



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

Consolidated Regulations Under the *Canadian Environmental Assessment Act*

Inclusion List
Exclusion List
Comprehensive Study List
Law List

Amended November 1999

Canada

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the *Canadian Environmental
Assessment Act*

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NOTE: This consolidation has been prepared for convenience of reference only and has no official sanction. For all purposes of interpreting and applying the law, users should consult the regulations and the amendments, as registered by the Clerk of the Privy Council and published in Part II of the Canada Gazette.

* Passages that have been revised are indicated in **bold**.

INCLUSION LIST REGULATIONS

as amended 4 November 1999 [SOR/99-436]

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of the Environment, pursuant to paragraph 59(b) of the Canadian Environmental Assessment Act*, is pleased hereby to make the annexed Regulations prescribing physical activities and classes of physical activities not relating to physical works that may require an environmental assessment, effective on the day on which section 59 of the Canadian Environmental Assessment Act comes into force.

REGULATIONS PRESCRIBING PHYSICAL ACTIVITIES AND CLASSES OF PHYSICAL ACTIVITIES NOT RELATING TO PHYSICAL ENVIRONMENTAL ASSESSMENT WORKS THAT MAY REQUIRE AN

SHORT TITLE

1. These Regulations may be cited as the *Inclusion List Regulations*.

INTERPRETATION

2. In these Regulations,

"borrow site" means a site from which earth material is extracted in order to obtain topsoil, sand, gravel, rock, crushed stone, building stone, or other mineral aggregate for use elsewhere; (*site d'emprunt*)

"ecodistrict" means an ecodistrict as described in the publication entitled "A National Ecological Framework For Canada" published by the Department of Agriculture and Agri-Food and the Department of the Environment, and as depicted on those maps that contain ecodistricts and that are included in the series of maps entitled "Terrestrial Ecozones and Ecoregions of Canada", published by the Department of Agriculture and Agri-Food, as amended from time to time. (*écodistrict*) [SOR/99-436]

"historic canal" means a historic canal set out in column I of an item of Schedule I to the *Historic Canals Regulations*; (*canal historique*)

* S.C. 1992, c. 37 as amended

"Indian reserve" means a reserve as defined in subsection 2(1) of the *Indian Act*; (*réserve indienne*)

"military weapons platform" means a vehicle, ship or aircraft that is designed for the operation of a military weapon; (*plate-forme d'armes militaires*)

"national historic site" means a place that is commemorated under section 3 of the *Historic Sites and Monuments Act* and is under the administration of the Parks Canada Agency; (*lieu historique national*) [SOR/99-436]

"national park" means

- (a) a park described in Schedule I to the *National Parks Act*, and
- (b) a park established pursuant to a federal-provincial agreement that is under the responsibility of the Minister of Communications and is not described in Schedule I to the *National Parks Act*; (*parc national*)

"national park reserve" means a reserve established under *An Act to amend the National Parks Act and to amend An Act to amend the National Parks Act*, chapter 48 of the Statutes of Canada, 1988, and the lands described in the schedule to the *Mingan Archipelago National Park Act*; (*rJserve fonciPre*)

"prescribed substances" means prescribed substances as defined in section 2 of the *Atomic Energy Control Act*; (*substances règlementées*)

"scheduled quantity" or "SQ" means that quantity of a radioactive isotope of any element that is

- (a) set out in Part I of Schedule I to the *Atomic Energy Control Regulations*, or
- (b) calculated in accordance with Part II of that Schedule; (*quantité réglementaire ou QR*)

"water body" means any water body, including a canal, reservoir, an ocean, and a wetland, up to the high-water mark, but does not include a sewage or waste treatment lagoon or a mine tailings pond; (*plan d'eau*)

"wetland" means a swamp, marsh, bog, fen or other land that is covered by water during at least three consecutive months of the year. (*terres humides*)

GENERAL

3. The physical activities and classes of physical activities set out in the schedule are prescribed for the purpose of paragraph (b) of the definition "project" in subsection 2(1) of the *Canadian Environmental Assessment Act* except in so far as they relate to a physical work. [SOR/99-436]

SCHEDULE
(Section 3)

PHYSICAL ACTIVITIES AND CLASSES OF PHYSICAL ACTIVITIES
[SOR/99-436]

PART I

NATIONAL PARKS AND PROTECTED AREAS

1. Physical activities for the purpose of the provision of basic user facilities in wilderness areas or access by air to remote parts of such areas that require an authorization under paragraph 5(10)(c) or (e) of the *National Parks Act*.

