

Exemption List Regulations, SOR/99-13

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Exemption List Regulations

SOR/99-13

MACKENZIE VALLEY RESOURCE MANAGEMENT ACT

Whereas, pursuant to subsection 143(1) of the *Mackenzie Valley Resource Management Act*^a, 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 annexed *Exemption List Regulations*;

^a 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)(c) of the *Mackenzie Valley Resource Management Act*^a, hereby makes the annexed *Exemption List Regulations*.

^a S.C. 1998, c. 25

Registration December 16, 1998

EXEMPTION LIST REGULATIONS

INTERPRETATION

1. The following definitions apply in these Regulations.

"control product" has the same meaning as in section 2 of the *Pest Control Products Act*. (*produits antiparasitaires*)

"dugout" means an excavation designed to hold water for the maintenance of public roads or consumption by livestock. (*étang-réservoir*)

"footprint" means the area of land occupied by a structure at ground level. (*superficie au sol*)

"hazardous material" means a toxic substance within the meaning of section 64 of the *Canadian Environmental Protection Act, 1999*. (*matières dangereuses*)

"heritage building" means a building that has been designated as a heritage building by a regulatory authority. (*bâtiment du patrimoine*)

"hook-up" means a structure or line that connects a building to a main gas, sewer, water, electrical transmission or telecommunication line. (*raccordement*)

"international electrical transmission line" means an electrical transmission line constructed or operated for the purpose of transmitting electricity from a place in Canada to a place outside Canada or to a place in Canada from a place outside Canada. (*ligne internationale de transport d'électricité*)

"irrigation structure" means a buried pipeline, a pipe, a pump, a pump house, a reservoir, a drain or a canal lined with asphalt, wood, concrete or other material, that is used for irrigating agricultural land. (*structure d'irrigation*)

"limited expansion" means an increase of 10 per cent or less in the exterior dimensions or production capacity of a structure. (*agrandissement de faible envergure*)

"modification", in respect of a structure, means a change, other than an expansion, that does not alter the purpose or function of the structure. (*modification*)

"national historic site" means a place that is marked or commemorated under paragraph 3(a) of the *Historic Sites and Monuments Act* and land set apart as a national historic site under subsection 42(1) of the *Canada National Parks Act*.

(lieu historique national)

"national park" means a park described in Schedule 1 to the *Canada National Parks Act* and any other park established under a federal-territorial agreement. (*parc national*)

"national park reserve" means a reserve described in Schedule 2 to the *Canada National Parks Act* and any other reserve established under a federal-territorial agreement. (*réserve foncière*)

"oil and gas pipeline" means a pipeline that is used, or is intended to be used, for the transmission of hydrocarbons alone or with any other commodity. (*pipeline d'hydrocarbures*)

"water body" means an inland water body in a liquid or frozen state, including the portion of a reservoir and a wetland below its high-water mark, but does not include a sewage or waste treatment lagoon, dugout or mine tailings pond. (*plan d'eau*)

SOR/2009-98, s. 1.

GENERAL

2. Proposed or existing developments set out in Schedule 1 that are situated outside a national park, national park reserve or national historic site are developments for which preliminary screenings are not required by reason that their impact on the environment of the Mackenzie Valley is insignificant.

3. Proposed or existing developments set out in Schedule 2 that are situated in a national park, national park reserve or national historic site are developments for which preliminary screenings are not required by reason that their impact on the environment of the Mackenzie Valley is insignificant.

COMING INTO FORCE

4. 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 2)

EXEMPTED DEVELOPMENTS NOT SITUATED IN NATIONAL PARKS, NATIONAL PARK RESERVES OR NATIONAL HISTORIC SITES

PART 1

GENERAL

1. The operation or maintenance of, or repair to, a structure that

(a) will not entail the deposit of waste into a water body; and

(b) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

2. A development, or a part thereof, for which renewal of a permit, licence or authorization is requested that

(a) has not been modified; and

(b) has fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*, the *Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order*.

2.1 A development, or a part thereof, for which a permit, licence or authorization is requested that

(a) was part of a development that fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*; and

(b) has not been modified since the development referred to in paragraph (a) fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*.

3. (1) The construction or installation of a building with a footprint of less than 100 m² and a height of less than 5 m on land outside the boundaries of a local government that

(a) will be carried out at a distance greater than 30 m from a water body; and

(b) will not entail the deposit of waste into a water body.

(2) The construction or installation of a building with a footprint of less than 1000 m² on land within the boundaries of a local government that

(a) will be carried out at a distance greater than 30 m from a water body; and

(b) will not entail the deposit of waste into a water body.

4. The modification or limited expansion of a building, or anything affixed thereto, that will not entail the deposit of waste into a water body.

