).</p> <p>The Administrator of COGLA is the designated official in the exercise of the Ministers' respective powers as specified under both the <u>Canada Petroleum Resources Act</u> as well as the <u>Oil and Gas Production and Conservation Act</u>.</p>
Related Legislation	<p><u>Canada Oil and Gas Drilling Regulations</u> These regulations set out the requirements for obtaining a Drilling Program Approval, an Authority to Drill a Well and for the actual drilling of a well on Canada lands. They also regulate well evaluation and termination, the inspection of drilling operations and equipment, environmental requirements and the investigation of accidents at drill sites (DIAND-COGLA).</p> <p><u>Canada Oil and Gas Production Regulations</u> These regulations provide for the approval of Development Plans in Canada lands. They set out conservation, environmental, operational and safety requirements and regulate such other matters as well and reservoir evaluations, production rates, measurement and testing and the inspection of operations and equipment at any production site (DIAND-COGLA).</p>

CANADA OIL AND GAS PRODUCTION AND CONSERVATION ACT (cont'd)

Related  
Legislation

Canada Oil and Gas Geophysical Regulations These regulations set out the requirements for obtaining a Geophysical Program Approval on Canada lands. They also regulate offshore and onshore geophysical operations as well as the inspection of geophysical operations and the investigation of accidents (DIAND-COGLA).

Canada Oil and Gas Regulations These regulations set out the requirements for obtaining an approval to Construct a Pipeline and an Approval to Operate a Pipeline as well as the necessary certifications. They also regulate the inspection of pipeline construction, authorized entry and inspection, environmental requirements and the testing, operations, maintenance and repair of pipeline facilities (DIAND-COGLA).

Canada Oil and Gas Structures Regulations These regulations set out the requirements for obtaining a Production Structure Approval, a Production Facility Approval and a Production Operations Approval as well as other approvals and certificates. They also regulate the inspection and testing of structures as well as the investigation of accidents.

Canada Oil and Gas Regulations - Diving These regulations govern the diving operations carried out in support of oil and gas activities and set out the requirements for obtaining the necessary certifications and Diving Program Approval.

Canada Oil and Gas Interests Regulations These regulations govern the giving of notices relative to the transfer or surrender of oil and gas interests in Canada lands as well as the appointment of representatives or agents of interest owners.

Canada Oil and Gas Operations Regulations These regulations set out conditions for obtaining an operating license, a work authorization and for reporting an oil spill or other emergency.



CANADA OIL AND GAS PRODUCTION AND CONSERVATION ACT (cont'd)

Committee	Senior Policy Committee on Northern Resource Development (DIAND)
	Committee on Megaproject Industrial and Regional Benefits (DRIE)
	Interdepartmental Environmental Review Committee (DIAND)
	Northern Benefits Committee (DIAND)
	Arctic Waters Advisory Committee (DIAND)
Related Committees	Senior Policy Committee on Northern Resource Development (DIAND)
	Interdepartmental Environmental Review Committee (DIAND)
	Regional Environmental Review Committee (DIAND)
	Land Use Advisory Committee (DIAND)
	Northern Benefits Committee (DIAND)
	EISC (Inuvialuit)
	EIRB (Inuvialuit)
	Yukon Benefits Committee (DIAND/YTG)
	Territorial Water Boards (DIAND)
	TERM POL Coordinating Committee (MOT)
	Regional Ocean Dumping Advisory Committee (DOE)
	NWTG "DIZ" Groups (independent)
Guidelines	Drilling for Oil and Gas on Canada Lands (COGLA-1984)

CANADA OIL AND GAS PRODUCTION AND CONSERVATION ACT (cont'd)

Related  
Guidelines

Land Use Guidelines, Access Roads & Trails (DIAND) 1984.

Guidelines for preparing Initial Environmental Evaluations, Federal Environmental Assessment and Review Office (FEARo), 1977.

Guidelines for preparation of an Environmental Impact Statement (DoE)

NWT Resource Development Guidelines - indicates specific GNWT objectives on resource development community consultation process.

NWT Compensation Guidelines - re guidelines on compensation from prospective developers, social, cultural and environmental impacts.

Development Assessment Guidelines (YTG)

Socio-Economic Guidelines for Petroleum Industry Representatives Operating North of 60° (DIAND)

Beaufort Sea Hydrocarbon Exploration - A Federal Perspective (DIAND)

Public  
Consultation

DIAND officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

Inuvialuit Environmental Impact Review Board - public meetings.

Inuvialuit Environmental Impact Screening Committee - public meetings.

Water Boards - hearings and invitations for comment.



CANADA OIL AND GAS PRODUCTION AND CONSERVATION ACT (cont'd)

Northern Benefit Committees - invitations for comment

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

Arctic Waters Advisory Committee re community consultation

## NATIONAL ENERGY BOARD ACT

The Act	<p>The Board grants certificates, with the approval of the Governor in Council, to construct and operate <b>interprovincial</b> and international oil and gas and petroleum products pipelines, and international electric power lines. Before permission is granted for construction through a certificate of public convenience and necessity, the Board considers the application at a public hearing. In the north the advice of NEB may be sought for the general review of oil and gas projects if the product is to be transported from the north, such advice likely to be arrived at through the normal NEB hearing process.</p> <p>The Board is charged with the implementation of adequate standards of construction and operation to ensure the safety of any facility that it has certificated. For reasons of safety, the protection of the environment and of other utility services, no pipeline under the Board's jurisdiction may cross or be crossed by another utility without the authorization of the board.</p>
Agency	<p>The administering agency is the National Energy Board.</p>
Related Legislation	<p><u>Canada Petroleum and Resources Act</u> - re land rights, royalty regime, production licence (DIAND-COGLA)</p> <p><u>Oil and Gas Production and Conservation Act</u> - re production licenses (DIAND-COGLA)</p> <p><u>Territorial Lands Act</u> - re rights-of-way, land uses and land based operations (DIAND)</p> <p><u>Inuvialuit Land Claim Settlement Act</u> (DIAND)</p>
Procedure	<p>Application is made to NEB for a certificate of public convenience and necessity for pipeline construction on land or in navigable waters. Public hearings are held to examine technical, economic, environmental and social aspects which must be covered in the applicant's submission.</p>
Related Procedures	<p>Environmental Assessment and Review Process (FEARO)</p> <p>Inuvialuit Screening/Review Process (EISC,EIRB)</p>

NATIONAL ENERGY BOARD ACT (cont'd)

Committee	National Energy Board Panels
Related Committees	EISC (Inuvialuit) EIRB (Inuvialuit)
Guidelines	NEB Rules of Procedure (NEB) Guidelines for Regional Socio-Economic Impact Assessments (NEB) *planning Guidelines (DIAND) *Socio-Economic Guidelines for Petroleum Industry Representatives Operating North of 60° (DIAND)
Related Guidelines	Guidelines for Preparing Initial Environmental Evaluations (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARo) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Development Assessment Guidelines (YTG)
Public Consultation	Public hearings are held by NEB to examine technical, economic, environmental and social impacts which must be covered in the applicant's submission.

\*NEB is not bound by matters outside its Act. The views of other bodies may form part of the evidence submitted to the NEB by interveners.

## TERRITORIAL LANDS ACT

**The Act** Authorizes and regulates sale, lease or other disposition of territorial lands, including granting of rights-of-way under specified terms and conditions.

Territorial Lands are federal crown lands in the NWT and Yukon which are under the control of the Minister of DIAND. These do not include lands under the control of the Government of the Yukon or the NWT or those lands which have been leased or sold. In the Yukon, the Act and Regulations do not apply to mineral claims located pursuant to the Yukon Quartz Mining Act and the Yukon Placer Mining Act.

**Agency** The administering agency is the Department of Indian Affairs and Northern Development, initial contact being the Territorial Land Use Engineer.

**Related Legislation** Northern Inland Waters Act - in respect of water licences (DIAND)

Fisheries Act - re water use and impacts on fish. Has a bearing on terms and conditions for water rights (DFO).

Territorial Quarrying Regulations - regulation by permit of quarrying sand, gravel, stone, topsoil (DIAND).

Canada Mining Regulations - (DIAND)

Public Lands Leasing and Licensing Regulations - (DIAND)

Territorial Coal Regulations - (DIAND)

Migratory Birds Convention Act - Re land use in Bird Sanctuaries (DOE)

National Wildlife Act - re Land Use in Wildlife Areas (DOE)

Inuvialuit Land Claim Settlement Act (DIAND)

Territorial Dredging Regulations - (DIAND)

Territorial Timber Regulations - (DIAND)

Area Development Act - (YTG Department of Community and Transportation Services, NWTG Department of Local Government)

TERRITORIAL LANDS ACT (cont'd)

Commissioner's Land Act - (NWTG Department of Local Government, YTG Department of Community and Transportation Services)

Environmental Protection Act - (NWT Department of Renewable Resources)

Forest Protection Act - (DIAND)

Procedure

With certain exceptions, an application for a Land Use Permit Class 'A' or 'B' (depending on scale of operation) must be made to the DIAND Land Use Engineer in each territory for land based operations. A permit is issued for the operation for up to two years, with a possible extension for one year before conversion to lease status for longer term activities.

Related Procedures

Inland Water Use License

Land Tenure (lease) and Quarrying Permits

Environmental Assessment Review Process (EARP)

Inuvialuit Screening/Review Process (EISC,EIRB)

Committees

Federal-Territorial Lands Use Advisory Committees

Land Use Advisory Committees (DIAND)

Related Committees

Regional Environmental Review Committee - reviews projects for environmental impact (DIAND)

Territorial Water Boards - re water license and terms and conditions (DIAND)

Northern Benefits Committee (DIAND)

Yukon Benefits committee (DIAND/YTG)

GNWT "DIZ" Committees (NWTG)

Inuvialuit Environmental Impact Review Board

Inuvialuit Environmental Impact Screening Committee

TERRITORIAL LANDS ACT (cont'd)

- Interdepartmental Environmental Review Committee (DIAND)
- Arctic Waters Advisory Committee (DIAND)
- Guidelines
  - Land Use Guidelines Mineral Exploration, Yukon and NWT, DIAND, 1983.
  - Land Use Guidelines, Access Roads & Trails, DIAND, 1984.
  - Guidelines for preparing Initial Environmental Evaluations, Federal Environmental Assessment and Review Office, (FEARO), 1977.
  - Guidelines for preparation of an Environmental Impact Statement, DOE.
  - NWT Resource Development Guidelines - indicates specific GNWT objectives on resource development community consultation process.
  - NWT Compensation Guidelines - re guidelines on compensation from prospective developers, social, cultural and environmental impacts.
- Public Consultation
  - DIAND officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.
  - NWT Land Use Advisory Committee (DIAND) - solicits community comments.
  - Inuvialuit Environmental Impact Review Board - public meetings.
  - Inuvialuit Environmental Impact Screening Committee - public meetings.
  - Territorial Water Boards - hearings and invitations for comment.

TERRITORIAL LANDS ACT (cont'd)

Northern Benefit Committees - invitations for comment

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

TERRITORIAL TIMBER REGULATIONS

1

The Regulations Pursuant to the Territorial Lands Act in respect of regulating the cutting of timber on crown land.

Agency The administering agency is the Department of Indian Affairs and Northern Development (DIAND), initial contact being the District Forestry Officer (NWT and Yukon) responsibility for forestry resources is to be transferred to NWTG late in 1986.

Related Legislation Area Development Act - regulates land use, fire protection (YTG-Community and Transportation Services, NWTG-Department of Local Government).

Commissioner's Land Act - sale, lease of Commissioner's land, timber permits on Commissioner's land (NWTG Department of Local Government, YTG Department of Community and Transportation Services).

Forest Protection Act - fire prevention, company cooperation in combatting fires. Northern Affairs Program, DIAND.

Fisheries Act - re harm or damage to fish habitat (DFO).

Fisheries Regulations - re control of temporary stream crossings (NWTG Department of Renewable Resources).

Migratory Birds Convention Act - re molesting of migratory birds or disturbing of nesting areas (DOE).

National Wildlife Act - re protection of habitat in designated areas (DOE).

All-Terrain Vehicles Act - re licensing operations (NWTG Department of Justice and Public Services).

Procedures Permits are required under Territorial Timber Regulations for all commercial operations. Citizens and non-profit institutions may cut trees for private use.



TERRITORIAL TIMBER REGULATIONS (cont'd)

Related Procedures	Land Use Permit - re land operations. Environmental Assessment and Review Process (EARP)
Committees	Territorial Land Use Committees - re land use operations (DIAND). Forest Fire Management Committees (DIAND). Regional Environmental Review Committee - reviews projects for environmental impact (DIAND).
Related Committees	Canadian Committee on Forest Fire Control Canadian Forest Inventory Committee Intermountain Fire Council NWT Grade Stamping Association
Guidelines	Land Use Guidelines Mineral Exploration, Yukon and NWT, DIAND, 1983. Land Use Guidelines, Access Roads & Trails, DIAND, 1984. Guidelines for preparing Initial Environmental Evaluations, Federal Environmental Assessment and Review Office, (FEARO), 1977. Guidelines for preparation of an Environmental Impact Statement, DOE. NWT Resource Development Guidelines - indicates specific GNWT objectives on resource development community consultation process. NWT Compensation Guidelines - re guidelines on compensation from prospective developers, social, cultural and environmental impacts.

TERRITORIAL TIMBER REGULATIONS (cont'd)

Public  
Consultation

DIAND officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

NWT Water Board - hearings and invitations for comment.

Northern Benefit Committees - invitations for comment.

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

## NORTHERN INLAND WATERS ACT

**The Act** Provides for the conservation, development and use of the water resources of the Yukon and the Northwest Territories, and for establishment of Water Boards in each area to license water usage and waste disposal.

**Agency** The administering agency is the Department of Indian Affairs and Northern Development (DIAND). Initial contact is the respective Territorial Water Board of each Territory.

**Related Legislation**

Inuvialuit Land Claims Settlement Act (DIAND)

Fisheries Act - re water use and impact on fish. Has a bearing on terms and conditions for water rights (DFO).

Fisheries Regulations - re control stream crossings, gravel removal, use of explosives in fish-frequented waters (YTG/NWTG).

Canada Shipping Act - re regulation of marine operations in the MacKenzie River system (MOT).

Government Harbours Act - re control and management of public harbours and piers (MOT).

National Transportation Act - re control & licensing of 'for hire' carriers on water (CTC).

Yukon Placer Mining Act (DIAND)

Navigable Waters Protection Act - re approval of works constructed in navigable waters (MOT).

Public Health Act - re water supply and sewage disposal (YTG & NWTG, administered by NH&W).

**Procedure** Applications are received by Territorial Water Boards which may hold a public hearing leading to issuance of a license by the Board with the approval of the Minister under conditions defined by the Water Boards.

**Related Procedures**

Land Use Permit re land operations.

Environmental Assessment and Review Process (EARP)

Inuvialuit Screening/Review (EISC, EIRB)

NORTHERN INLAND WATERS ACT (cont'd)

Committees	Territorial Water Boards (DIAND). Regional Environmental Review Committee - reviews projects for environmental impact (DIAND).
Related Committees	Arctic Waters Advisory Committee (DIAND) Land Use Advisory Committees (DIAND) Interdepartmental Committee on Water (DOE) Territorial Water Boards Advisory Committees (DIAND) Joint Govt. /Ind. Committee on Placer Mining (DIAND) EISC (Inuvialuit) EIRC (Inuvialuit)
Guidelines	Placer Mining Guidelines (1984-DIAND) - issued as Policy Statement to Yukon Guidelines for Municipal Effluent Discharge (YTG) Water Board.
Related Guidelines	Environmental Screening Guidelines (DIAND) Guidelines for Preparing Initial Environmental Evaluation (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARO) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Development Assessment Guidelines (YTG)
Public Consultation	As a matter of course, the Territorial Water Boards invite public comments and view and may organize hearings to obtain public input.