1.1 Physical activities carried out in a national park, national park reserve, national historic site or historic canal for management or scientific purposes, that involve an intent to

(a) manipulate an ecosystem function;

(b) remove from a national park, national park reserve, national historic site or historic canal, damage or destroy a member of a species that is endangered, threatened or vulnerable as set out in the *List of Canadian Species at Risk*, published by the Committee on the Status of Endangered Wildlife in Canada, as amended from time to time;

(c) damage or destroy fossils or in-situ archaeological resources; or

(d) threaten the continued existence of a biological population within a national park, national park reserve, national historic site or historic canal, either directly or through the alteration of its habitat. [SOR/99-436]

2. The removal of natural objects for construction purposes within a national park, national park reserve, national historic site or historic canal, if the removal involves a new borrow site, the expansion of an existing borrow site, the reopening of an inactive borrow site, an increase in the amount of extraction, new extraction or the extraction of materials from aquatic locations. [SOR/99-436]

3. The taking of water for business water supply purposes that requires a permit under subsection 18(1) of the *National Parks General Regulations*.

4. The supplying of water that requires an agreement under section 20 of the *National Parks General Regulations*.

4.1 Physical activities in a national park, national park reserve, national historic site or historic canal resulting in the alteration of a management regime for the level or flow of water in a water body. [SOR/99-436]

5. The culling from a population of a wildlife species or the destruction of an entire population of a wildlife species that requires an authorization under paragraph 15(1)(a) of the *National Parks Wildlife Regulations*. [SOR/99-436]

6. The occupation of public lands that requires a licence of occupation under subsection 18(1) of the *National Parks Lease and Licence of Occupation Regulations (1991)*, unless the proposed activity is the same as an activity carried on in the same location and for which an environmental assessment has been previously conducted under the *Canadian Environmental Assessment Act* or the *Environmental Assessment and Review Process Guidelines Order* and

(a) as a result of the assessment, the environmental effects have been determined to be insignificant, taking into account the implementation of mitigation measures, if any; and (b) the mitigation measures and follow-up program, if any, have been implemented as required in accordance with any timetable established by the responsible authority. [SOR/99-436]

7. The taking of water for business water supply purposes that requires a permit under section 10 of the *National Historic Parks General Regulations*.

8. The supplying of water that requires an agreement under section 11 of the *National Historic Parks General Regulations*.

9. Physical activities relating to the construction, expansion or modification of a golf course or ski hill in a national park or a national park reserve.

9.1 The alteration of a shoreline, the stabilization of a slope, or physical activities to control erosion or drainage, in a national park, national park reserve or national historic site. [SOR/99-436]

10. The taking or destroying of game that requires an authorization under paragraph 56(1)(b) of the *Wood Buffalo National Park Game Regulations*.

11. The cutting and removal of dead, diseased or green timber that requires a permit under subsection 4(1) of the *National Parks Timber Regulations*.

12. The drawing of water from a canal for agricultural or industrial, other than water power, purposes that requires a licence for the occupation of canal lands under paragraph 7(d) of the *I.A. and N.D. Canal Land Regulations*.

13. The discharge into a canal of water drainage or effluents that requires a licence for the occupation of canal lands under paragraph 7(f) of the *I.A. and N.D. Canal Land Regulations*.

13.1 Recreational activities that take place outdoors in a national park or national park reserve outside the boundaries of a town or a visitor centre as defined in subsection 2(1) of the *National Parks Lease and Licence of Occupation Regulations (1991)* and that require a licence under the *National Parks Businesses Regulations, 1998*, unless the proposed activity is the same as an activity carried on in the same location for which an environmental assessment has been previously conducted under the *Canadian Environmental Assessment Act* or the *Environmental Assessment and Review Process Guidelines Order* and

- (a) as a result of the assessment, the environmental effects have been determined to be insignificant, taking into account the implementation of mitigation measures, if any; and**
 - (b) the mitigation measures and follow-up program, if any, have been implemented as required in accordance with any timetable established by the responsible authority.**
- [SOR/99-436]

13.2 The application within a national park, national park reserve, national historic site or historic canal of pest control products from an aircraft. [SOR/99-436]

13.3 Physical activities taking place within a national park, national park reserve or national historic site, outside the boundary of a town or visitor centre as defined in subsection 2(1) of the *National Parks Lease and Licence of Occupation Regulations (1991)*, that are related to a military exercise, national or international sporting event or competition, jamboree or festival. [SOR/99-436]