5. The construction, installation or modification of an environmental scientific data collection instrument, or its housing or

enclosure, with a combined footprint of less than 100 m², that will not entail the deposit of waste into a water body.

6. The construction of a sidewalk, boardwalk or a parking lot with a capacity of 10 or fewer automobiles that will not entail the deposit of waste into a water body, where
 - (a) the sidewalk, boardwalk or parking lot will be contiguous to a building; and
 - (b) the construction will be carried out at a distance greater than 30 m from a water body.
7. The construction of a fence where the construction will not entail the deposit of waste into a water body.
8. The construction, installation, limited expansion or modification of a hydrant or hook-up, where
 - (a) the hydrant or hook-up is or will be part of a farm or municipal system of distribution; and
 - (b) the construction, installation, limited expansion or modification will not involve the crossing of a water body, other than an aerial crossing by a telecommunication or electrical transmission line.
9. The construction, installation, limited expansion or modification of a sign, no surface of which has or will have an area of more than 25 m², that is or will be situated at a distance of less than 15 m from an existing building.
10. The construction, installation or modification of a radio-communication antenna and its supporting structure, that
 - (a) will be carried out at a distance greater than 30 m from a water body;
 - (b) will not entail the deposit of waste into a water body;
 - (c) either
 - (i) is affixed to a building,
 - (ii) is situated at a distance of less than 15 m from a building, or
 - (iii) has, together with any supporting lines, a combined footprint of not more than 25 m²; and
 - (d) in the case of a structure referred to in subparagraph (c)(iii), does not require a land use permit under the *Mackenzie Valley Resource Management Act* or the *Territorial Land Use Regulations*.
11. The construction, installation, limited expansion or modification of a geodesic benchmark with a footprint of less than 25 m² that will not entail the deposit of waste into a water body.
12. The construction, operation, modification or removal of a temporary field camp that
 - (a) will not entail the deposit of waste into a water body; and
 - (b) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.
13. The operation and maintenance of a highway, as defined in the Northwest Territories *Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16, or its associated culverts, that is carried out on the highway right-of-way and does not
 - (a) lengthen the highway;
 - (b) widen the highway by more than 15 per cent; or
 - (c) entail the deposit of waste into a water body.
14. The demolition of a building with a floor area of less than 1000 m² that will not
 - (a) entail the deposit of waste into a water body;
 - (b) be carried out within 30 m of another building; and
 - (c) involve the handling of hazardous materials.
15. Engineering tests undertaken to define the elements of a development, or alternatives necessary to determine the environmental impact of a development, that
 - (a) will not entail the deposit of waste into a water body; and
 - (b) do not require a land use permit or a water licence pursuant to the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.
16. Research, scientific studies or surveys that
 - (a) will not include the capture of wildlife including fish, mammals and birds; and
 - (b) do not require a land use permit or water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.
17. The cutting of not more than 5000 m³ of timber burned by a forest fire, or not more than 1100 m³ of any other timber, that
 - (a) will be carried out at a distance greater than 30 m from a water body;
 - (b) will not entail the deposit of waste into a water body; and
 - (c) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

18. The setting of a fire, with a footprint of not more than 25 m², to clear land or remove flammable material during the closed season under a permit issued under subsection 11(1) of the Northwest Territories *Forest Protection Act*, R.S.N.W.T. 1988, c. F-10.

PART 2

AGRICULTURE

19. The modification of an irrigation structure that will not entail the deposit of waste into a water body.

20. The construction, limited expansion or modification of a domestic or farm water supply well, pump house, water-tank loading facility or dugout on agricultural land, that will not entail the deposit of waste into a water body.

21. The construction, limited expansion or modification of a centre pivot or side roll sprinkler on agricultural land that will not entail the deposit of waste into a water body.

PART 3

DEFENCE

22. Military field exercises and field training, involving fewer than 275 persons and fewer than 40 vehicles, that

(a) will not entail the deposit of waste into a water body; and

(b) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

PART 4

ELECTRICAL ENERGY

23. The construction or installation of an electrical transmission line, other than an international electrical transmission line, with an operating design voltage of not more than 130 kV, where the construction or installation

(a) will not be carried out beyond an existing right-of-way;

(b) will not entail the deposit of waste into a water body;

(c) will not involve the placement in or on a water body of the supporting structures; and

(d) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

24. The limited expansion or modification of a telecommunication or electrical transmission line, other than an international electrical transmission line, that

(a) will not lengthen the line by more than 10 per cent;

(b) will not be carried out beyond an existing right-of-way;

(c) will not entail the deposit of waste into a water body;

(d) will not involve the placement in or on a water body of supporting structures; and

(e) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

25. The construction or installation of a switching station that is associated with a telecommunication or electrical transmission line with an operating design voltage of not more than 130 kV, other than a international transmission line, where the construction or installation

(a) will not be carried out beyond an existing right-of-way;

(b) will not be carried out within a distance of 30 m of a water body;

(c) will not entail the deposit of waste into a water body; and

(d) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

26. The modification or limited expansion of a switching station associated with a telecommunication or electrical transmission line, where the modification or limited expansion

(a) will not be carried out beyond an existing right-of-way;

(b) will not entail the deposit of waste into a water body; and

(c) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

PART 5

AQUATIC

27. The modification or demolition of a structure

(a) located on land,

(b) associated with fishing or the use of small pleasure craft, and

(c) with a footprint of less than 100 m² and a height of less than 5 m,

that will not entail the deposit of waste into a water body or involve the handling of hazardous materials.