## ARCTIC WATERS POLLUTION PREVENTION ACT

The Act	Regulates development and shipping activity in Arctic waters i.e. waters adjacent to the mainland and islands of the Canadian Arctic, prescribes limits of liability for unauthorized deposits of waste, establishes design requirements for vessels operating in Arctic waters and provides for the establishment of Shipping Safety Control Zones.
Agency	The administering agencies are the Ministry of Transport in respect to Arctic shipping, the Department of Indian Affairs and Northern Development in respect to non-shipping activities and the Department of Energy, Mines and Resources re non-shipping activities in Hudson's Bay and Hudson Straits.
Related Legislation	<u>National Energy Board Act</u> - re transportation of hydrocarbons <u>Canada Shipping Act</u> - re loading and unloading standards, prohibition of discharge of materials dangerous to life, mandatory reporting of discharges (MOT) <u>Inuvialuit Land Claims Settlement Act</u> (DIAND) <u>Fisheries Act</u> - approval of plans and specifications for works that would harm fish or damage fish habitats (DFO) <u>Territorial Dredging Regulations</u> (DIAND) <u>Ocean Dumping Control Act</u> (DOE) <u>Government Harbours Act</u> - re control and management of public harbours and piers (MOT) <u>National Transportation Act</u> - re licenses "for hire" carriers (CTC) <u>Navigable Waters Protection Act</u> - re approval of works constructed in navigable waters (MOT) <u>Oil and Gas Production and Conservation Act</u> - re offshore pollution (DIAND)

ARCTIC WATERS POLLUTION PREVENTION ACT (cont'd)

Procedures	Certification of vessel compliance (MOT) Certification of drill rigs, artificial islands (DIAND/EMR)
Related Procedures	Ocean Dumping Permit (DOE) Dredging Permit (DIAND) Environmental Assessment and Review Process (EARP) Inuvialuit Screening/Review Process (EISC,EIRB)
Committee	Arctic Waters Advisory Committee (DIAND)
Related Committees	Regional Ocean Dumping Advisory Committee (DOE) Inuvialuit EISC and EIRB
Guidelines	No specific guidelines
Related Guidelines	Environmental Screening Guidelines (DIAND) Guidelines for Preparing Initial Environmental Evaluations (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARO) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Socio-Economic Guidelines for Petroleum Industry Representatives Operating North of 60° (DIAND)
Public Consultation	The Arctic Waters Advisory Committee solicits community comments and views and may hold meetings in communities to obtain same.

## FISHERIES ACT

<b>The Act</b>	Administers all aspects of fisheries, including pollution control, and is aimed at the protection, conservation and preservation of fisheries in Canada. For the purposes of the Act, marine mammals are included. Regulations made pursuant to the Act specifically refer to seals, walrus, beluga whales, narwhals, NWT fisheries, YT fisheries, and effluent limits for various industries. The Act applies to inland fisheries, and to offshore fisheries to a distance of 320 kilometres (200 nautical miles). Overall responsibility for administration of the Act rests with the Minister of Fisheries and Oceans, while section 33 (fish habitat) is administered by the Minister of the Environment.
<b>Agency</b>	The administering agency is the Department of Fisheries and Oceans although the Department of the Environment administers sections relevant to deleterious deposits in fish and mammal frequented waters.
<b>Related Legislation</b>	<p><u>Arctic Waters Pollution Prevention Act</u> - control of waste disposition, establishes specifications for installations (MOT/DIAND/EMR)</p> <p><u>Ocean Dumping Control Act</u> - defines and prohibits offshore pollution (DOE)</p> <p><u>Northern Inland Waters Act</u> - DIAND</p> <p><u>Canada Shipping Act</u> - regulation of marine operations (MOT)</p> <p><u>Government Harbours Act</u> - control and management of public harbours and piers (MOT)</p> <p><u>Navigable Waters Protection Act</u> - approval of works constructed in navigable waters (MOT)</p> <p><u>NWT and Yukon Fisheries Regulations</u> - pursuant to the Act control stream crossings, use of explosives in fish frequented waters.</p> <p><u>Inuvialuit Land Claims Settlement Act</u> (DIAND)</p>
<b>Procedure</b>	Regulations under the Act are administered by officials of the Department of Fisheries and Oceans, and Environment through permit, inspection, monitoring.

FISHERIES ACT (cont'd)

Related Procedure	Environmental Assessment Review process (EARP)
Committee	Arctic Waters Advisory Committee Territorial Water Boards
Related Committees	Regional Ocean Dumping Advisory Committee (DOE) Regional Environmental Review Committees (DIAND) Environmental Advisory Committee on Arctic Marine Transportation (DOE) Inuvialuit EISC and EIRB
Guidelines	Placer Mining Guidelines 1984 (DIAND)
Related Guidelines	Environmental Screening Guidelines (DIAND) Guidelines for Preparing Initial Environmental Evaluations (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARO) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Development Assessment Guidelines (YTG)
Public Consultation	No specific process under the Act. There is however public consultation related to fisheries matters in other forums such as Territorial Water Board hearings, EARP, the Arctic Waters Advisory Committee, NEB hearings, etc.



## NAVIGABLE WATERS PROTECTION ACT

The Act	This Act authorizes the Minister of Transport to approve and, if necessary, alter any work plans that may interfere with navigation. This power also extends to the physical removal of anything creating a hazard to navigation (except pipeline works constructed in navigable water, which are regulate by the National Energy Board).
Agency	The administering agency is the Ministry of Transport.
Related Legislation	<u>National Energy Board Act</u> - regulates the construction of pipelines (NEB) <u>Arctic Waters Pollution Prevention Act</u> - control of waste disposal by ships, standards for ship design, construction and operation (MOT) <u>Arctic Waters Pollution Prevention Regulation</u> - review and approve plans and specifications for installations that could be a source of pollution of Arctic waters (DIAND) <u>Canada Shipping Act</u> - ship-shore loading and unloading standards (MOT) <u>Oil and Gas Production and Conservation Act</u> - sets standards of construction on and offshore (DIAND) <u>Northern Inland Waters Act</u> - water licenses (DIAND) <u>Government Harbours Act</u> - control and management of public harbours and piers (MOT) <u>Inuvialuit Land Claims Settlement Act</u> (DIAND) <u>Territorial Lands Act and Regulations</u> (DIAND)
Procedure	Application for permit to MOT
Related Procedures	Ocean Dumping Control Permit Inland Water License Land Use Permit Environmental Assessment and Review process (EARP) Inuvialuit Screening/Review Process (EISC,EIRB)

NAVIGABLE WATERS PROTECTION ACT (cont'd)

Committees	Territorial Water Boards (DIAND)
	Regional Environmental Review Committee (DIAND)
	Regional Ocean Dumping Advisory Committee (DOE)
Related Committees	Arctic Waters Advisory Committee (NAP)
	Arctic Offshore Developments Committee (DFO)
	Inuvialuit EISC and EIRB
Related Guidelines	Environmental Screening Guidelines (DIAND)
	Guidelines for Preparing Initial Environmental Evaluation (FEARO)
	Guidelines for Preparation of an Environmental Impact Statement (FEARO)
	Resource Development Guidelines (NWTG)
	Compensation Policy (NWTG)
	Development Assessment Guidelines (YTG)
Public Consultation	Socio-Economic Guidelines for Petroleum Industry Representatives Operating North of 60° (DIAND)
Public Consultation	No specific process but public input would be obtained in other forums (EARP, DIZ Groups, Inuvialuit Committees, etc.).

## OCEAN DUMPING CONTROL ACT

The Act	This Act was passed in response to an international convention with administration being given to the Department of the Environment. Under the Act, any dumping at sea is prohibited without a permit first being granted; operations relating to drilling for oil and gas are exempt. This Act applies to a distance of 320 kilometres (200 nautical miles) offshore.
Agency	The administering agency is the Department of the Environment.
Related Legislation	<p><u>Oil and Gas Production and Conservation Act</u> - defines and prohibits offshore pollution (DIAND)</p> <p><u>Fisheries Act</u> - review and approve plans that would harm fish or change fish habitat (DFO)</p> <p><u>Arctic Waters Pollution Prevention Act</u> - controls waste disposition by ships, standards for ship design, construction, and operation (MOT/DIAND/EMR)</p> <p><u>Arctic Waters Pollution Prevention Regulations</u> - review and approve plans and specifications for installations that could be a source of pollution of Arctic waters (DIAND)</p> <p><u>Canada Shipping Act</u> - prohibits discharge of toxic materials, mandatory reporting of discharges (MOT)</p> <p><u>Canada Waters Act</u> - advice or approval of company contingency plans, cooperation with industry in combatting spills (MOT)</p> <p><u>Inuvialuit Land Claims Settlement Act</u> (DIAND)</p> <p><u>NWT Environmental Protection Act</u> - prohibits discharge of contaminants to the environment - applies where federal legislation not applicable (NWTG Department of Renewable Resources)</p>
Procedure	Application is made to DOE (Environmental Protection Service) and is reviewed by Regional Ocean Dumping Advisory Committee for approval/rejection and terms and conditions. Actual permit is issued by DOE.

OCEAN DUMPING CONTROL ACT (cont'd)

Related Procedures	Environmental Assessment and Review Process (EARP) Inuvialuit Screening/Review Process (EISC, EIRB)
Committees	Regional Ocean Dumping Advisory Committee (DOE) Arctic Waters Advisory Committee (DIAND) Territorial Water Boards (DIAND)
Related Committees	Interdepartmental Committee of Water (DOE) Regional Environmental Review Committee (DIAND) Inuvialuit EISC/EIRB
Guidelines	As promulgated by Act
Related Guidelines	Guidelines for Preparing Initial Environmental Evaluations (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARO) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Development Assessment Guidelines (YTG) Socio-Economic Guidelines for Petroleum Industry Representatives Operating North of 60° (DIAND)
Public Consultation	No specific process but public comment would be obtained in other forums (EARP, DIZ Groups, Inuvialuit Committees, etc.).

## TERRITORIAL DREDGING REGULATIONS

Regulations Issued pursuant to the Territorial Lands Act and the Public Lands Grant Act.

Promulgated in 1954 to govern issue of leases to dredge for minerals in the submerged beds of rivers in the Northwest Territories and the Yukon Territory. The Regulations govern the disposition of rights to dredge for minerals in the underwater beds of rivers in the NWT and Yukon.

Agency DIAND is the administering agency.

Related Legislation Northern Inland Waters Act - in respect of water use Territorial Water Boards issue licences containing terms and conditions with approval of Minister. Studies are required and public hearings may be held. (DIAND)

Yukon Placer Mining Act, Yukon Quartz Mining Act - both these acts have seniority on lands where mining claim has been made (DIAND)

Fisheries Act - re water use and rights and impact on fish. Has a bearing on terms and conditions for water rights (DIAND)

Territorial Quarrying Regulations - regulation by permit for quarrying of sand, gravel, stone, topsoil (DIAND)

Canada Mining Regulations (DIAND)

Arctic Waters Pollution Prevention Act and Regulations - reviews and approves plans for installations that could be a source of pollution of Arctic waters. (DIAND/EMR/MOT)

Navigable Waters Act (MOT)

Inuvialuit Land Claims Settlement Act (DIAND)

NWT Environmental Protection Act - prohibits discharge of contaminants to the environment. Applies where federal legislation not applicable (NWTG Department of Renewable Resources).

Explosives Act - regulates storage and transport of explosives on land and water (EMR).

Blasting Act - governs use of explosives. Administered in Yukon by Mining Inspector, DIAND.

Explosives Use Act - governs use of explosives. Administered by Mining Inspector GNWT.

## TERRITORIAL DREDGING REGULATIONS (cent 'd)

Procedure	Application for dredging rights and leases must be made to Mining Recorder, DIAND, in each territory.
Related Procedure	Inland Water License Land Tenure (lease) and Quarrying Permits re use of surface land and granular materials Land Use Permit Environmental Review and Assessment Process (EARP) Inuvialuit Screening/Review (EISC,EIRB)
Committee	Territorial Water Board - re water license and terms and conditions.
Related Committees	Regional Environmental Review committee - reviews projects for environmental impact. Inuvialuit EISC/EIRB
Guidelines	Guide to Territorial Land Use Regulations (DIAND) 1981 Land Use Guidelines Access Roads and Trails (DIAND 1984) Placer Mining Guidelines
Related Guidelines	Environmental Screening Guidelines (DIAND) Guidelines for Preparing Initial Environmental Evaluations (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARO) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Development Assessment Guidelines (YTG) Socio-Economic Guidelines for Petroleum Industry Representatives Operating North of 60° (DIAND)

TERRITORIAL DREDGING REGULATIONS (cent'd)

Public  
Consultation

DIAND officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

Inuvialuit Environmental Impact Review Board - public meetings.

Inuvialuit Environmental Impact Screening Committee - public meetings.

Territorial Water Boards - hearings and invitations for comment.

Northern Benefit Committees - invitations for comment.

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

## REGULATORY PROCEDURES

This section briefly describes the various regulatory procedures administered by departments/agencies in the course of issuing the permits, leases, licenses, grants, and rights of the statutory regime described in Section 1.

These procedures have a legislative base and product (statutory approval or rejection) unlike the non-statutory review processes described in Section IV. Nonetheless, the two elements are often closely linked by virtue of associated agreements between developers and an administering government agency and by the attachment of terms and conditions to regulatory approvals which emanate from guidelines, review processes and public consultation.

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MINERAL EXPLORATION AND PRODUCTION

Application	Northwest Territories - Mining and mineral exploration is provided for under the Canada Mining Regulations pursuant to the Territorial Lands Act.  Yukon - mineral exploration and production activities are controlled by the Yukon Placer Mining Act and the Yukon Quartz Mining Act.
Agency	The Department of Indian Affairs and Northern Development
Legislation	Yukon Quartz Mining Act  Yukon Placer Mining Act  Territorial Lands Act  Canada Mining Regulations Territorial Coal Regulations Territorial Quarrying Regulations Territorial Dredging Regulations
Related Legislation	<u>Fisheries Act (DFO)</u> <u>Inuvialuit Land Claims Settlement Act (DIAND)</u> <u>Northern Inland Waters Act (DIAND)</u> <u>Navigable Waters Protection Act (MOT)</u> <u>Arctic Waters Pollution Act (DIAND/EMR/MOT)</u> <u>Timber Regulations (DIAND)</u> <u>Quarrying Regulations (DIAND)</u> <u>Dredging Regulations (DIAND)</u> <u>Public Health Act (Terr. Govts)</u> <u>Territorial Wildlife Act</u> <u>Migratory Birds Convention Act (DOE)</u> <u>National Wildlife Area Act (DOE)</u>

MINERAL EXPLORATION AND PRODUCTION (cont'd)

Procedure

Yukon - prospecting permits or licenses are not required to prospect and stake mineral claims. Yukon placer mining and mineral claim holders may start production from a claim at any time (subject to limits placed by non-mining legislation on associated activities e.g. water use, road or trail construction, environmental reviews under claim settlements, etc.). Tenure for a 21 year lease of a mineral claim can be obtained on application to District Mining Recorder, DIAND, Yukon.

Northwest Territories - a prospector's licence and a mineral lease must be obtained for exploration and production respectively. Prospector's licenses for individuals or a company may be purchased at district mining recorder offices. Holders of prospector's licenses are permitted to prospect and stake any number of claims on any unoccupied federal crown lands; this excludes any lands which are occupied by buildings in use, church or cemetery grounds, areas specifically covered by existing permits or claims, Indian reserves, national parks or areas specifically reserved for military or other use.

Prospecting permits may be issued for areas in the Northwest Territories where there is little mineral exploration. Holders of prospecting permits are granted the exclusive right to prospect and after representation work, stake claims within a specific area for a maximum period of three years south of 68° or five years north of 68°.

Mineral leases are for 21 year periods and the holder has the exclusive right to explore and develop a mine in the Northwest Territories. A mineral claim must be leased after 10 years or when production of \$100,000 a year has been obtained. Leases entail the annual payment of a rental based on the area encompassed in the lease. Applications for prospecting permits and mineral leases must be made to the Director General and Recorder, Yellowknife respectively.