13.4 The removal of vegetation for the purpose of delineating the boundary of a national park, national park reserve or national historic site, or establishing a viewscape. [SOR/99-436]

13.5 The establishment, expansion or relocation of a trail, campsite or day-use area within a national park, national park reserve, national historic site or historic canal. [SOR/99-436]

13.6 The establishment, expansion, relocation or closure of a site for the disposal of solid waste within a national park, national park reserve, national historic site or historic canal. [SOR/99-436]

PART II

OIL AND GAS PROJECTS

14. Physical activities relating to the abandonment of the operation of an international power line or any interprovincial power line that requires leave under subsection 58.34(2) of the *National Energy Board Act*.

15. Physical activities relating to the abandonment of the operation of a pipeline that requires leave under paragraph 74(1)(d) of the *National Energy Board Act*.

16. The working of, or prospecting for, mines or minerals that requires leave under subsection 81(4) of the *National Energy Board Act*.

17. Excavation using power-operated equipment or explosives at a distance of less than 30 m from a pipeline, where the excavation requires leave under subsection 112(1) of the *National Energy Board Act*.

18. Physical activities relating to the exploration for, or the production of, oil or gas that require an authorization under paragraph 5(1)(b) of the *Canada Oil and Gas Operations Act*.

19. Physical activities relating to the approval of a development plan under subsection 5.1(4) of the *Canada Oil and Gas Operations Act*.

PART III

NUCLEAR AND RELATED FACILITIES

20. The abandonment or disposal of a prescribed substance, other than uranium or thorium, in a quantity that exceeds the scheduled quantity in respect of the prescribed substance, where

- (a) the prescribed substance is readily removable from and is not distributed throughout a substance, material, device or equipment; or
- (b) in the case of a prescribed substance that is distributed throughout and is not readily removable from the substance, material, device or equipment, the concentration of the prescribed substance exceeds

- (i) 1 SQ/kg of solid material,
- (ii) 0.01 SQ/L of liquid, or
- (iii) 0.001 SQ/m³ of gas.

21. The abandonment or disposal of a substance, material, device or equipment that contains more than 10 kg of uranium or thorium, where the concentration of the uranium or thorium exceeds 0.05 per cent by weight.

22. The abandonment or disposal of a substance, material, device or equipment whose surface is contaminated with a prescribed substance that is not readily removable from the surface, where

- (a) the contamination exceeds 3 Bq/cm² averaged over a surface of not more than 100 cm²; and
- (b) the dose rate at the surface of the substance, material, device or equipment exceeds 1 FSv/h.

23. Physical activities relating to the use of a prescribed substance in nuclear medicine where the activity of the prescribed substance used is more than 10 GBq.

24. Physical activities relating to the use of a prescribed substance as a tracer in an industrial facility where the prescribed substance is released into the environment in a quantity that exceeds the scheduled quantity in respect of the prescribed substance, and

(a) the prescribed substance is readily removable from and is not distributed throughout a substance, material, device or equipment; or

(b) in the case of a prescribed substance that is distributed throughout and is not readily removable from the substance, material, device or equipment, the concentration of the prescribed substance exceeds

(i) 1 SQ/kg of solid material,

(ii) 0.01 SQ/L of liquid, or

(iii) 0.001 SQ/m³ of gas.

PART IV

DEFENCE

25. The testing of weapons in an area other than

(a) a training area, test establishment or range established by or under the authority of the Minister of National Defence for the testing of weapons before the coming into force of these Regulations; or

(b) an area that has been designated as a military test area, range or base by the government of a country, other than Canada, in which the testing is conducted.

[SOR/99-436]

26. The incineration, disposal or recycling of the toxic chemicals and their precursors set out in Schedules 1 to 3 to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (United Nations), done at Paris, January 13, 1993.

27. The incineration, disposal or recycling of

(a) the microbial or other biological agents or toxins referred to in Item 1 of Article I of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (United Nations), in force March 26, 1975; and

(b) the weapons, equipment or means of delivery designed to use the agents or toxins referred to in paragraph (a).

28. The low-level flying of military fixed-wing jet aircraft as part of a training program at an altitude below 330 m above ground level on a route or in an area other than a route or an area established by or under the authority of the Minister of National Defence or the Chief of the Defence Staff for low-level flying training prior to the coming into force of these Regulations, where the number of flying hours planned is in excess of 25 hours in a calendar year.