28. The modification of a fish habitat improvement structure that

(a) will not require heavy machinery; and

(b) does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

29. The modification of a wharf, other than a floating wharf, or of a breakwater that is accessible by land, where the modification will not

(a) be carried out below the high-water mark of the wharf or breakwater;

(b) involve dredging; or

(c) entail the deposit of waste into a water body.

30. The re-installation or modification of a floating wharf that will not entail the deposit of waste into a water body.

31. The demolition of a wharf that will not

(a) involve the use of explosives; or

(b) entail the deposit of waste into a water body.

PART 6

TRANSPORTATION

32. The modification or limited expansion of a paved or gravel area within the boundary of an aerodrome, as defined in subsection 3(1) of the *Aeronautics Act*, that

(a) will not entail the deposit of waste into a water body; and

(b) does not require a land use permit under the *Mackenzie Valley Resource Management Act* or the *Territorial Land Use Regulations*.

33. The modification of aircraft visual or navigation aids.

34. The construction, installation, limited expansion or modification of an automatic warning structure at a railway level crossing.

35. The construction, installation, limited expansion or modification of a railway traffic control signal structure on an existing railway right-of-way.

36. The modification of the portion of an oil and gas pipeline, sewer or drain that crosses under a railway or road and is within the railway or road right-of-way.

37. The operation, maintenance or modification of the portion of a culvert that crosses under a railway or road and is within the railway or road right-of-way, where the operation, maintenance or modification does not require a land use permit or a water licence under the *Mackenzie Valley Resource Management Act*, the *Northwest Territories Waters Act* or the *Territorial Land Use Regulations*.

38. The modification, other than a deviation, of a railway track or bed that will not entail the deposit of waste into a water body.

39. The modification of a road crossing, as defined in subsection 4(1) of the *Railway Safety Act*, that

(a) will be carried out on the railway right-of-way; and

(b) will not entail the deposit of waste into a water body.

SOR/2009-98, s. 2.

SCHEDULE 2

(Section 3)

EXEMPTED DEVELOPMENTS SITUATED IN NATIONAL PARKS, NATIONAL PARK RESERVES AND NATIONAL HISTORIC SITES

1. The modification, maintenance or repair of a structure other than a road, including an internal fixed structure, that will not

(a) increase the footprint or height of the structure;

(b) involve a heritage building;

(c) involve a change in the method of sewage disposal, or an increase in the amount of sewage, waste or emissions;

(d) involve any excavation beyond the footprint of the structure;

- (e) create a need for additional related facilities, such as parking spaces; or
 - (f) entail the release of waste into the environment.
2. The maintenance or repair of a sidewalk, boardwalk, fence or parking lot.
 3. The construction, installation, maintenance or repair of a sign in a park, that will be carried out within an existing right-of-way or at a distance of less than 15 m from an existing building.
 4. The maintenance or repair of a road, including a pull-off area, that will be carried out on the road right-of-way and that will not
 - (a) entail the deposit of waste into a water body; or
 - (b) involve the application of a dust control product or salt to the road or of a control product to the areas adjacent to the road.
 5. The maintenance or repair of an environmental scientific data collection instrument, or its associated structures or enclosure.
 6. The construction or installation of an interpretive display or exhibit associated with a structure, road, pull-off area or trail, where the construction and installation will not
 - (a) require the expansion of any associated facilities; or
 - (b) be carried out in a special preservation area or a wilderness area set out in a management plan for a park tabled in each House of Parliament under subsection 11(1) of the *Canada National Parks Act*.
 7. The construction, installation, modification, maintenance or repair of a handrail or guard-rail associated with a structure.
 8. The maintenance or repair of a fire tower.
 9. The operation of a structure
 - (a) in respect of which an environmental assessment has been conducted under the *Mackenzie Valley Resource Management Act*, the *Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order*, where
 - (i) as a result of the assessment, the environmental effects or impacts have been determined to be insignificant, taking into account the implementation of any mitigative or remedial measures, and
 - (ii) any required mitigative or remedial measures and follow-up program have been substantially implemented; and
 - (b) that will not entail the release of waste into the environment.

SOR/2009-98, s. 3.

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