Related  
Procedures

Environmental Assessment Review Procedure (DIAND)

Land Tenure Agreement - in respect of use of land except Yukon (DIAND)

Land Use Permit - for operations on land (DIAND)

Inland Water Use Licenses - for use of water (DIAND)

MINERAL EXPLORATION AND PRODUCTION (cont'd)

	Timber Permits - re control of cutting trees (DIAND)
	Quarrying Permits - re removal of granular materials (DIAND)
Committee	Territorial Land Use Advisory Committee (DIAND)
	Territorial Water Boards
	Regional Environmental Review Committee (DIAND)
	EISC (Inuvialuit)
	EIRC (Inuvialuit)
Related Committees	Northern Benefits Committee (DIAND)
	NWT Water Board Technical Advisory Committee (DIAND)
	Yukon Benefits Committee (DIAND/YTG)
	NWT Benefits Committee (DIAND)
Guidelines	Land Use Guidelines, Mineral Exploration, Yukon and Northwest Territories (DIAND)
	Land Use Guidelines, Access Roads and Trails (DIAND)
	Environmental Guidelines for Pits and Quarries (DIAND)
Related Guidelines	Environmental Screening Guidelines (DIAND)
	Guidelines for Preparing Initial Environmental Evaluations (FEARO)
	Guidelines for Preparation of an Environmental Impact Statement (FEARO)
	Resource Development Guidelines (NWTG)
	Compensation Policy (NWTG)
	Development Assessment Guidelines (YTG)

MINERAL EXPLORATION AND PRODUCTION (cont'd)

Public  
Consultation

DIAND officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

Inuvialuit Environmental Impact Review Board - public meetings.

Inuvialuit Environmental Impact Screening Committee - public meetings.

Territorial Water Boards - hearings and invitations for comment.

Northern Benefit Committees - invitations for comment.

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

## OIL AND GAS EXPLORATION AND PRODUCTION

**Application** Administration of oil and gas resource management on Canada Lands (Yukon, Northwest Territories, and adjacent offshore areas, federal crown lands south of 60°, Hudson Bay - Hudson Strait Region and East and West Coasts offshore), issuance and terms and conditions for exploration agreements and production licenses.

**Agency** The Canada Oil and Gas Lands Administration (COGLA), a joint component of DIAND and EMR, administers the Canada Petroleum Resources Act and the Oil and Gas Production and Conservation Act in the north for the Minister, DIAND.

The Northern Affairs Program (NAP of DIAND):

integrates and harmonizes the COGLA activities with activities retained by DIAND (NAP) units.

provides policy guidelines and reviews COGLA policy decisions to ensure these are consistent with the requirements of northern policy and co-ordination.

administers and provides services to COGLA in respect of environmental management, socio-economic benefits for northern residents, negotiating strategies and agreement with territorial governments and coordinates the policy and overall planning in relation to major northern resource developments.

**Legislation** Canada Petroleum Resources Act (DIAND-COGLA)  
Canada Oil and Gas Production and Conservation Act (DIAND-COGLA)

**Related Legislation** Territorial Lands Act and Regulations (DIAND)  
Public Lands Grants Act (DIAND)  
Arctic Waters Pollution Prevention Act (DIAND)  
Ocean Dumping Control Act (DOE)  
Fisheries Act (DFO)  
Navigable Waters Protection Act (MOT)  
Inuvialuit Land Claims Settlement Act (DIAND)  
Northern Inland Waters Act (DIAND)

OIL AND GAS EXPLORATION AND PRODUCTION (cont'd)

Procedures Under dual ministerial authority (DIAND/North, EMR/South), COGLA:

negotiates exploration agreements

recommends development plans to the Minister

reviews Canada Benefits Plans related to exploration and development programs

authorizes all activities related to oil and gas exploration, and production on Canada Land

safety  
environmental protection  
conservation of resource  
benefits

approves contingency plans

inspects exploration, development and production operations.

To explore for, or produce, oil and gas it is necessary to obtain an operating license under the Oil and Gas Production and Conservation Act. The operating license, issued for a one year term, replaces the exploratory license issued under the former Regulations.

An exploration agreement confers the right to explore for, and the exclusive right to drill for, oil and gas on the lands specifically described in the agreement. Terms and conditions are set by government and offered on a best bid wins basis. The holder of an exploration agreement may not produce and sell oil or gas, but has the provisional right to obtain a production license. A production license confers the exclusive right to produce oil or gas and, subject to obtaining a production order and payment of any applicable royalty to her Majesty in right of Canada, confers title to the oil or gas so produced.

An Exploration Agreement will be for a maximum term of between 5 and 8 years and may be renewed. A Production License will have a renewable 10 year term commencing with the day of first production.

OIL AND GAS EXPLORATION AND PRODUCTION (cont'd)

OFFSHORE DRILLING

Prior to giving permission to drill an offshore well, such as those being drilled from drillships or artificial islands in the Beaufort Sea and from thickened ice platforms in the high Arctic, a company must follow the procedures outlined in the Canada Oil and Gas Drilling Regulations. Under these regulations, a company must apply to the Chief conservation Officer (COGLA) in Ottawa for general approval of the broad aspects of a proposed drilling program.

In order to obtain permission to drill an offshore well, a company applies for a drilling authority to the Regional Oil and Gas Engineer (COGLA) in Yellowknife. In the case of a well to be drilled from a man-made island, the company also applies to the Regional Director (DIAND) for a surface lease and license to dredge sea-bottom sands.

The regional Chief Conservation Officer reviews the technical drilling proposal and sets well control and safety requirements. At the same time, DIAND's Assistant Director, Renewable Resources, using the Arctic Waters Advisory Committee, reviews the environmental operating conditions which may be attached to the drilling authority or the surface lease or license to dredge.

Related  
Procedures

- Land Tenure Agreement (I' IAND)
- Land Use Permit (DIAND)
- Inland Water License or Authorization (DIAND/Territorial Water Boards)
- Quarrying Permit (DIAND)
- Timber Permit (DIAND)
- Environmental Impact Review Process (Inuvialuit)
- Environmental Studies Revolving Fund
- Environmental Assessment Review Process (EARP)

Committees

- COGLA Policy Review Committee (EMR/DIAND)
- Senior Policy Committee on Northern Resource Development Projects (DIAND)

OIL AND GAS EXPLORATION AND PRODUCTION (cont'd)

	Committee on Mega project Industrial and Regional Benefits (DRIE)
	NWT Northern Benefits Committee (DIAND)
Related Committees	Regional Environmental Review Committee (DIAND)
	High Arctic Development Review Committee (DIAND/NWTG/Communities)
	Arctic Waters Advisory Committee (DIAND)
	Interdepartmental Environmental Review Committee (DIAND)
	Environmental Impact Review Board (Inuvialuit)
	Environmental Impact Screening Committee (Inuvialuit)
	Environmental Studies Revolving Fund Program Committees (EMR/DIAND)
	Beaufort (MacKenzie Delta DIZ Group) (NWTG)
Guidelines	Guidelines and Procedures for the Guidance of Operators on Canada Lands (COGLA)
Related Guidelines	Land Use Guidelines (DIAND)
	Resource Development Guidelines (NWTG)
	1972 Pipeline Guidelines (DIAND)
	Socio-Economic Guidelines for Petroleum Industry Representatives Operating North of 600 (DIAND)
	Environmental Screening Guidelines (DIAND)
	Guidelines for Preparing Initial Environmental Evaluations (DIAND)
	Guidelines for the Preparation of an Environmental Impact Statement (DOE)
	Environmental Code of Good Practice for General Construction (DOE)



**OIL AND GAS EXPLORATION AND Production (cont'd)**

Environmental Code of Good Practice for Gas Pipeline Development (DOE)

Guidelines of the Use and Acceptability of Oil Spill Dispersants (DOE)

General Guidelines for Environmental Impact "TERMPOL" Code re terminal design (MOT)

Guidelines for Regional Socio-Economic Assessments for Pipeline Projects (National Energy Board)

Manpower/Human Resource Plan Guidelines for Mega projects (CEIC)

Compensation Policy (NWTG)

Development Assessment Guidelines (YTG)

Beaufort Sea Exploration: A Federal Perspective (DIAND)

**Public  
Consultation**

DIAND officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

Inuvialuit Environmental Impact Review Board - public meetings.

Inuvialuit Environmental Impact Screening Committee - public meetings.

Territorial Water Boards - hearings and invitations for comment.

Northern Benefit Committees - invitations for comment

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

LAND TENURE AGREEMENT - LEASE

Application	Land tenure agreements must be obtained to occupy federal crown lands in Yukon and the Northwest Territories. Agreements or leases are issued for a specific period of time and for different uses of land surface. The leases do not confer title or subsurface rights to land.
Agency	The administering agency is the Department of Indian Affairs and Northern Development through Regional Directors, Yukon and NWT.
Related Legislation	<u>Territorial Lands Act (DIAND)</u> <u>Inuvialuit Land Claims Settlement Act (DIAND)</u> <u>Public Lands Grants Act (DIAND)</u> <u>Land Titles Act (DIAND)</u> <u>Public Lands Leasing and Licensing Regulations (DIAND)</u> <u>Public Land Mineral Regulations (DIAND)</u> <u>Canada Petroleum Resources Act (DIAND-COGLA)</u> <u>Oil and Gas Production and Conservation Act (DIAND-COGLA)</u> <u>Territorial Land Use Regulations (DIAND)</u> <u>Territorial Land Regulations (DIAND)</u> <u>Canada Mining Regulations (DIAND)</u> <u>Territorial Coal Regulations (DIAND)</u> <u>Territorial Quarrying Regulations (DIAND)</u> <u>Territorial Timber Regulations (DIAND)</u> <u>Area Development Act (YTG)</u> <u>Yukon Lands Act (YTG)</u> <u>Commissioner's Land Act (NWTG)</u> <u>Environmental Protection Act (NWTG)</u> <u>Forest Protection Act (YTG, NWTG)</u> <u>Historic Sites and Monuments Act (YTG)</u> <u>Historical Resources Act (NWTG)</u>

LAND TENURE AGREEMENT - LEASE (cont'd)

Procedure	Applications which meet government requirements (description and information on proposed use) are forwarded to the Federal/Territorial Land Advisory Committee for review and clearance by concerned departments of both governments. The approved lease includes conditions which specify the nature and extent of the land use.
Related Procedures	Application for Land Use Permit - in respect of land based operations.  Inland Water Use Licenses - re use of water  Oil and Gas Exploration and Production Permits - in respect of oil and gas exploration and production activities  Offshore Land Tenure Agreements - re offshore oil and gas operations  Quarrying Permits - in respect of removal of sand, gravel, stone, topsoil, and similar materials  Inuvialuit Screening/Review (EISC, EIRB)  Mineral Exploration and Production Permits and Licenses -in respect of mining activities.  Environmental Assessment Review Process (EARP)
Committee	Federal-Territorial Lands Advisory Committee (FTLAC) - representatives of federal and territorial governments recommend terms and conditions.
Related Committees	Regional Environmental Review Committee (DIAND)  Arctic Waters Advisory Committee (DIAND)  Territorial Water Boards (DIAND)  Environmental Impact Review Board (Inuvialuit)  Environmental Impact Screening Committee (Inuvialuit)

LAND TENURE AGREEMENT - LEASE (cont'd)

Guidelines	Guidelines for Mineral Exploration Yukon and Northwest Territories (DIAND) Guidelines for Access Roads and Trails (DIAND) Environmental Guidelines for Pits and Quarries (DIAND)
Related Guidelines	Environmental Screening Guidelines (DIAND) Guidelines for Preparing Initial Environmental Evaluations (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARO) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Development Assessment Guidelines (YTG) Socio-Economic Guidelines for Petroleum Industry Representatives Operating North of 60° (DIAND)
Public Consultation	DIAND officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies. NWT Land Use Advisory Committee (DIAND) - solicits community comments. Inuvialuit Environmental Impact Review Board - public meetings. Inuvialuit Environmental Impact Screening Committee - public meetings.

LAND TENURE AGREEMENT - LEASE (cont'd)

Territorial Water Boards - hearings and invitations for comment.

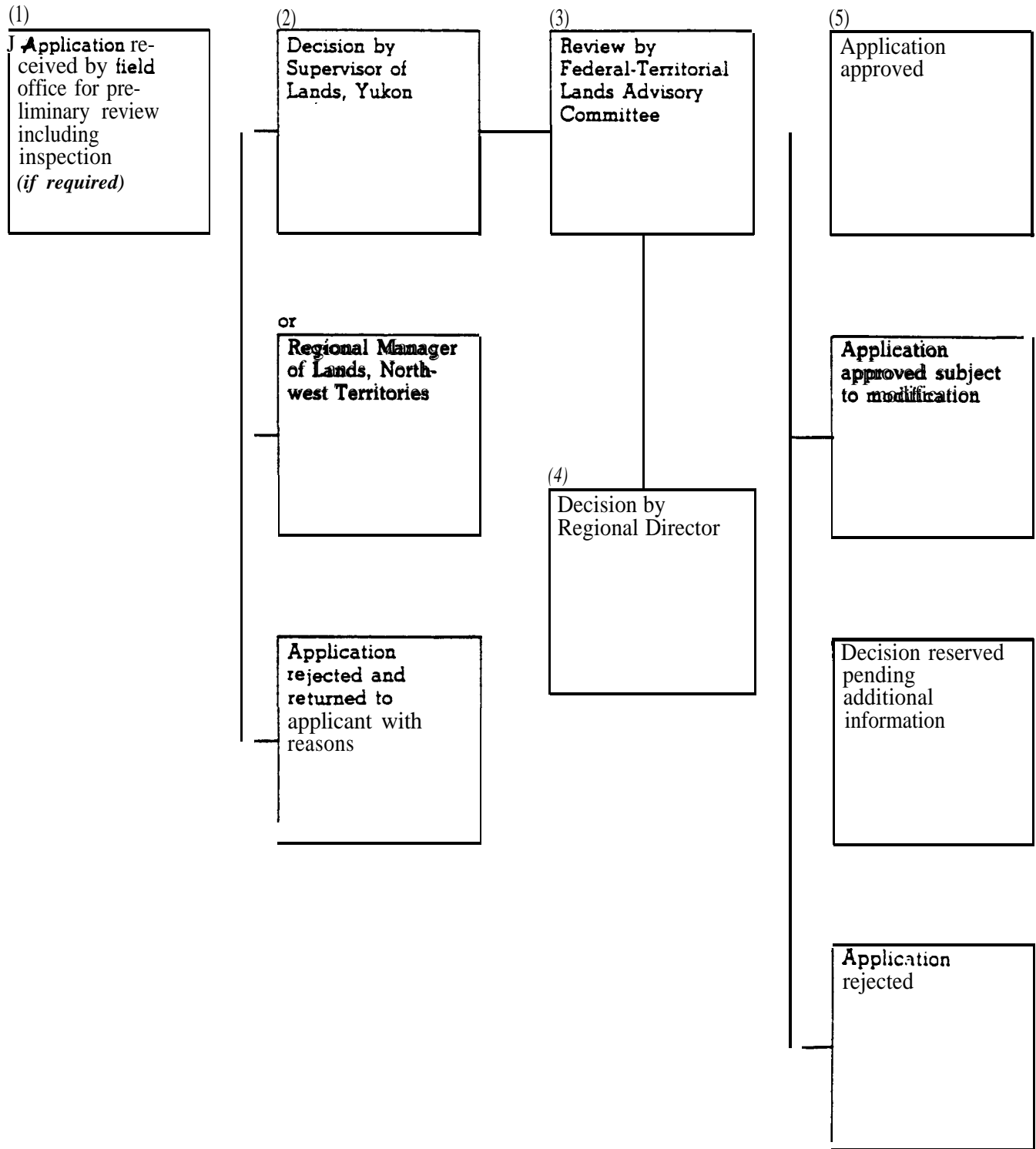
Northern Benefit Committees - invitations for comment

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

FIGURE 5

Land Tenure Agreement  
**(Leasing of Crown Land)**



LAND USE PERMITS

Application	All operations on crown land in Yukon and the Northwest Territories require a Class A or B land use permit except for resident hunting, fishing and trapping, prospecting or locating a mineral claim (provided no machinery is used) and operations on lands where the federal government has transferred or granted surface rights to another party. In Yukon, mineral and placer claim holders do not require a permit to work their own claims. Class A permits are required for all significantly large operations and any operations in areas of interest to one or more communities. Class B permits are needed for small operations (the permit requirements for various operations are described in a following flow chart, Figure 6).
Agency	Department of Indian Affairs and Northern Development
Related Legislation	<u>Territorial Lands Act (DIAND)</u> <u>Inuvialuit Land Claims Settlement Act (Inuvialuit)</u> <u>Public Lands Grants Act (DIAND)</u> <u>Land Titles Act (DIAND)</u> <u>Public Lands Leasing and Licencing Regulations (DIAND)</u> <u>Public Land Mineral Regulations (DIAND)</u> <u>Canada Petroleum Resources Act (DIAND-COGLA)</u> <u>Oil and Gas production and Conservation Act (DIAND-COGLA)</u> <u>Territorial Land Use Regulations (DIAND)</u> <u>Territorial Land Regulations (DIAND)</u> <u>Canada Mining Regulations (DIAND)</u> <u>Territorial Coal Regulations (DIAND)</u> <u>Territorial Quarrying Regulations (DIAND)</u> <u>Territorial Timber Regulations (DIAND)</u> <u>Area Development Act (YTG)</u> <u>Yukon Lands Act (YTG)</u> <u>Commissioner's Land Act (NWTG)</u>

LAND USE PERMITS (cont'd)

Environmental Protection Act (NWTG)

Forest Protection Act (YTG,NWTG)

Historic Sites and Monuments Act (YTG)

Historical Resources Act (NWTG)

Procedure

Applications for Class A permits are reviewed by the Land Use Advisory Committee which advises land use administrators on the environmental and other operating conditions to be imposed on the operator if a permit is granted. These conditions are based in part on comments received from community councils and native groups reviewing the legislation.

