

# Preliminary Screening Requirement Regulations, SOR/99-12



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Preliminary Screening Requirement Regulations

## SOR/99-12

### MACKENZIE VALLEY RESOURCE MANAGEMENT ACT

Whereas, pursuant to subsection 143(1) of the *Mackenzie Valley Resource Management Act*<sup>a</sup>, the Minister of Indian Affairs and Northern Development has consulted with the Minister of Resources, Wildlife and Economic Development of the Northwest Territories and with the first nations with regard to the proposed *Preliminary Screening Requirement Regulations* in the annexed form;

<sup>a</sup> S.C. 1998, c. 25

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Indian Affairs and Northern Development, pursuant to paragraph 143(1)(b) of the *Mackenzie Valley Resource Management Act*<sup>a</sup>, hereby makes the annexed *Preliminary Screening Requirement Regulations*.

<sup>a</sup> S.C. 1998, c. 25

Registration December 16, 1998

### PRELIMINARY SCREENING REQUIREMENT REGULATIONS

#### APPLICATION

1. For the purpose of subsection 124(1) of the *Mackenzie Valley Resource Management Act*, a regulatory authority or a designated regulatory agency that receives an application for a licence, permit or other authorization required to carry out a proposed development, under a provision of a federal Act set out in Part 1 of Schedule 1 or a provision of federal regulations set out in Part 2 of that Schedule, shall conduct a preliminary screening of the proposed development before the issuance of the licence, permit or authorization.

2. For the purpose of subsection 124(1) of the *Mackenzie Valley Resource Management Act*, a regulatory authority or a designated regulatory agency that receives an application for a licence, permit or other authorization required to carry out a proposed development, under a provision of an Act of the Northwest Territories set out in Part 1 of Schedule 2 or a provision of regulations of the Northwest Territories set out in Part 2 of that Schedule, shall conduct a preliminary screening of the proposed development before the issuance of the licence, permit or authorization.

#### COMING INTO FORCE

3. These Regulations come into force on the day on which Part 5 of the *Mackenzie Valley Resource Management Act* comes into force.

## SCHEDULE 1

(Section 1)

### PROVISIONS OF FEDERAL ACTS AND REGULATIONS

#### PART 1

#### PROVISIONS OF FEDERAL ACTS

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	Column 1	Column 2	Column 3	Column 4
Item	Equivalent item number in French text	Act	Provision	Limitations
1.	13	<i>Bridges Act</i>	paragraph 8 (1) (b)	Applies only to approval of Governor in Council
2.	10	<i>Canada Oil and Gas Operations Act</i>	(a) paragraph 5 (1) (b)  (b) subsection 5.1 (4)	Applies only to approval of National Energy Board and consent of Governor in Council
3.	14	<i>Canada Transportation Act</i>	(a) subsection 98 (2)  (b) subsection 99 (1)  (c) subsection 99 (3)  (d) subsection 101 (1)  (e) subsection 101 (3)	
4.	8	<i>Explosives Act</i>	paragraph 7 (1) (a)	
5.	12	<i>Fisheries Act</i>	(a) section 32  (b) subsection 35 (2)  (c) subsection 37 (2)	Excludes authorization under regulations  Excludes authorization under regulations  Applies only to approval by Governor in Council
6.	9	<i>Indian Act</i>	(a) subsection 18 (2)  (b) subsection 28 (2)  (c) subsection 35 (1)  (d) paragraph 58 (4) (b)	
7.	2	<i>Mackenzie Valley Resource Management Act</i>	(a) subsection 59 (1)  (b) subsection 60 (1)	Excludes suspension and cancellation, and approval of an assignment, of a land use permit  Excludes cancellation, and approval of an assignment, of a water