29. Naval exercises involving more than 15 vessels, including auxiliary and foreign vessels.

30. Military field exercises and military field training involving more than 275 persons and 40 vehicles in an area other than

(a) a training area or range established by or under the authority of the Minister of National Defence; or

(b) an area designated as a military test area, range or base by the government of a country other than Canada in which the training is conducted. [SOR/99-436]

31. The taking or destroying of wildlife as part of a wildlife management program or the cutting or removal of timber on land administered by or under the authority of the Minister of National Defence.

32. Physical activities relating to the testing, construction, operation or disposal of a military weapons platform during the development and acquisition of the weapons system of which the platform is a part. [SOR/99-436]

PART V

TRANSPORTATION

33. Physical activities relating to the abandonment of freight operations on a railway line. [SOR/99-436]

34. The construction of drainage or the laying of pipes within the right-of-way of a railway line. [SOR/99-436]

35. The operation of an aircraft in supersonic flight on a route or in an area not designated by or under the authority of the Minister of Transport that requires an authorization under section 3 of the *Sonic and Supersonic Flight Order*.

36. Dredge or fill operations in a navigation channel of a historic canal or other navigable water for the purpose of ensuring the navigability of the historic canal or other navigable water.

37. The removal or destruction of a wreck or other thing under section 16 of the *Navigable Waters Protection Act*.

38. The removal of any vessel or other thing that is wrecked, sunk, partially sunk, lying ashore or grounded in any navigable water in Canada where the removal requires an authorization under section 20 of the *Navigable Waters Protection Act*.

39. The destruction or removal of a ship or any cargo or other material on board a ship that is stranded, wrecked, sunk or abandoned, where the destruction or removal is ordered by the Governor in Council under subsection 13(1) of the *Arctic Waters Pollution Prevention Act*.

39.1 Physical activities that are carried on in Canada relating to the establishment or relocation of a temporary road for use in winter. [SOR/99-436]

PART VI

WASTE MANAGEMENT

40. The dumping of any substance for which a permit is required under Part VI of the *Canadian Environmental Protection Act*.

41. The operation or testing of a mobile PCB destruction system or mobile PCB treatment system under section 11 or subsection 12(1) of the *Federal Mobile PCB Treatment and Destruction Regulations*.

41.1 The remediation of contaminated land in Canada. [SOR/99-436]

PART VII

FISHERIES

42. The destruction of fish by any means other than fishing, where the destruction requires the authorization of the Minister of Fisheries and Oceans under section 32 of the *Fisheries Act* or authorization under regulations made by the Governor in Council under that Act.

43. The harmful alteration, disruption or destruction of fish habitat by means of physical activities carried out in a water body, including dredge or fill operations, that require the authorization of the Minister of Fisheries and Oceans under subsection 35(2) of the *Fisheries Act* or authorization under regulations made by the Governor in Council under that Act.

44. The harmful alteration, disruption or destruction of fish habitat by means of draining or altering the water levels of a water body that require the authorization of the Minister of Fisheries and Oceans under subsection 35(2) of the *Fisheries Act* or authorization under regulations made by the Governor in Council under that Act.

45. The harmful alteration, disruption or destruction of fish habitat by means of erosion control measures adjacent to a water body that require the authorization of the Minister of Fisheries and Oceans under subsection 35(2) of the *Fisheries Act* or authorization under regulations made by the Governor in Council under that Act.

46. The harmful alteration, disruption or destruction of fish habitat by means of the removal of vegetation in or adjacent to a water body that requires the authorization of the Minister of Fisheries and Oceans under subsection 35(2) of the *Fisheries Act* or authorization under regulations made by the Governor in Council under that Act.

46.1 The harmful alteration, disruption or destruction of fish habitat by means of physical activities intended to establish or modify more than 500 m of continuous natural shoreline and that require the authorization of the Minister of Fisheries and Oceans under subsection 35(2) of the *Fisheries Act* or authorization under regulations made by the Governor in Council under that Act. [SOR/99-436]

47. The deposit of a deleterious substance that requires authorization under regulations made by the Governor in Council pursuant to subsection 36(5) of the *Fisheries Act*.

PART VIII

FLORA AND FAUNA [SOR/99-436]

48. The removal or damaging of vegetation, the carrying on of agricultural activities or the disturbance or removal of soil in a wildlife area that requires a permit under section 4 of the *Wildlife Area Regulations*.