In all cases where a land use permit is issued, comprehensive land use inspections are carried out before the start of operations, during the operation and at its conclusion to ensure the land use permit conditions are added to and the site has been properly restored.

Related Procedures

Land Tenure Agreement - in respect of use of land

Inland Water Use Licenses and Authorizations - re use of water

Oil and Gas Exploration and Production Permits - re oil and gas exploration and production activities

Offshore Land Tenure Agreements - re offshore operations

Mineral Exploration and Production - re mining activities

Quarrying Permits - re removal of granular materials.

Environmental Assessment Review Process (EARP)

Inuvialuit Screening Review (EISC,EIRB)

Committees

Federal/Territorial Lands Advisory Committee - representatives of federal and territorial governments set terms and conditions.

Land Use Advisory Committee re land use operations (DIAND)



LAND USE PERMITS (cont'd)

Related Committees	Regional Environmental Review Communities Arctic Waters Advisory Committee (DIAND) NWT "DIZ" Committees (NWTG) Yukon Benefits Committee (DIAND/YTG) Northern Benefits Committee (DIAND) Environmental Impact Review Board (Inuvialuit) Environmental Impact Screening Committee (Inuvialuit) Territorial Water Boards (DIAND)
Guidelines	Land Use Guidelines, Mineral Exploration, Yukon and Northwest Territories (DIAND) Land Use Guidelines, Access Roads and Trails (DIAND) Environmental Guidelines, Pits and Quarries (DIAND)
Related Guidelines	Environmental Screening Guidelines (DIAND) Guidelines for Preparing Initial Environmental Evaluations (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARO) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Development Assessment Guidelines (YTG)
Public Consultation	DIAND Officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource

LAND USE PERMITS (cont'd)

development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

Inuvialuit Environmental Impact Review Board - public meetings.

Inuvialuit Environmental Impact Screening Committee - public meetings.

Territorial Water Boards - hearings and invitations for comment.

Northern Benefit Committees - invitations for comment

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

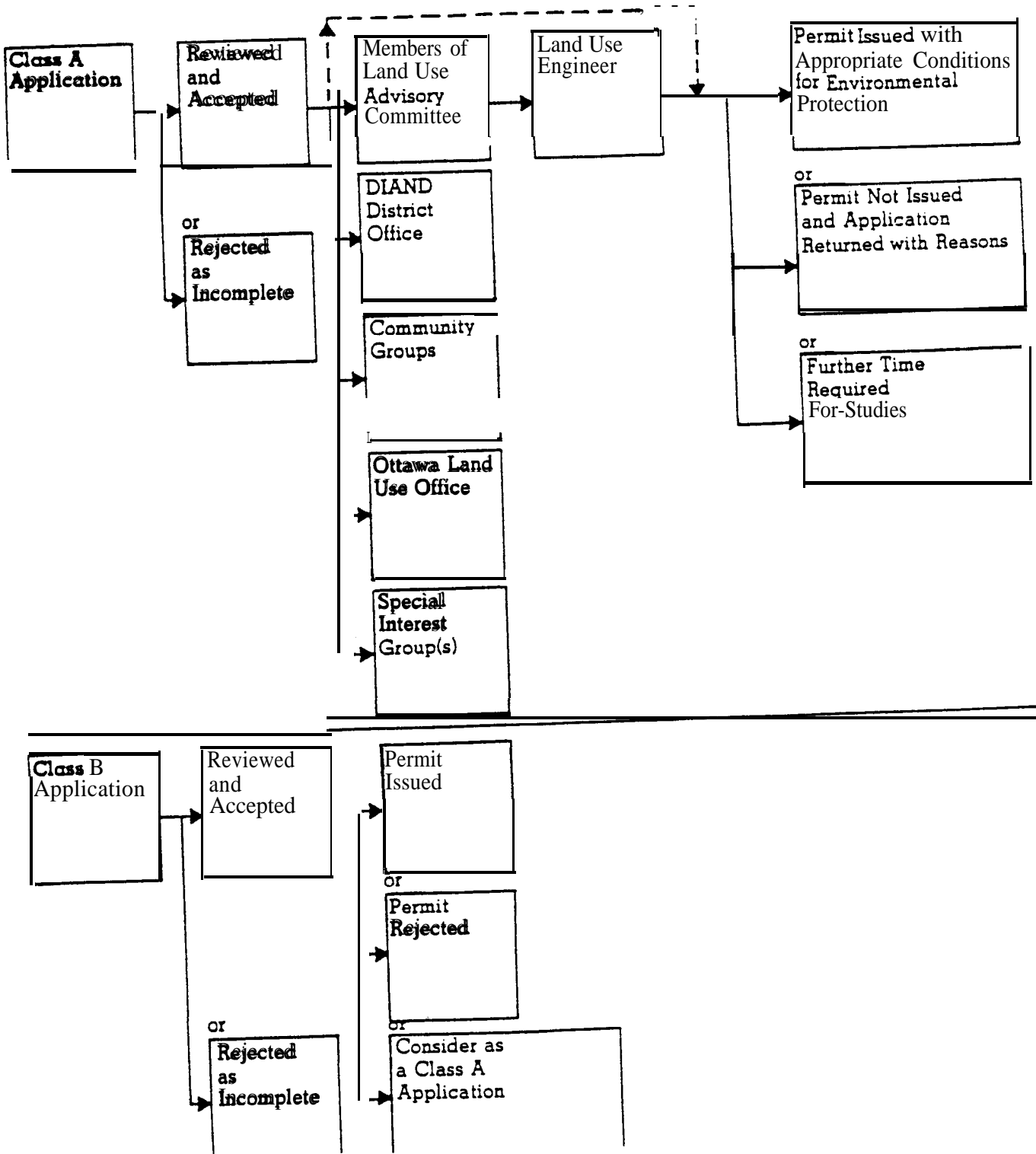
Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

FIGURE 6

A Land Use Permit is required for any project involving one **or** more of these activities.

Activity	Class A Permit	Class B Permit
Explosives	More than 150 kilograms in any 30-day period.	More than 50 kilograms but less than 150 kilograms in any 30-day period.
Use of Vehicles	Any vehicle exceeding 10 tonne net weight.	Any vehicle of 5 to 10 tonne net weight or exerting a pressure of more than 35 kilopascals (5 pounds per square inch).
Drilling	Equipment with an operating weight of more than 2.5 tonne, not including drill rods, bits, pumps, etc.	Equipment weighing 500 kilograms to 2.5 tonne, excluding drill rods, etc.
Campsites	In use for more than 400 man-days.	In use for 100-400 man-days by more than two people.
Fuel Caches	Any cache of more than 80,000 litres, or any single container with more than 4,000 litres.	Any cache of 4,000 to 80,000 litres, or any single container of 2,000-4,000 litres.
Earth moving and clearing; hydraulic prospecting	Use of any self-propelled or stationary machinery.	
Preparation of lines, trails or rights-of-way	Line, trail or r-o-w more than 1.5 metres wide and 4 hectares in area.	Line, trail or r-o-w more than 1.5 metres wide, but less than 4 hectares in area.

FIGURE 7  
LAND USE APPLICATION REVIEW PROCESS



NORTHERN INLAND WATER USE LICENSES

Application With the exception of domestic purposes or as authorized by regulation, use of inland waters requires a permit.

Agency Yukon and Northwest Territories Water Boards (DIAND)

Legislation Northern Inland Water Act and Regulations (DIAND)

Related Fisheries Act and Regulations (DFO)

Legislation

Canada Water Act (DOE)

Dominion Water Power Act and Regulations (DIAND)

Canada Mining Regulations (DIAND)

Yukon Placer Mining Act(DIAND)

Yukon Quartz Mining Act(DIAND)

Navigable Waters Protection Act (MOT)

Inuvialuit Land Claim Settlement Act(DIAND)

Territorial Lands Act(DIAND)

Procedure

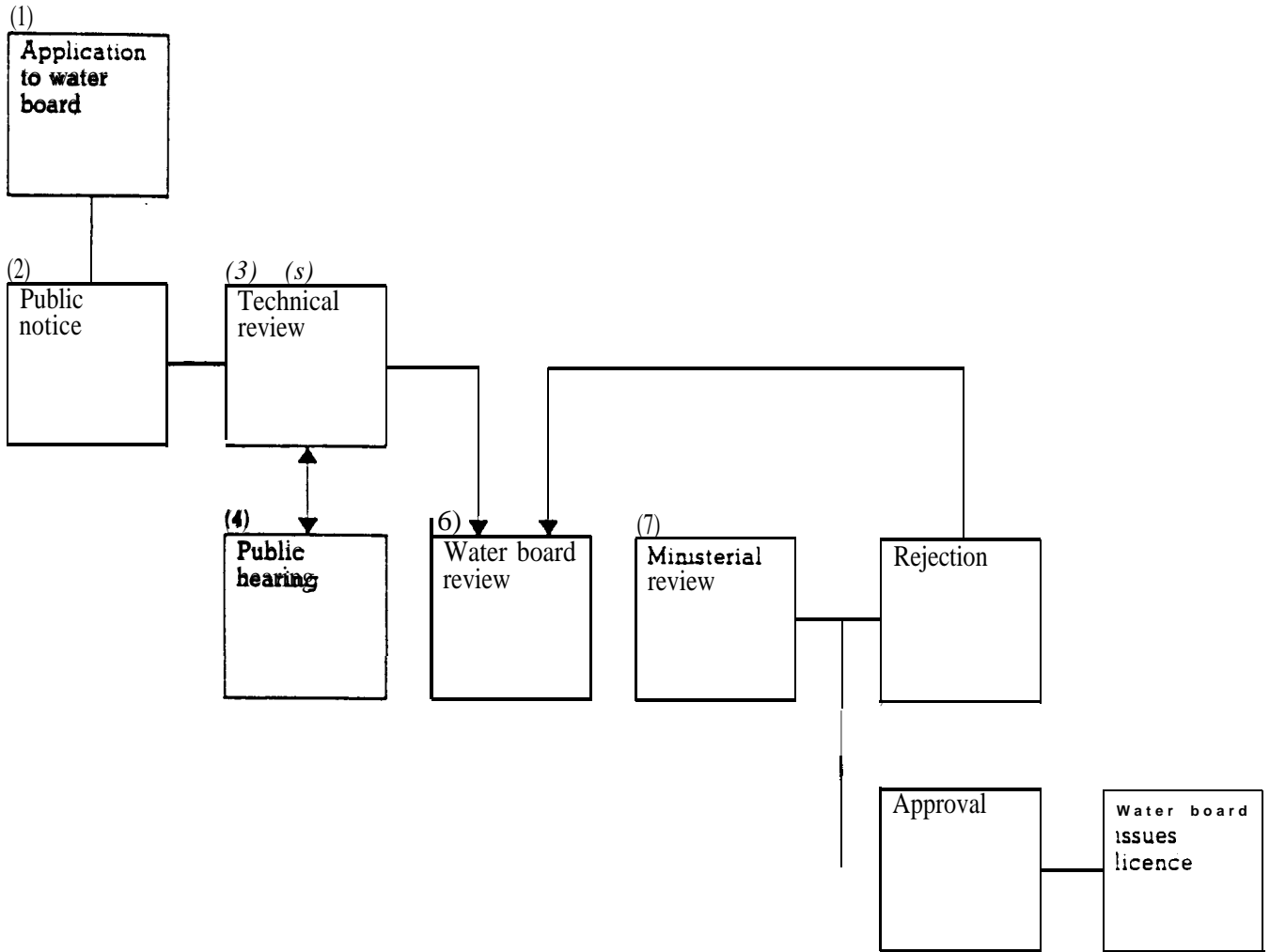
A water license is required for all uses other than domestic and municipal and may be issued for any period up to 25 years.

Based on public hearing and/or technical committee review, conditions to be attached to a water license are recommended. The minister of Indian Affairs and Northern Development can either approve the license and conditions recommended by the water board or reject the issuance of the license; the minister does not have the authority to alter the conditions. Before any water license is issued, the applicant may be required to provide a security deposit of up to \$100,000 or 10% of the capital cost of the project, whichever is greater. Field staff inspect the project during construction and operation to ensure water license conditions are adhered to (a flow chart description of the water license process in Figure 8).

NORTHERN INLAND WATER USE LICENSES (cont'd)

Related Procedures	Land Tenure Agreement
	Land Use Permit
	Environmental Assessment and Review Process (EARP)
	Inuvialuit Screening/Review (EISC, EIRB)
Committees	Territorial Water Boards
	NWT Water Board Technical Advisory Committees
Related Committees	Regional Environmental Review Committees (DIAND)
	Land Use Advisory Committees (DIAND)
	Arctic Waters Advisory Committee (DIAND)
	Interdepartmental Committee on Water (DIAND)
	Inuvialuit EISC and EIRB
Guidelines	Placer Mining Guidelines, DIAND(1984)
Related Guidelines	Environmental Screening Guidelines (DIAND)
	Guidelines for Preparing Initial Environmental Evaluations (FEARO)
	Guidelines for Preparation of an Environmental Impact Statements (FEARO)
	Resource Development Guidelines (NWTG)
	Compensation Policy (NWTG)
	Development Assessment Guidelines (YTG)
Socio-Cultural Assessment Guidelines (YTG)	
Public Consultation	As a matter of course, the Water Boards will solicit public comment and views and may organize hearings to obtain same.