licence

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| 8.  | 1  | <i>National Defence Act</i>                 | subsection<br>257 (1)  |
| 9.  | 3  | <i>National Energy Board Act</i>            | (a) section 52<br><br>(b) subsection<br>58 (1)<br><br>(c) subsection<br>58.11 (1)<br><br>(d) subsection<br>58.16 (1)<br><br>(e) subsection<br>58.34 (2)<br><br>(f) paragraph<br>74 (1) (d)<br><br>(g) subsection<br>81 (4)<br><br>(h) subsection<br>108 (4)<br><br>(i) subsection<br>108 (6)<br><br>(j) subsection<br>112 (1)<br><br>(k) subsection<br>112 (3) |
| 10. | 11 | <i>National Parks Act</i>                   | (a) paragraph<br>5 (10) (c)<br><br>(b) paragraph<br>5 (10) (e)<br><br>(c) paragraph<br>6 (2) (c)   |
| 11. | 4  | <i>Navigable Waters<br/>Protection Act</i>  | (a) paragraph<br>5 (1) (a)<br><br>(b) subsection<br>6 (4)<br><br>(c) section 20  |
| 12. | 7  | <i>Northwest Territories<br/>Waters Act</i> | (a) subsection<br>14 (1)<br><br>(b) paragraph<br>18 (1) (a)<br><br>(c) paragraph   |

			18 (1) (b)
13.	5	<i>Radiocommunication Act</i>	paragraph 5 (1) (f)
14.	6	<i>Railway Safety Act</i>	subsection 10 (1)

## PART 2

## PROVISIONS OF FEDERAL REGULATIONS

Column 1		Column 2	Column 3	Column 4
Item	Equivalent item number in French text	Regulations	Provision	Limitations
1.	17	<i>Ammonium Nitrate Storage Facilities Regulations (Railway Safety Act)</i>	(a) subsection 5 (1)  (b) subsection 5 (2)  (c) subsection 6 (1)	
2.	23	<i>Anhydrous Ammonia Bulk Storage Regulations (Railway Safety Act)</i>	section 6	
3.	11	<i>Atomic Energy Control Regulations (Atomic Energy Control Act)</i>	(a) subsection 7 (1)  (b) section 10  (c) paragraph 25 (1) (b)  (d) subsection 27 (1)	Excludes revocation and suspension
4.	16	<i>Chlorine Tank Car Unloading Facilities Regulations (Railway Safety Act)</i>	(a) subsection 6 (1)  (b) subsection 6 (2)	
5.	5	<i>Federal Mobile PCB Treatment and Destruction Regulations (Canadian Environmental Protection Act)</i>	(a) section 11  (b) subsection	

			12 (1)
6.	13	<i>Flammable Liquids Bulk Storage Regulations (Railway Safety Act)</i>	section 6
7.	2	<i>Indian Oil and Gas Regulations, 1995 (Indian Oil and Gas Act and Financial Administration Act)</i>	(a) subsection 6 (4)  (b) subsection 10 (1)  (c) section 28  (d) subsection 39 (1)  (e) subsection 39 (2)
8.	8	<i>Indian Reserve Waste Disposal Regulations (Indian Act)</i>	section 5
9.	10	<i>Indian Timber Regulations (Indian Act)</i>	(a) subsection 5 (1)  (b) section 9  (c) subsection 22 (1)
10.	12	<i>Liquefied Petroleum Gases Bulk Storage Regulations (Railway Safety Act)</i>	section 6
11.	15	<i>Metal Mining Liquid Effluent Regulations (Fisheries Act)</i>	subsection 5 (2)
12.	19	<i>Migratory Bird Regulations (Migratory Birds Convention Act, 1994)</i>	(a) subsection 4 (1)  (b) subsection 28 (1)  (c) subsection 32 (1)  (d) section 33  (e)

			paragraph 35 (2) (b)	
			(f) section 36	
13.	20	<i>Migratory Birds Sanctuary Regulations(Migratory Birds Convention Act, 1994)</i>	subsection 9 (1)	
14.	6	<i>National Historic Parks General Regulations(National Parks Act)</i>	(a) section 10	
			(b) subsection 11 (1)	
			(c) subsection 11 (2)	
15.	14	<i>National Parks Building Regulations(National Parks Act)</i>	subsection 5 (1)	
16.	3	<i>National Parks Businesses Regulations, 1998(National Parks Act)</i>	section 5	
17.	7	<i>National Parks General Regulations(National Parks Act)</i>	(a) subsection 11 (1)	
			(b) subsection 12 (1)	
			(c) subsection 18 (1)	
			(d) subsection 20 (1)	
			(e) subsection 20 (2)	
18.	1	<i>National Parks Lease and Licence of Occupation Regulations (1991)(National Parks Act)</i>	paragraph 18 (1) (e)	
19.	9	<i>National Parks Wildlife Regulations(National Parks Act)</i>	paragraph 15 (1) (a)	
20.	4	<i>Northwest Territories Fishery Regulations(Fisheries Act)</i>	section 4	Applies only to the first commercial licence issued for a body of water that has not been subject to