FIGURE 8  
WATER USE LICENSING APPLICATION PROCESS



NATIONAL ENERGY BOARD REVIEW

The Act	<p>The Board grants certificates, with the approval of the Governor in Council, to construct and operate interprovincial and international oil and gas and petroleum products pipelines, and international electric power lines. Before permission is granted for construction through a certificate of public convenience and necessity, the Board considers the application at a public hearing. In the north NEB may be delegated responsibility for the general review of oil and gas projects if the product is to be transported from the north.</p> <p>The Board is charged with the implementation of adequate standards of construction and operation to ensure the safety of any facility that it has certificated. For reasons of safety, the protection of the environment and of other utility services, no pipeline under the Board's jurisdiction may cross or be crossed by another utility without the authorization of the Board.</p>
Agency	<p>The administering agency is the National Energy Board</p>
Related Legislation	<p><u>Canada Petroleum Resources Act - re exploration agreements (DIAND/COGLA)</u></p> <p><u>Oil and Gas Production and Conservation Act - re production licenses (DIAND/COGLA)</u></p> <p><u>Territorial Lands Act - re rights-of-way, land uses and land based operations (DIAND)</u></p>
Procedure	<p>Application is made to NEB for a certificate of public convenience and necessity for pipeline construction on land or in navigable waters. Public hearings are held to examine technical, economic, environmental and social aspects which must be covered in the applicant's submission. A pipeline application is initially approved by a conditional Certificate of Convenience and Necessity? followed by a Leave to Proceed which permits operations to begin.</p>



NATIONAL ENERGY BOARD REVIEW (cont'd)

*Related Procedures	Environmental Assessment and Review Process (DIAND) Inuvialuit Screening/Review (EISC, EIRB) Land Tenure Agreement or Lease (DIAND) Land Use Permit (DIAND)
Committee	National Energy Board Panels
*Related Committees	
<b>Guidelines</b>	Guidelines for Regional Socio-Economic Impact Assessments (NEB) NEB Rules of Procedure (NEB) *Planning Guidelines (DIAND) *Socio-Economic Guidelines for Petroleum Industry Representations Operating North of 60° (DIAND)
*Related Guidelines	Guidelines for Preparing Initial Environmental Evaluations (FEARO) Guidelines for Preparation of an Environmental Impact Statement (FEARO) Resource Development Guidelines (NWTG) Compensation Policy (NWTG) Development Assessment Guidelines (YTG)
Public Consultation	Public hearings are held by NEB to examine technical, economic, environmental and social impacts which must be covered in the applicant's submission.

\*Note that the NE13 is not bound to consider matters outside its Act; the views and policies of other bodies could be part of the evidence submitted to the NEB by interveners.

## QUARRYING PERMIT PROCEDURES

Application	The Territorial Quarrying Regulations are designed to regulate the quarrying of sand, gravel, stone, topsoil, peat and other similar granular materials from federal crown lands.
Agency	The administering agency is the Department of Indian Affairs and Northern Development.
Legislation	The Regulations are issued pursuant to the Territorial Lands Act.  Inuvialuit Land Claims Settlement Act
Procedure	Permits are issued by the District Manager, DIAND, free of charge to any resident of either territory to remove up to $50 \text{ m}^3$ (50 cubic yards) of sand, gravel, stone or $20 \text{ m}^3$ (15 cubic yards) of loam in any one year for private non-commercial use. Commercial users pay an application fee plus a royalty to the Crown for each cubic yard ( $0.75 \text{ m}^3$ ) of material quarried.
Related Procedures	Land Use Permit  Inuvialuit Environmental Screening/Review (EISC, EIRB)  Water License
Committee	Land Use Advisory Committee  Territorial Water Boards
Related Committee	Regional Environmental Screening Committee  Inuvialuit Environmental Impact Review Board  Inuvialuit Environmental Impact Screening Committee  Arctic Waters Advisory Committee

**QUARRYING PERMIT PROC EDURES (cent'd)**

Guidelines Land Use Guidelines, Mineral Exploration and Development (DIAND)  
Land Use Guidelines, Access Roads and Trails (DIAND)  
Land Use Guidelines, Pits and Quarries

Related Guidelines Environmental Screening Guidelines (DIAND)  
Guidelines for Preparing Initial Environmental Evaluations (FEARO)  
Guidelines for Preparation of an Environmental Impact Statement (FEARO)  
Resource Development Guidelines (NWTG)  
Compensation Policy (NWTG)

Public Consultation DIAND Officials routinely consult with northern organizations and the public. District managers of DIAND, refer land use permit applications to community councils of the relevant locale. As well, the daily operations of District Mining Recorders, district managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. As a matter of course, DIAND officials will advise proponents to consult with communities and other local bodies.

NWT Land Use Advisory Committee (DIAND) - solicits community comments.

Inuvialuit Environmental Impact Review Board - public meetings.

Inuvialuit Environmental Impact Screening Committee - public meetings.

Water Board - hearings and invitations for comment.

Northern Benefit Committees - invitations for comment

GNWT Resource Development Policy through Designated Impact Zones (DIZ) groups.

Environmental Assessment and Review Process (EARP) - invitations for comment and possibly formal hearings.

## TIMBER PERMIT PROCEDURES

Application	The Territorial Timber Regulations are designed to control the cutting of trees on federal crown lands.
Agency	The administering agency is the Department of Indian Affairs and Northern Development.
Legislation	The Regulations are issued pursuant to the Territorial Lands Act.
Procedure	<p>Under the Regulations, all persons cutting trees on federal crown lands require a timber permit, except for hunters and trappers or other individuals living off the land, prospectors engaged in exploration and persons pursuing scientific research.</p> <p>Two types of permits are available from Forest Officers (DIAND)</p> <ol style="list-style-type: none"><li><u>No Dues Paid:</u><ol style="list-style-type: none"><li>to residents for personal use fuelwood, an annual volume not exceeding ninety stacked cubic metres;</li><li>to any legal government or educational, religious, charitable, hospital institutions for such quantities of timber as may be required for their own use.</li><li>to clear land of timber, (the cut timber remains the property of the crown.)</li></ol></li><li><u>Dues Paid:</u><p>to individuals or representatives of corporations for any other timber; fees are based on the products and qualities harvested.</p></li></ol>
Related Procedures	<p>Land Tenure Agreement (DIAND)</p> <p>Land Use Permit (DIAND)</p>

TIMBER PERMIT PROCEDURES (cont'd)

Committee	Land Use Advisory Committee
	Regional Environment Screening Committee
Related Committees	Canadian Forestry Inventory Committee
	NWT Grade Stamping Association (NWTG)
	Fire Management Program Committee (DIAND)
Guidelines	Land Use Guidelines, Access Roads and Trails (DIAND)
Public Consultation	Northern Program Officials (DIAND)
	Land Use Procedures (DIAND)
	Resource Development Policy (NWTG)

IV  
FEDERAL AND TERRITORIAL  
REVIEW PROCESSES

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## ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS (EARP)

Lead Agency	Federal Environmental Assessment and Review Office (FEARO), Ministry of the Environment.
Legislation	The Environmental Assessment and Review Process does not have a legislative base. It was established by Cabinet directive in 1973, updated in 1984 by order-in-council which also formally recognized the practice of assessment of socio-economic matters.
Description	<p>By the 1973 Cabinet decision, the Minister of the Environment was directed to establish, in cooperation with other Ministers, a process to ensure that federal departments and agencies:</p> <ol style="list-style-type: none"><li>a) take environmental matters into account throughout the planning and implementation of new projects, programmed and activities;</li><li>b) carry out an environmental assessment for all projects which may have adverse effects on the environment before commitments or irrevocable decisions are made; projects which may have significant effects have to be submitted to the Federal Environmental Assessment and Review Office for formal review; and</li><li>c) use the results of these assessments in planning decision-making and other implementation.</li></ol>

There are essentially 3 phases to the EAR process; a screening process; an initial evaluation; and (possibly) a formal panel review.

If the initiator (for most projects in the North this is DIAND) decides after screening and initial evaluation to submit a project for Panel review, that project may not proceed until the review is completed and recommendations are made to the Minister of the Environment. The Panel, established by the Minister of Environment, issues guidelines for the preparation of an Environmental Impact Statement (EIS) by the initiator or associated proponent, reviews the EIS, obtains the public response to the EIS and acquires any additional information deemed necessary. The Panel then advises the Minister of the Environment of the acceptability (or otherwise) of the environmental effects identified.

ENVIRONMENTAL **Assessment AND REVIEW PROCeSS (EARP) (cent'd)**

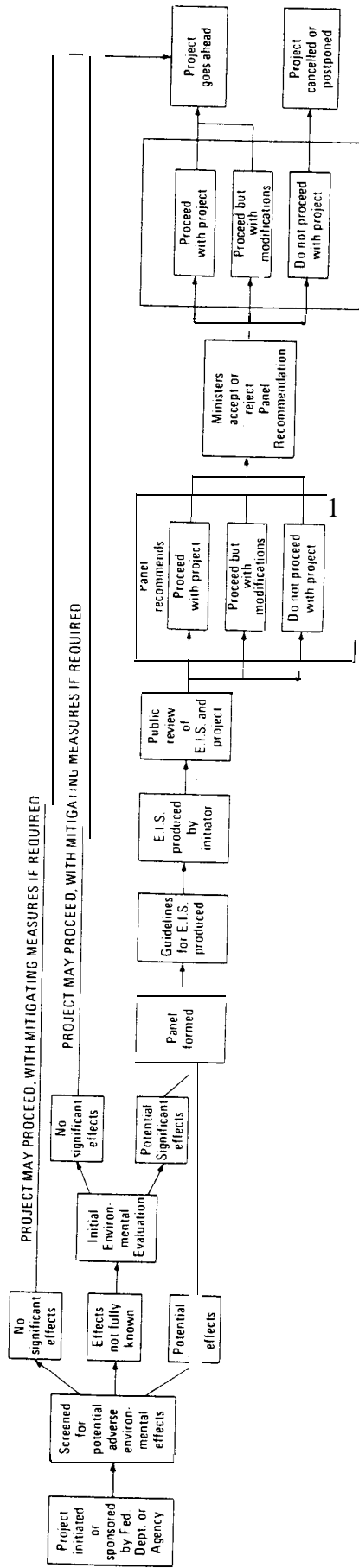
The Minister of the Environment and the Minister of the initiating department decide on the actions to be taken on the report submitted by the Panel. These are implemented by the appropriate Ministers.

The Environmental Assessment and Review Process Guidelines Order of 22 June, 1984 further codified the process to formally include responsibility for assessing socio-economic effects related to a development proposal, although the routine practiced to date has been to include such matters. Federal departments, including DIAND, are formalizing their own screening and review procedures in light of the 1984 Order-in-Council.



FIGURE 9

SCHEMATIC DIAGRAM OF THE FEDERAL ENVIRONMENTAL ASSESSMENT AND PROCESS



**INUVIALUIT AGREEMENT ENVIRONMENTAL SCREENING AND  
IMPACT REVIEW PROCESS**

**Application**

The Inuvialuit Land Claim Settlement Act (1984) defined an Inuvialuit Settlement Region in the Western Arctic (roughly 91,000 sq. km. in the MacKenzie Delta and Beaufort Sea Region) within which the Inuvialuit have extensive control over resources and resource use. The Act also provides the basis for an administering body, the Inuvialuit Lands Administration (ILA) and a double-barrelled process relating to the screening and review of resource development subjects, the Environmental Impact Screening Committee (EISC) and the Environmental Impact Review Board (EIRB) which recommends whether or not an activity can safely take place and, if so, under what terms and conditions.

**Agency**

The Inuvialuit Lands Administration which sets the rules and procedures governing use of land and its resources within the Inuvialuit Settlement Region. The ILA's principal instrument of control is the Participation Agreement which it negotiated with prospective developers on most matters relating to use of the land. The ILA has land rules dealing with 19 types of licenses and permits including commercial and residential activities, rights of ways, quarries, roads, drilling and production.

The environmental screening and review process established by the Act is joint with the federal and territorial governments and federal and territorial legislation applies to projects as appropriate.

The Screening Committee undertakes the initial environmental evaluation of project proposals to determine whether:

- a) no significant negative impact potential exists. The project can proceed without further assessment.
- b) There is potential for significant negative impact and therefore the project is subject to assessment and review under the agreement. The screening committee will determine what further review process will be used.
- c) The project proposal is deficient and requires additional information.

**INUVIALUIT AGREEMENT ENVIRONMENTAL SCREENING AND  
IMPACT REVIEW PROCESS (cont'd)**

The Review Board reviews project proposals referred to it by the Screening Committee and recommends to the appropriate authority terms and conditions or whether a project should proceed. It can also recommend on further review and wildlife compensation matters. It is envisioned that the process would be similar to and could stand for the formal FEARO process. Both the Committee and the Board have a minimum of 7 members with equal government/native representation (3) each, the Chairman appointed by federal government with the agreement of the Inuvialuit.

Legislation

Inuvialuit Land Claims Settlement Act

Related  
Legislation

Canada Petroleum Resources Act (DIAND-COGLA)

Canada Oil and Gas Production and Conservation Act (DIAND-COGLA)

Territorial Lands Acts and Regulations

Public Lands Grants Act

Fisheries Act (DFO)

Navigable Waters Protection Act (MOT)

Land Titles Act (DIAND)

Canada Mining Act (DIAND)

Northern Inland Waters Act (DIAND)

Procedures

Applications are forwarded to the Screening Committee which will function much as did the DIAND Regional Land Use Committee. It will conduct environmental screening on land use applications, drilling authorities, water use applications whether for Crown lands or Inuvialuit Lands. The Committee can request the project proponent to provide information at a level which is considered an Initial Environmental Evaluation under a EARP.

For projects of a major scale such as hydrocarbon production facilities, the Screening Committee would likely refer the project directly to the Review Board.

**INUVIALUIT AGREEMENT ENVIRONMENTAL SCREENING AND  
IMPACT REVIEW PROCESS (cont'd)**

Related  
Procedures

Inland Water Use Licenses (DIAND)  
National Energy Board Hearings (NEB)  
Oil and Gas Exploration and Production Permits  
(DIAND/COGLA)  
Offshore Land Tenure Agreements (DIAND/COGLA)  
Quarrying Permits (DIAND)  
Mineral Exploration and Production Permits and Licenses  
(DIAND)  
Environmental Assessment and Review Process (DIAND)

Related  
Committees

Territorial Water Boards (DIAND)  
National Energy Board (NEB)  
Regional Environmental Review Committee (DIAND)  
Northern Benefits Committee (DIAND)

Guidelines

None as yet.

Related  
Guidelines

Guidelines for Mineral Exploration, Yukon and Northwest  
Territories (DIAND)  
Guidelines for Access Roads and Trails (DIAND)  
Environmental Guidelines for Pits and Quarries (DIAND)  
Environmental Screening Guidelines (DIAND)  
Guidelines for Preparing Initial Environmental Evaluation  
(FEARO)  
Guidelines for Preparation of and Environmental Impact  
Statement (FEARo)  
Resource Development Guidelines (NWTG)

**INUVIALUIT AGREEMENT ENVIRONMENTAL SCREENING AND  
IMPACT REVIEW PROCESS (cont'd)**

Compensation Policy (NWTG)

Socio-Economic Guidelines for Petroleum Industry  
Representatives Operating North of 60° (DIAND)

Public  
Consultation

The ILA is establishing its own procedures for community consultation, through public meetings on land use applications. As well, the review process may establish panels which would hold hearings on communities.

MINISTERIAL PUBLIC REVIEW/INQUIRY

Lead Agency	Minister, Department of Indian Affairs and Northern Development.
Legislation	Department of Indian Affairs and Northern Development Act (DIAND)  Public Inquiries Act  Territorial Lands Act (DIAND)
Description	<p>In recent years, the federal government has made use of the public review/inquiry mechanism to recommend a course of action in complex and controversial situations. This mechanism has been used by the Minister, DIAND for northern projects such as the MacKenzie Valley Gas Pipeline Project (Berger Inquiry), the Alaska Gas Pipeline Project (Lysick Inquiry), and North Slope Development (North Slope Project Review Group). The Berger and Lysick Inquiries were relatively formal affairs assisted by legal counsel and research staffs while the North Slope Project Group comprised representatives of regional native associations, the territorial governments chaired by a DIAND official, the group attempting to reach consensus rather than present a body of evidence to the Minister.</p> <p>Those hearings established as part of a ministerial review process are advisory, less formal than regulatory hearings, and are established and concluded at the discretion of the Minister. The hearings panel presents recommendations to the Minister who may then accept, reject or modify these recommendations and take whatever action is considered appropriate. These recommendations are potentially subject to considerable additional discussion through appeals to the Minister, Cabinet, Parliament and even the judiciary.</p> <p>Developing public review initiatives include processes sponsored by the territorial governments, and those created under recent legislation including the Canada Oil and Gas Act and the (Inuvialuit Claims Settlement Act.) Also the Minister can request that the Water Boards hold public hearings in a matter of public interest and make recommendations accordingly.</p>

GNWT RESOURCE DEVELOPMENT POLICY

Lead Agency	Department of Renewable Resources, GNWT Department of Economic Development and Tourism, GNWT
Legislation	Has no legal base. A Directive has been issued.
Description	<p>In the spring of 1982, GNWT Executive Committee approved a Resource Development Policy to which guidelines and criteria have been added regarding resource development projects.</p> <p>The first element of the policy involved the designation and prioritization of Development Impact Zones (DIZ) in the Northwest Territories. The DIZ may be a single community, a group of communities or a geographic area that is experiencing or is about to experience, extraordinary impacts as a result of resource development.</p> <p>GNWT will assess existing and proposed resource development projects to identify those requiring special attention. It will define level and geographic area in the bio-physical, economic, and social categories to designate Development Impact Zones. DIZ Groups are composed of representatives from community councils, band councils and native councils interested in the area.</p> <p>The second element of the policy is a Territorial Assessment and Review Process.</p> <p>Proponents of resource development projects are asked to consult with the Government of the Northwest Territories and the communities before options concerning the nature, pace and scale of the project are closed. Identification and resolution of identified adverse impacts will need to be carried out in advance of project implementation. The process envisages a development certificate which would outline the terms and conditions under which support is received from the Government of the Northwest Territories. The needs and timing of Federal processes are considered when decisions are made concerning the territorial review.</p>

GNWT RESOURCE DEVELOPMENT POLICY (cont'd)

The policy's third element identifies requirements for the monitoring of resource development activities. Development certificates, when necessary, will be renewed after a periodic review of the activities associated with the resource development project. This need for review is based on the fact that residents of affected communities must be included more effectively in the monitoring and evaluation activities and to fill the requirements of objective information for decision making.

A Policy Directive and explanatory pamphlet on the Resource Development Policy is available from:

Department of Renewable Resources  
Government of the Northwest Territories  
Yellowknife, N.W.T.  
XIA 2L9



## NORTHERN LAND USE PLANNING (NWT)

Lead Agency: Minister, Department of Indian Affairs and Northern Development.

Minister, Renewable Resources, NWTG (the system has not yet been established in Yukon).

Legislation: Has no legislative base although land use plans, once developed, could be implemented through the northern regulatory system, principally the Territorial Lands Act, Land Use Permit and Leasing procedures and related committees.

Description: The northern land use planning system is intended to be a cooperative process, aimed at reducing land use conflicts through the participation of the federal and territorial governments, and native organizations, communities, companies and individuals.

Planning will begin in certain priority regions (Lancaster Sound, the MacKenzie Valley, the Beaufort Sea region and will eventually occur throughout the Northwest Territories. In each priority region, the system will evaluate the biological, physical, social, economic and political circumstances of current and proposed land uses as the basis for preparation of land use plans.

A public body, the Planning Commission, will be responsible for the preparation of land use plans, assisted by a technical support team (see Figure 10). Both the preparation and of plans the final draft product will be subject to public review before being forwarded to the Ministers for approval. Once approved, the plan(s) will be used as a guide for future land and resource use decisions in the Northwest Territories.

Enquiries regarding Northern Land Use Planning may be directed:

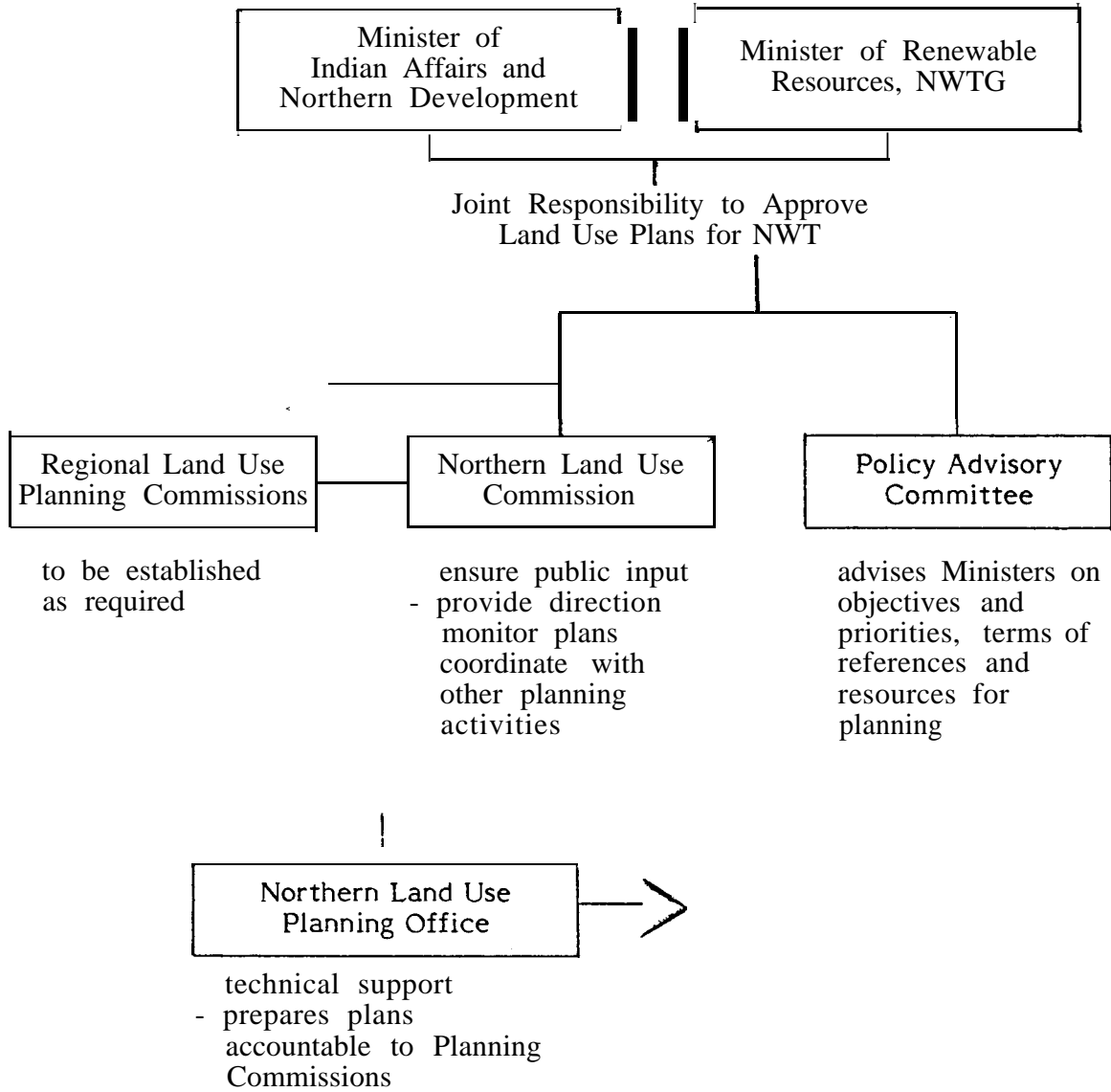
Northern Land Use Planning Office  
Tundra Building, P.O. Box 1500  
Yellowknife, N.W.T. X1 A 2R3

Land Use Planning Division  
Department of Renewable Resources  
GNWT, P.O. Box 1320  
Yellowknife, N.W.T. X1A 2C9

Land Use Planning Directorate  
Department of Indian Affairs  
and Northern Development  
Ottawa, Ontario. K 1 A 0H4

FIGURE 10

NORTHERN LAND USE PLANNING SYSTEM (NWT)



**SOCIO-ECONOMIC REVIEW**

Lead Agency	DIAND and Territorial Governments
Legislation	None specifically although the charter of rights, the conventional regulatory regime and government policy directives/guidelines establish a very persuasive set of circumstances for prospective developers to heed.
Description	<p>While there is no single codified socio-economic review system, over time and through practice a process has evolved having the following ingredients:</p> <ul style="list-style-type: none"><li>a) a policy framework of government/ministerial directives and governmental/departmental guidelines;</li><li>b) an agenda comprising local economic benefits, mitigate measures, requirements for public consultation, preparation, and submission of socio-economic action plans for public comment and government review;</li><li>c) consultation mechanisms such as described on the public consultation sections of chapters 11 and III;</li><li>d) various regulatory and review procedures whose terms of reference explicitly or implicitly include the policy framework; and</li><li>e) terms and conditions related to project approval through Letters of Understanding, Memoranda of Agreement or attached to permits.</li></ul>

INDUSTRIAL BENEFITS REVIEW

Lead Agency	EMR/DRIE/DIAND(COGLA) for oil and gas activities and DIAND/DRIE for other activities (and CEIC for employment planning).
Legislation	Canada Petroleum Resources Act (DIAND-COGLA) Department of Regional Industrial Expansion Act
Description	<p>For oil and gas activities, the Canada Petroleum Resources Act is quite specific on the requirements for submission of a Canada Benefits Plan by operators on Canada Lands. The plan must describe Canadian employment, business and investment opportunities and give reasons when and if Canadian sourcing cannot be obtained. EMR/DIAND (COGLA) by virtue of a Memorandum of Understanding with DRIE use the expertise of the latter to evaluate Canada Benefit plans.</p> <p>For mining and other development activities, DIAND will refer proponents to DRIE for discussion of Canadian industrial benefits to be obtained and will take advice from DRIE on industrial benefit terms and conditions to be included in a Letter of Understanding with a prospective developer.</p> <p>For very large projects, employment and training requirements are reviewed and evaluated by CEIC which with DIAND and the territorial governments may request an employment and training plan.</p>

GUIDELINES

There is a wide variety of guidelines, specific and general, which also have varying degrees of relationship to the statutory regulatory regime. These are described in the following section, in a range from specific to general.

A distinction is made between "Guidelines" and "Review Processes" which are described in Section IV and have a strong approval connotation, whether the approval be of a policy and/or public consultative nature - whereas Guidelines focus more on the how and what aspects.

<u>Guidelines</u>	<u>Page</u>
Planning Guidelines (DIAND)	120
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Geophysical and Geological (COGLA)	122
Placer Lease Guidelines (198 1)	123
Placer Mining Guidelines (1984)	124
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Socio-Economic Impact (NEB)	126
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PLANNING GUIDELINES 1982

Agency	Department of Indian Affairs and Northern Development
Relevant Legislation	Department of Indian Affairs and Northern Development Act
Application	<p>To alert developers early in project planning of the need for careful planning and the range of information federal government departments and agencies and territorial governments may require for the assessment and approval of various projects. The guidelines reflect the coordinating role of DIAND as exercised through the Senior Policy Committee - Northern Projects (SPC).</p> <p>The guidelines also identify information needed concerning the proponent, the project rationale, project description, project alternatives, a description (physical, biological and <b>socio-economic</b>) of the impact area, project impacts, significant and residual impacts and the mitigative and ameliorative measures to deal with these, monitoring and surveillance and public participation. They are not intended to replace or duplicate other specific guidelines nor rigorous technical, environmental and socio-economic assessments of projects implemented in the project application stage.</p>

GUIDELINES AND PROCEDURES FOR DRILLING FOR  
OIL AND GAS ON CANADA LANDS (1984)

Agency	Canada Oil and Gas Lands Administration
Relevant Legislation	Canada Oil and Gas Act
Application	The purpose is to provide actual and prospective oil and gas operators in the Canada lands with guidelines and clarifying information to assist them in meeting the regulatory requirements under the <u>Canada Oil and Gas Drilling Regulations</u> ("Drilling Regulations").

GUIDELINES FOR APPROVALS AND REPORTS FOR GEOPHYSICAL AND  
GEOLOGICAL PROGRAMS ON **CANADA LANDS (1984)**

Agency	DIAND-COGLA
Relevant Legislation	Canada Petroleum Resources Act
Application	Designed to provide operators with guidelines for program approval and reporting requirements for geophysical/geological exploratory work and seabed surveys conducted on Canada lands.



PLACER LEASE GUIDELINES (1981)

Agency Department of Indian Affairs and Northern Development

Relevant Legislation Yukon Placer Mining Act  
Northern Inland Waters Act

Application Designed to eliminate undesirable practices with respect to leases to prospect issued under Section 92 of the Yukon Placer Mining Act. Such practices including the acquisition and accumulation of leases for purposes of speculation and trading - rather than prospecting; lack of sufficient work to thoroughly prospect a lease; poorly planned prospecting operations (with resultant unnecessary environmental damage), and misuse of leases for purposes of gold production. Water use guidelines for placer mining have also been prepared to complement these lease guidelines (see page 124).

Anyone staking a lease after April 9, 1981, is required to submit a detailed exploration plan, (acceptable to DIAND), describing how it is intended to thoroughly prospect the area covered by the application. No lease, regardless of when it was staked, will be renewed, converted to claims, assigned, transferred or sublet, except in conformance with the new guidelines. An acceptable exploration program should include substantial physical work, in the form of excavations or drilling to bedrock, an acceptable sampling method, and an undertaking to report the results to DIAND.

**PLACER MINING GUIDELINES (1 984)**

Agency	Department of Indian Affairs and Northern Development
Relevant Legislation	Yukon Placer Act Northern Inland Waters Act
Application	Policy directive in form of a letter of May 4, 1984 from the Minister of DIAND to the Yukon Water Board outlines standards and objectives re effluent levels to protect fish habitat.

DEVELOPMENT ASSESSMENT GUIDELINES

Agency Government of the the Yukon Territory

Relevant Legislation Yukon Act

Application The guidelines represent components that can be used by proponents in the preparation of project socio-cultural assessments. These assessments should review the existing social fabric of the region to be affected, the likely changes to that fabric in both the absence and presences of the project and the mitigative measures planned by the proponent and government to lessen any negative impacts.

Proponents are directed to deal specifically with matters concerning population, community and/or regional characteristics, orientation and consultation, housing development and infrastructure in their assessments. Additional guidelines may be developed in reaction to specific projects.

GUIDELINES FOR REGIONAL **SOCIO-ECONOMIC IMPACT ASSESSMENTS**  
FOR PIPELINE PROJECTS

Agency National Energy Board

Relevant Legislation National Energy Board Act

Application Guidelines are intended to assist prospective applicants to the NEB for a Certificate of Public Convenience and Necessity in the preparation of regional socio-economic impact assessments.

A regional socio-economic impact assessment is required with every application for a major pipeline project or a pipeline project which may affect a sensitive area. Including a description of the impact area, an assessment of regional socio-economic impacts, and a statement of policies and mitigative measures to deal with these impacts.

MANPOWER PLANNING/HUMAN RESOURCE PLAN GUIDELINES  
FOR **MEGA-PROJECTS**

Agency	Canada Employment and Insurance Commission
Relevant Legislation	Canada Petroleum Resources Act Northern Pipeline Act
Application	Guidelines outline for Mega project sponsors the principal elements CEIC would want to see addressed in Manpower/Human Resource Plans. Specific guidelines are developed on a project basis in consultation with proponents.  Information requirements outlined include labour requirements and servicing. entry requirements? recruiting procedures, company training and mobility plans, affirmative action, barriers to employment, public information programs and monitoring, implementation of the plan.

RENEWABLE RESOURCE COMPENSATION POLICY (NWTG)

Lead Agency            Department of Renewable Resources, NWTG.

Legislation            Has no legal base. A Directive has been issued.

Description            The Government of the Northwest Territories requires that any developer proposing a resource development project which could affect renewable resource harvesting activities must prepare a detailed Compensation Plan that will be submitted prior to approval of the development proposals.

                              The Compensation Plan will form the basis for a compensation agreement to be developed directly between the developer and the community or individual affected.

                              The GNWT through the Department of Renewable Resources will assist both developer and resource harvester, if requested. In the event that the parties can agree on a Plan, the Minister of Renewable Resources may establish a mediator or compensation review board.

                              GNWT has prepared a detailed Directive for the Policy and an explanatory pamphlet. These may be obtained from:

                                  Department of Renewable Resources  
                                  Government of the Northwest Territories  
                                  Yellowknife, N.W.T.  
                                  X1A 2L9

RESOURCE DEVELOPMENT GUIDELINES

Agency Government of the Northwest Territories

Relevant  
Legislation Northwest Territories Act

Application To assist industry in project planning, by indicating specific GNWT objectives on resource development. Developers are expected to comply with the guidelines for the negotiation of Socio-Economic Agreements. These are predicated upon the agreement of the developer, proximate communities, the GNWT and Federal Departments and Agencies having regulatory control or a direct and special interest in a specific project.