commercial fishing during the  
previous 20 years

21.	21	<i>Northwest Territories Reindeer Regulations(Northwest Territories Act)</i>	paragraph 5 (1) (b)
22.	25	<i>Territorial Dredging Regulations(Territorial Lands Act)</i>	subsection 15 (1)
23.	24	<i>Territorial Land Use Regulations(Territorial Lands Act)</i>	(a) paragraph 25 (1) (a)  (b) paragraph 27 (a)
24.	18	<i>Uranium and Thorium Mining Regulations(Atomic Energy Control Act)</i>	(a) subsection 7 (1)  (b) subsection 8 (1)  (c) section 9  (d) paragraph 17 (1) (b)  (e) subsection 17 (7)  (f) subsection 18 (2)  (g) section 34
25.	22	<i>Wildlife Area Regulations (Canada Wildlife Act)</i>	section 4

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*SCHEDULE 2*

*(Section 2)*

*PROVISIONS OF NORTHWEST TERRITORIES ACTS AND REGULATIONS*

PART 1

PROVISIONS OF NORTHWEST TERRITORIES ACTS

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Column 1	Column 2	Column 3	Column 4
Equivalent item number in French text	Act	Provision	Limitations

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1.	2	<i>Forest Management Act</i> , R.S.N.W.T. 1988, c. F9	(a) subsection 9 (1)	Applies only to an agreement authorizing a person, institution or firm to carry on an activity without a licence or permit
			(b) subsection 9 (2)	Applies only to an agreement authorizing the Government of Canada to carry on an activity without a licence or permit
2.	3	<i>Forest Protection Act</i> , R.S.N.W.T. 1988, c. F10	section 21	Applies only to a permit referred to in subsection 11 (1) of that Act
3.	1	<i>Wildlife Act</i> , R.S.N.W.T. 1988, c. W4	subsection 80 (1)	Applies only to <p>(a) a permit referred to in subsection 9 (1) of the <i>Wildlife Licences and Permits Regulations</i>, N.W.T. Reg.02792,</p> <p>(b) a permit referred to in subsection 17 (1) of the <i>Wildlife Licences and Permits Regulations</i>, N.W.T. Reg.02792, other than a permit to serve as a meal big game or upland game birds at a place other than a private residence,</p> <p>(c) licences referred to in subsections 24 (1) and 28 (1) of the <i>Wildlife Licences and Permits Regulations</i>, N.W.T. Reg.02792, and</p> <p>(d) a licence to import live vertebrates referred to in section 38 of the <i>Wildlife Licences and Permits Regulations</i>, N.W.T. Reg.02792</p>

## PART 2

## PROVISIONS OF NORTHWEST TERRITORIES REGULATIONS

	Column 1	Column 2	Column 3	Column 4
Item	Equivalent item number in French text	Regulations	Provision	Limitations
1.	1	<i>Forest Management Regulations</i> , R.R.N.W.T. 1990, c. F14 ( <i>Forest Management Act</i> , R.S.N.W.T. 1988, c. F9)	paragraph 5 (1) (a)	Applies only to issuance of a permit referred to in paragraph 2 (1) (a) and licences referred to in paragraphs 2 (2) (a) and (c) of those Regulations
2.	4	<i>Pesticide Regulations</i> , R.R.N.W.T. 1990, c. P2 ( <i>Pesticide Act</i> , R.S.N.W.T. 1988, c. P4)	subsection 3 (1)	
3.	3	<i>Outfitter Regulations</i> , R.R.N.W.T. 1990, c. T16 ( <i>Travel and Tourism Act</i> , R.S.N.W.T. 1988, c. T7)	subsection 5 (1)	
4.	2	<i>Wildlife Business Regulations</i> , N.W.T. Reg.06997 ( <i>Wildlife Act</i> ,	subsection 2 (1)	Applies only to fur farm licences, game farm licences and the first

R.S.N.W.T. 1988, c. W4)

commercial wildlife licence issued in  
each wildlife management zone

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