The guidelines include issues dealing with employment and training, business opportunities, energy supply, resource use conflicts, social and cultural provision of government services and community consultation.

**SOCIO-ECONOMIC GUIDELINES FOR PETROLEUM INDUSTRY  
REPRESENTATIVES OPERATING NORTH OF 60°**

Agency	Department of Indian Affairs and Northern Development
Relevant Legislation	Department of Indian Affairs and Northern Development Act
Application	For use by petroleum industry representatives operating on Canada Lands under control of the Minister of DIAND, to plan and implement projects to maximize direct and indirect benefits to northern residents in general and native people in particular. Guidelines deal with public participation and community liaison, training and employment, business development, equity participation and traditional activities.



ENVIRONMENTAL CODE OF GOOD PRACTICE FOR GENERAL CONSTRUCTION

Agency Department of the Environment

Relevant Legislation Government Reorganization Act

Application The code recommends general practices to minimize construction-related environmental problems. The recommendations are intended to supplement, not replace existing federal, provincial, territorial and municipal legislation, regulations and guidelines. The need for additional project-specific engineering and environmental information is indicated. The code deals with general construction, operation and maintenance, abandonment, permafrost construction and waste disposal and recovery.

ENVIRONMENTAL CODE OF GOOD PRACTICE FOR  
GAS PIPELINE DEVELOPMENT

Agency Department of the Environment

Relevant Clean Air Act

Legislation

Fisheries Act

Government Organization Act

Migratory Birds Convention Act

Application

The code outlines the environmental concerns and relevant environmental consequences of actions and activities related to gas pipeline development and makes recommendations with respect to mitigative measures, but is not a design handbook. The code is based on federal legislation administered by DOE and applies to those projects requiring federal approvals or involving Crown lands or federal initiative.

It is intended that the recommended code be generally accepted and utilized by both industry and regulatory agencies as good environmental practices. The recommended code deals with planning and design, construction, operations and maintenance and, deactivation and abandonment. The code is not intended to outline procedures for environmental impact assessment, however it may be appropriate for identifying principle concerns to be addressed through EARP.

ENVIRONMENTAL GUIDELINES FOR PITS AND QUARRIES (1982)

Agency	Department of Indian Affairs and Northern Development
Relevant Legislation	Territorial Lands Act
Application	Guidelines for pit and quarry development and restoration in NWT and Yukon, recommends operating procedures sensitive to environment and efficient for the operator.

ENVIRONMENTAL SCREENING GUIDELINES

AGENCY	Department of Indian Affairs and Northern Development
Relevant Legislation	Arctic Waters Pollution Prevention Act Northern Inland Waters Act Public Land Grants Act Territorial Lands Act
Application	<p>To guide DIAND officials and to indicate to potential developers and the public the environmental screening process used by DIAND officials during the initial phase of EARP, in evaluating the environmental implications of applications to DIAND for necessary project approvals. Environmental screening terminates with a decision on whether or not to refer a project to the minister of DOE for formal review of the project under EARP in addition to normal DIAND regulatory processes.</p> <p>The guidelines are to be used in conjunction with the <u>FEARO Guide for Environmental Screening</u>, and identify DIAND's screening matrices, criteria for making screening decisions, possible screening decisions and the screening procedure.</p>

GUIDELINES FOR PREPARING INITIAL ENVIRONMENTAL EVALUATIONS

Agency                    The department/agency with regulatory mandate for a project, i.e. the "Initiating Department"

Relevant Legislation      Government Organization Act

Application                Issued by the Federal Environmental Assessment and Review Office (FEARO) to assist initiators of projects in the initial phase of the Environmental Assessment Review Process (EARP) in the preparation of an initial environmental evaluation.

The guidelines include generic guidelines for oil and gas exploration and production, linear transmission and transport (oil and gas pipelines, electrical power transmission lines, highways and railways), hydroelectric and other water development projects, fossil fuel power generation, nuclear power generating stations, airports, ports, mining developments and industrial developments.

GUIDELINES FOR THE PREPARATION OF AN ENVIRONMENTAL  
IMPACT STATEMENT

Agency	Specific Project Environment Assessment Panels (FEARO)
Relevant Legislation	Government Organization Act
Application	Issued by individual Environmental Assessment Panels formed to conduct the formal review of projects under EARP, after projects have been referred by initiators to the Minister of DOE for formal review. To date ten Environmental Assessment Panels have issued guidelines for the following projects in the northern Canada; the Alaska Highway Gas Pipeline (Yukon Portion), Arctic Pilot Project (Northern Component), Dempster Lateral Gas Pipeline, Eastern Arctic Offshore Drilling - North Davis Strait, Eastern Arctic Offshore Drilling - South Davis Strait, Lancaster Sound Drilling, Mackenzie Delta Gas Development, Polar Gas Pipeline Project and Shakwak Project, Yukon Transportation Study.

GENERAL GUIDELINES FOR ENVIRONMENTAL IMPACT ASSESSMENT  
"TERMPOL" CODE

Agency	Ministry of Transport (Canadian Coast Guard)
Relevant Legislation	Arctic Waters Pollution Prevention Act (MOT) Fisheries Act Navigable Waters Protection Act
Application	To indicate to transportation planners of a "TERMPOL" submission the issues to be addressed in the environmental assessment of a planned ship terminal. The provisions of the "TERMPOL" code are not in themselves mandatory, however it is used by the Canadian Coast Guard when reviewing applications to build or modify a ship terminal and when hazards are identified which could have adverse environmental impacts a "TERMPOL" submission is requested. The guidelines identify information needed on impact components, environmental impacts (biological, physical and human uses) alternatives for minimizing adverse environmental impacts and amelioration of unavoidable impacts.

**GUIDELINES ON THE USE AND ACCEPTABILITY OF  
OIL SPILL DISPERSANTS**

Agency	Department of the Environment
Relevant Legislation	Government Reorganization Act
Application	The guidelines list criteria for selecting and controlling the use of oilspill dispersants. They apply to all areas of federal jurisdiction and are to be considered as a recommendation in the formulation, co-ordination and implementation of guidelines for the effective use of dispersants in other jurisdictions. The guidelines are intended to assist On-Scene-Commanders and Response Teams in the implementation of the Federal Contingency Plan to deal with oil spills.



GUIDELINES FOR LEVIES - ENVIRONMENTAL STUDIES  
REVOLVING FUNDS (ESRF) 1983

Agency                      Canada Oil and Gas Lands Administration

Relevant  
Legislation                  Canada Petroleum Resources Act

Application                 The Act, establishes a joint industry/government Board to oversee two revolving funds which finance the environmental and social studies needed to assist decision-making on oil and gas activity in the Canada Lands.

Financed entirely by levies on those who own Canada Lands oil and gas interests? the two Funds are known as the Environmental Studies Revolving Fund (EM R), which is the responsibility of the minister of Energy, Mines and Resources, and the Environmental Studies Revolving Fund (DIAND), the responsibility of the minister of Indian Affairs and Northern Development. Both funds are managed by COGLA. In effect, the Act provides a legislative basis for environmental studies regimes followed since the 1970's through programs such as the Eastern Arctic Marine Environmental Study and the Offshore Labrador Biological Study.

FIGURE 11

ENVIRONMENTAL STUDIES REVOLVING FUNDS PRESCRIBED REGIONS

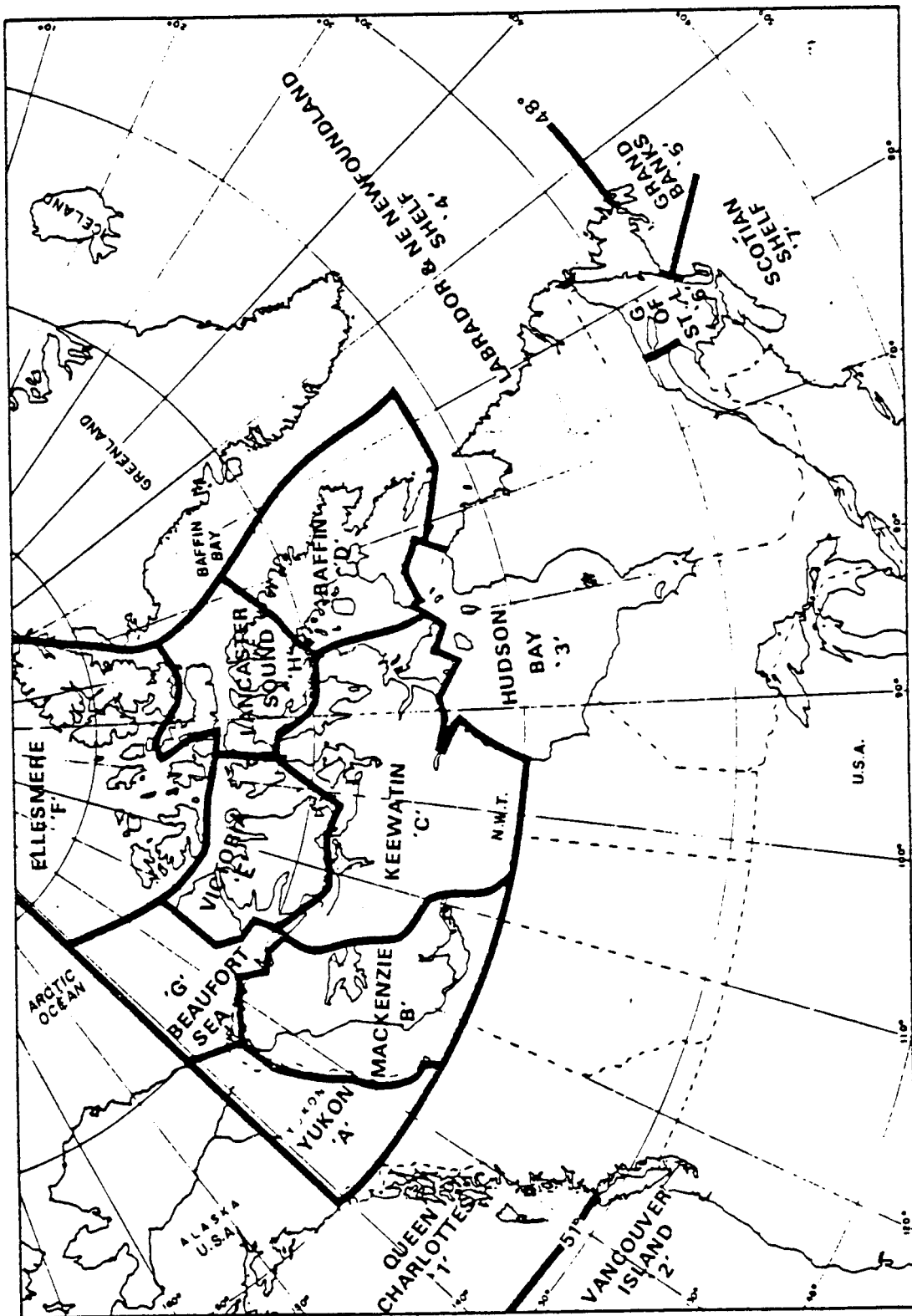


Figure The Prescribed Regions relative to the ESRF (EMR) are identified by number while those relative to the ESRF (IAND) are identified by letter.

LAND USE GUIDELINES FOR MINERAL EXPLORATION (1982)

Agency	Department of Indian Affairs and Northern Development
Related Legislation	Territorial Lands Act
	Canada Mining Regulations
	Yukon Quartz Mining Act
	Yukon Placer Mining Act
Application	Synthesis of techniques and guidelines for minimizing environmental damage during mineral exploration. Specifically related to requirements of Territorial Lands Act and procedures which would be part of conditions attached to a Land Use Permit.

LAND USE **GUIDLEINES**, ACCESS ROADS AND TRAILS (1984)

Agency	Department of Indian Affairs and Northern Development
Relevant Legislation	Territorial Lands Act
Application	Guidelines for the planning, development, operation and abandonment of access roads and trails in NWT and Yukon.

VI

PRINCIPAL COMMITTEES

There are over 200 committees of one sort or another dealing with various northern and northern related matters. The selection of "principal committee" that follows is based on the importance of the committee to a developer/proponent in that there is some interface with the committee, whether as part of a regulatory procedure and/or review process, or because the committee has a significant policy advisory function.

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SENIOR POLICY COMMITTEE ON NORTHERN RESOURCE  
DEVELOPMENT PROJECTS (SPC)

Lead Agency            Department of Indian Affairs and Northern Development

Membership            DIAND, EMR (COGLA), D O E, D F O, DPW, MOT, ITC-REE,  
CEIC, NMC, GNWT, YTG, observers - FEARO, MSSD, EA,  
FIN, TB.

H.Q. or Region        DIAND, ADM, Northern Program, Ottawa

Category              Policy

Description            To recommend appropriate proposals, plans, and policies  
concerning optimum use and orderly development of  
northern resources in the national, international and  
regional interest to the Minister of DIAND.

FEDERAL-TERRITORIAL LANDS ADVISORY COMMITTEE (FTLAC) - YUKON

Lead Agency	Department of Indian Affairs and Northern Development
Membership	DIAND, YTG.
H.Q. OR Region	DIAND, Regional Manager Land Resources, Whitehorse
Category	Advisory
Description	Provides advice on developing policies on the administration of surface land under the <u>Territorial Lands Act</u> , the <u>Public Lands Grants Act</u> and the <u>Territorial Quarrying Regulations</u> .

FEDERAL-TERRITORIAL LANDS **ADVISORY** COMMITTEE (**FTLAC**) - NWT

Lead Agency	Department of Indian Affairs and Northern Development
Membership	DIAND, DOE, DFO, GNWT.
H.Q. OR Region	DIAND, Regional Manager Land Resources, Yellowknife
Category	Advisory
Description	Provides advice on developing policies on the administration of surface land under the <u>Territorial Lands Act</u> , the <u>Public Lands Grants Act</u> and the <u>Territorial Quarrying Regulations</u> .



LAND USE **ADVISORY** Committees **(LUAC)** - NWT

Lead Agency Department of Indian Affairs and Northern Development

Membership DIAND, DOE, DFO, EMR (COGLA), GNWT.

H.Q. or Region DJAND, Regional Manager Land Resources, Yellowknife  
DIAND, District Manager, Frobisher Bay  
DIAND, District Manager, Inuvik

Category Advisory but recommends terms and conditions.

Description The Land Use Advisory Committee (LUAC) advises the Department of Indian Affairs and Northern Development on terms and conditions to be applied to land use operations under the Territorial Land Use Regulations. There are four of these interdepartmental committees: one at Whitehorse for the entire Yukon, one at Inuvik for the Inuvik-Norman Wells area, one at Frobisher Bay for the Baffin District, and one at Yellowknife for the rest of the Northwest Territories.

LAND USE ADVISORY COMMITTEES (LUAC) - YUKON

Lead Agency	Department of Indian Affairs and Northern Development
Membership	DIAND, DOE, DFO, YTG, and others as appropriate
H.Q. or Region	DIAND, Regional Manager Land Resources, Whitehorse
Category	Advisory but recommends terms and conditions.
Description	The Land Use Advisory Committee (LUAC) advises the Department of Indian Affairs and Northern Development on terms and conditions to be applied to land use operations under the Territorial Land Use Regulations. There are four of these interdepartmental committees: one at Whitehorse for the entire Yukon, one at Inuvik for the Inuvik-Norman Wells area, one at Frobisher Bay for the Baffin District, and one at Yellowknife for the rest of the Northwest Territories.

NORTHWEST TERRITORIES FIRE MANAGEMENT PROGRAM COMMITTEE

Lead Agency Department of Indian Affairs and Northern Development

Membership DIAND, Dene, Metis, GNWT

H.Q. or Region DIAND, Regional Director, Yellowknife

Category Advisory, Consultative

Description The Fire Management Program Committee assists the Department of Indian Affairs and Northern Development in all aspects of forest fire management and the implementation and evaluation of the fire management program. The committee conducts public meetings in appropriate communities as required. In addition, fire councils in each community provide advice to the committee, and the Dene Nation and Metis Association of the Northwest Territories committee members provide liaison with communities.

**ARCTIC WATERS ADVISORY COMMITTEE (AWAC)**

Lead Agency	Department of Indian Affairs and Northern Development
Membership	DIAND, DRO, DOE, EMR, (COGLA), MOT, GYT, GNWT, COPE, IC
H.Q. or Region	Department of Indian Affairs and Northern Development, Yellowknife, NWT.
Category	Reviews and advises on non-shipping matters in Arctic Waters (except Hudson's Bay, James Bay, and Hudson Strait).
Description	<p>Provides advice and reviews applications for licenses or leases to dredge, and construct ice or artificial islands re <u>Arctic Waters Pollution Prevention Act.</u></p> <p>Provides information to MOT for its administration of the <u>Navigable Waters Protection Act.</u></p> <p>Advises on subsurface lands management for purposes of the <u>Public Lands Grants Act.</u></p>

**ARCTIC SHIPPING CONTROL AUTHORITY**

Lead Agency            Ministry of Transport

Membership            MOT, Coast Guard

H.Q. or Region        Chaired by Commissioner of the Coast Guard H. Q., membership comprises Canadian Coast Guard Directors, including Director, Coast Guard Northern who is responsible for monitoring/ship control systems in the Arctic Region.

Category              Planning and advisory

Description           Works closely with the Environmental Advisory Committee (DOE) to integrate environmental information into the management system for Arctic shipping and ship routes. Develops guidelines for the optimal format and timing of environmental information and advice required.

**ENVIRONMENTAL ADVISORY COMMITTEE**

Lead Agency	Department of the Environment
Membership	DOE, MOT, DFO, DIAND
H.Q. or Region	H. Q., Chaired by DOE
Category	Advisory
Description	<p>The role of the Advisory Committee is to provide environmental information and advice to the Arctic Shipping Control Authority with respect to those aspects of the environment and human activities which may either have an impact on Arctic shipping or be adversely affected by such shipping. Responsibilities of the Advisory Committee include:</p> <ul style="list-style-type: none"><li>Assessment of environmental information to define relevant data gaps;</li><li>Recommendation of areas of study to be carried out by industry and/or government;</li><li>Monitoring of studies and assessment of results; and Recommendations to the Control Authority on:<ul style="list-style-type: none"><li>measures necessary for protection of the environment;</li><li>measures necessary for minimizing disruption of other human activities such as hunting and fishing, and measures necessary for the safety of Arctic shipping;</li><li>research and development (R&amp;D), monitoring and other activities necessary to the development of government Arctic marine services, subject to operational linkages yet to be defined under any future Arctic Marine Services Policy.</li></ul></li></ul>

INTER-DEPARTMENTAL ENVIRONMENTAL REVIEW COMMITTEE (IERC)

Lead Agency	Department of Indian Affairs and Northern Development
Membership	DIAND, EMR (COGLA), DFO, DOE, MOT.
H.Q. or Region	DIAND, Northern Environment, Ottawa
Category	Advises on terms and conditions
Description	Provides information, liaison and co-ordination for program approval review and conditions for same, and to advise on research needs, adequacy of regulations/guidelines and information deficiencies.

INTER-DEPARTMENT (STEERING) COMMITTEE ON  
PLACER MINING GUIDELINES

Lead Agency	Department of Indian Affairs and Northern Development
Membership	DIAND, DFO,
H.Q. or Region	DIAND, Regional Director-General, Whitehorse, Y.T.
Category	Advisory, to set terms and conditions
Description	To develop guidelines for the industry which are acceptable to the three departments.



ENVIRONMENTAL STUDIES REVOLVING **FUND (ESRF) ADVISORY** BOARDS

Lead Agency	Department of Indian Affairs and Northern Development and Department of Energy, Mines and Resources through the Canada Oil and Gas Lands Administration.
Membership	DIAND, EMR, DOE, DFO, YTG, GNWT, Dome Petroleum, Esso, Petro-Canada, Gulf, Mobil.
H.Q. or Region	DIAND-COGLA Ottawa
Category	Operating
Description	Under the Canada Petroleum Resources Act, a single industry/government operating board has been established to undertake socio-economic and environmental studies related to oil and gas developments on Canada Lands the program for the north is administered by DIAND-COGLA.

REGIONAL ENVIRONMENTAL REVIEW COMMITTEE (RERC)

Lead Agency            Department of Indian Affairs and Northern Development

Membership            DIAND, DOE, DFO, EMR, YTG, or NWTG

H.Q. or Region        DIAND, Regional Manager, Whitehorse YT.  
                              DIAND, Regional Manager, Yellowknife, NWT.

Category                Designed to determine in advance the potential environmental impact of all federal projects, programs, and activities. Insures that environmental considerations are taken into account during project planning.

                              These interdepartmental/intergovernmental committees, in each territory screen non-major projects such as small pipelines, access roads, mining developments as part of Environmental Assessment and Review Process.

..  
**TERMPOL COORDINATING COMMITTEE**

Lead Agency	Ministry of Transport - (Canadian Coast Guard)
Membership	CCG
H.Q. or Region	CCG - HQ
Category	Advisory
Description	<p>The 'TERMPOL' Code recommends standards for the prevention of pollution in marine terminal systems. The code outlines acceptable ship terminal standards, defines the ship terminal system analysis and assessment criteria and develops operating practises and procedures for ship terminals.</p> <p>The code does not concern itself with the terrestrial environmental areas within the ship terminal system, which may be subject to Federal, Provincial, and/or Territorial legislation.</p>

**WATER BOARDS (YUKON AND NORTHWEST Territories)**

Lead Agency	Department of Indian Affairs and Northern Development, Yellowknife or Whitehorse.
Legislation	Constituted under authority of the Northern Inland Waters Act.  Issues Water Licenses
Description	Two Water Boards exist, one in each of the territories, consisting of nine members (three nominated by the federal government, three by the appropriate territorial government). The chairman and vice-chairman are appointed by the Minister of Indian Affairs and Northern Development from the Water Board's membership. Applications for a water license, pursuant to the Northern Inland Waters Act, receive a public hearing by the Water Board. These hearings are generally one day in duration and occur in the community nearest to, and most likely to be affected by, the proposed water use. Comments provided at the public hearings are considered by the Water Board in developing terms and conditions for a water license. In addition, the Water Boards may hold public hearings on matters considered appropriate. The Yukon Territorial Water Board has held such public hearings on proposed placer mining guidelines.

**CANADA BENEFITS COMMITTEE**

Lead Agency	DIAND-COGLA, reporting to minister DIAND for all oil and gas developments North of 60°.
Membership	DIAND, CEIC, DRIE
H.Q. or Region	Ottawa Headquarters
Category	Advisory Recommends terms and conditions.
Description	<p>COGLA is responsible to the Minister of Indian Affairs and Northern Development to ensure that Exploration Agreements and Canada Benefit Plans associated with oil and gas activity North of the 60° parallel meet the following federal government objectives -fair distribution of socio-economic benefits to Northerners and adequate job opportunities for Northerners. Companies indicate possible local and regional benefits to areas of employment, training, and business opportunities. Area residents must be consulted and kept aware of activities.</p> <p>(South of 60°, COGLA reports to the Ministers of EMR and DRIE (as per Memorandum of Understanding between EMR/COGLA and DRIE) on Canadian benefit aspects of exploration activities).</p>

HUDSON BAY OIL AND GAS COMMITTEE

Lead Agency	Department of Indian Affairs and Northern Development/Department of Energy, Mines, and Resources.
Membership	EMR, DIAND, Occidental Petroleum, Representatives of Keewatin Regional Council, Baffin Regional Council, Kativik Regional Government, Keewatin Inuit Association, Baffin Region Inuit Association, Makivik Corporation, Inuit Tapirisat.
H.Q. or Region	EM R/DIAND, Northern Affairs Program
Category	Advisory
Description	Native leaders took the lead in formation of this committee to provide local input to decisions on oil and gas activities in Hudson Bay.

**NORTHERN BENEFITS COMMITTEES (NWT)**

Lead Agency            Department of Indian Affairs and Northern Development

Membership            DIAND, COGLA, CEIC, GNWT, DRIE, appropriate  
community advisory committees.

H.Q. or Region        DIAND, Regional Manager, Yellowknife

Category              Advisory, recommends policy terms and conditions

Description            Committee operates under provisions of Canada Petroleum  
Resources Act which requires an approved Canada Benefits  
package as part of the exploration agreement. The  
Committee provides regional input with respect to northern  
benefits in the negotiating stages, monitor and review  
implementation of Northern Benefits policies and programs,  
and comments on the annual reports prepared by operators.

Community Advisory Committees - Wherever possible  
existing advisory bodies (Development Impact Zone) groups  
are used. One member of the community council and one  
member of the Hunters and Trappers Association are  
chosen, and one of them is the community representative to  
the NBC.

Areas represented are:

Beaufort Sea/MacKenzie Delta	DECHO
South Baffin	Slave River
Great Bear DIZ	Fox Basin
Central Baffin	Northern Baffin/High Arctic

YUKON BENEFITS COMMITTEE

Lead Agency	Department of Indian Affairs and Northern Development Co-Chaired by Yukon Territorial Government. Department of Economic Development.
Membership	DIAND, COGLA, CEIC, YTG, DRIE, appropriate community advisory committees
H.Q. or Region	DIAND, Regional Manager, Whitehorse
Category	Advisory, recommends terms and conditions
Description	Committee operates under provisions of Canada Petroleum Resources Act which requires an approved Canada Benefits package as part of the exploration agreement. The Committee provides regional input with respect to northern benefits in the negotiating stages, monitor and review implementation of Northern Benefits policies and programs, and comment on the annual reports prepared by operators.



HUNTER'S AND TRAPPER'S ASSOCIATIONS

Lead Agency	Non-Governmental. HTA's are part of a consultative, community referral process.
Membership	Virtually every Inuit settlement has a Hunter's and Trapper's Association.
H.Q. or Region	Keewatin Wildlife Federation Baffin Island Regional Hunter's and Trapper's Association Kitikmeot (Central Arctic) Yukon Trapper's Association
Category	Advisory Community Association
Description	Hunter's and Trapper's Associations have been formed over the last ten years or so to speak for the specific interests of their members.  Similar groups are coming into being in areas where the population is predominantly Indian, although many of these functions are now carried out by the band council.

NORMAN WELLS PROJECT COMMUNITY ADVISORY COMMITTEE

Lead Agency	Department of Indian Affairs and Northern Development/Local community groups.
Membership	DIAND, Community representatives of Norman Wells vicinity - appointed by Minister of DIAND.
H.Q. or Region	DIAND, Yellowknife
Category	Advisory
Description	Established to ensure existence of a citizen's group and forum by which the Minister may both give and receive information on the Norman Wells Oilfield Expansion and Pipeline project.

ABBREVIATIONS

AECB	Atomic Energy Control Board
ARDA	Agricultural Regional Development Assistance
CCG	Canadian Coast Guard (MOT)
CEIC	Canada Employment and Immigration Commission
COGLA	Canada Oil and Gas Lands Act (EMR)
COPE	Committee on Original Peoples' Entitlement
CRTC	Canadian Radio Telecommunications Commission
CTC	Canadian Transport Commission
Cws	Canadian Wildlife Service (DOE)
DFO	Department of Fisheries and Oceans
DIAND	Department of Indian Affairs and Northern Development
DIZ	Designated Impact Zones
DOE	Department of the Environment
DPW	Department of Public Works
DRIE	Department of Regional Industrial Expansion
EA	External Affairs
EARP	Environmental Assessment and Review Process (DIAND)
EIRB	Environmental Impact Review Board (1984) Inuvialuit
EIS	Environmental Impact Statement
EISC	Environmental Impact Screening Committee (1984) Inuvialuit
EMR	Department of Energy, Mines and Resources
EPS	Environmental Protection Service (DOE)
FEARO	Federal Environmental Impact Review Board (1984) Inuvialuit
FTLAC	Federal Territorial Lands Advisory Committee
GNWT	Government of the North-West Territories
HTA	Hunter's and Trapper's Associations
IC	Investment Canada
ILA	Inuvialuit Lands Administration
LUAC	Land Use Advisory Committee
MOT	Ministry of Transport
NAP	Northern Affairs Program (DIAND)
NEB	National Energy Board
RCMP	Royal Canadian Mounted Police
SPC	Senior Policy Committee (DIAND)
TB	Treasury Board
YTG	Yukon Territorial Government

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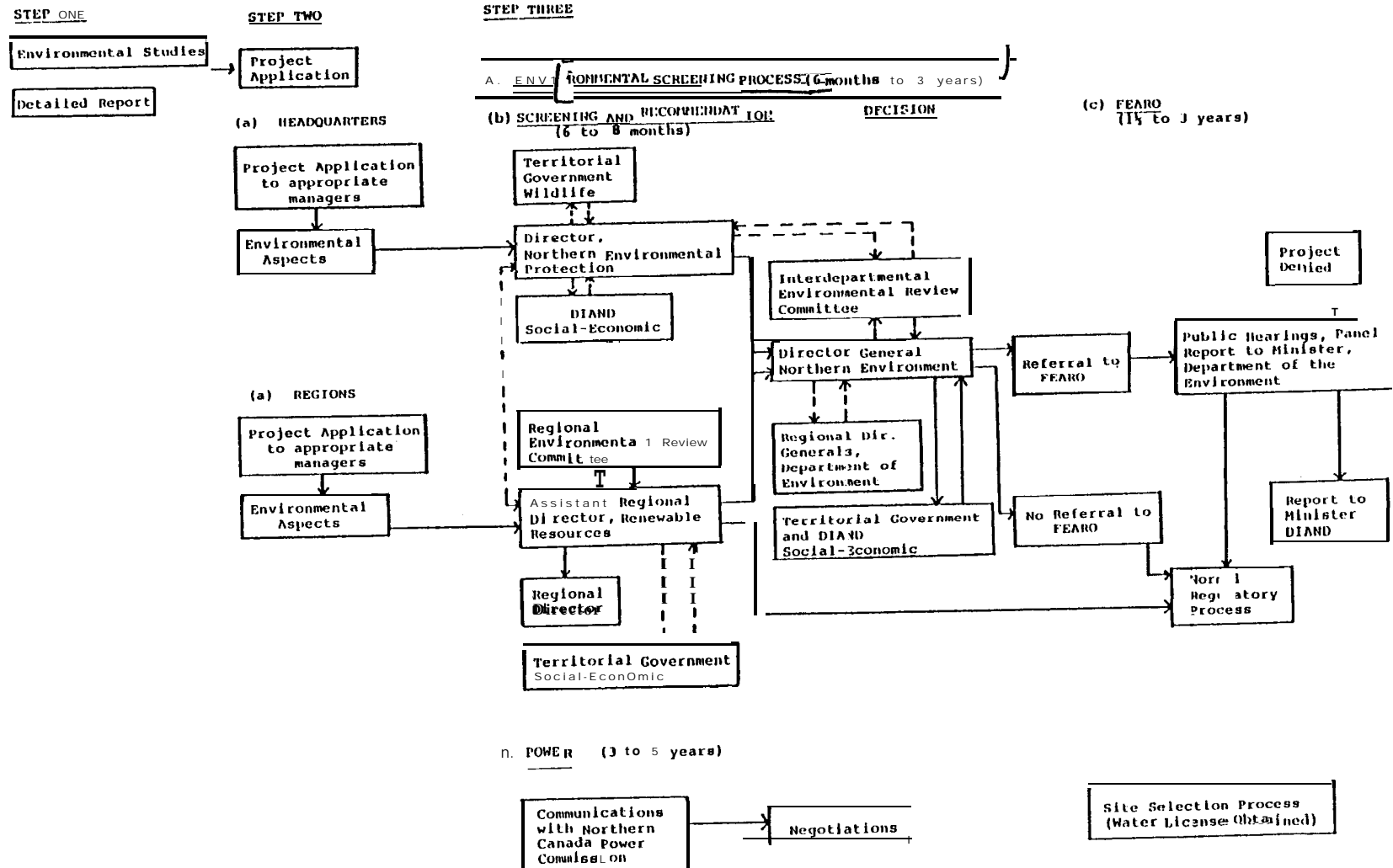
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# MAJOR PERMIT FLOW CHART (a mining company perspective)



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