48.1 Physical activities that are carried on in Canada outside a national park, national park reserve, national historic site or historic canal and that are intended to threaten the continued existence of a biological population in an ecodistrict, either directly or through the alteration of its habitat, except for activities carried on at or in the immediate vicinity of an airport to ensure the safe operation of aircraft. [SOR/99-436]

49. Physical activities referred to in paragraph 3(2)(b) or subsection 10(1) of the *Migratory Bird Sanctuary Regulations* that require a permit under subsection 9(1) of those Regulations.

50. The killing of a migratory bird or the taking of a migratory bird or its nest or eggs that requires a scientific permit referred to in subsection 19(1) of the *Migratory Birds Regulations*.

51. The killing of an endangered migratory bird that is considered to be a danger to aircraft operating at an airport that requires a permit under subsection 28(1) of the *Migratory Birds Regulations*.

52. The collection of eiderdown from migratory birds that requires a permit under subsection 32(1) of the *Migratory Birds Regulations*.

53. The introduction into Canada for the purpose of sport, acclimatization or release from captivity of a species of migratory bird not indigenous to Canada that requires consent in writing under section 33 of *Migratory Birds Regulations*.

54. The deposit of oil, oil wastes or any other substance harmful to migratory birds in waters or in any area frequented by migratory birds that requires an authorization under paragraph 35(2)(b) of the *Migratory Birds Regulations*.

55. The killing, capture or possession of any migratory bird or the collection or possession of carcasses, eggs or nests of any migratory bird that requires a special permit under section 36 of the *Migratory Birds Regulations*.

PART IX

PROJECTS ON ABORIGINAL LANDS

56. The use of lands in an Indian reserve for the purpose of Indian schools, the administration of Indian affairs, Indian burial grounds or Indian health projects that requires an authorization under subsection 18(2) of the *Indian Act*.

57. The occupation or use of, or residence or exercise of rights on, an Indian reserve that requires a permit under subsection 28(2) of the *Indian Act*.

58. The disposal of sand, gravel, clay or other non-metallic substances on or under lands in an Indian reserve under paragraph 58(4)(b) of the *Indian Act* or the taking of sand, gravel, clay or other non-metallic substances on or under lands in an Indian reserve that requires a temporary permit under that paragraph.

59. The operation of a garbage dump or the disposal, storage or burning of waste that requires a permit under section 5 of the *Indian Reserve Waste Disposal Regulations*.

60. The exploration for, or development of, minerals that requires a permit or lease under subsection 5(2) or 6(1) of the *Indian Mining Regulations*.

61. Exploratory work on Indian lands that requires an exploratory licence under subsection 6(4) of the *Indian Oil and Gas Regulations, 1995*. [SOR/99-436]

62. Repealed [SOR/99-436]

63. Repealed [SOR/99-436]

64. Repealed [SOR/99-436]

65. The exploitation of oil or gas on Indian lands that requires a surface lease or right-of-way under subsection 27(4) of the *Indian Oil and Gas Regulations, 1995*. [SOR/99-436]

66. The exploitation of oil or gas on Indian lands that requires a right of entry granted under subsection 32(1) of the *Indian Oil and Gas Regulations, 1995*. [SOR/99-436]

67. The cutting of timber on an Indian reserve that requires a permit, licence or variation under subsection 5(1), section 9 or subsection 22(1) of the *Indian Timber Regulations*.

PART X

NORTHERN PROJECTS

68. Physical activities relating to the use of waters or the deposit of waste that require a licence under subsection 14(1) of the *Yukon Waters Act* or that are the subject of a renewal of or amendment to a licence under paragraph 18(1)(a) or (b), or physical activities relating to a cancellation of a licence under paragraph 18(1)(c) of that Act.

69. Physical activities relating to the use of waters or the deposit of waste that require a licence under subsection 14(1) of the *Northwest Territories Waters Act* or that are the subject of a renewal of or amendment to a licence under paragraph 18(1)(a) or (b), or physical activities relating to a cancellation of a licence under paragraph 18(1)(c) of that Act.

70. Physical activities referred to in section 8 or 9 of the *Territorial Land Use Regulations* that are carried on in the Yukon Territory or Northwest Territories and that require a Class A Permit or Class B Permit under paragraph 25(1)(a) or 27(a) of those Regulations.

71. The cutting and removal of timber under a timber harvesting agreement entered into by the Minister of Indian Affairs and Northern Development in accordance with section 8 of the *Territorial Lands Act* or the cutting and removal of more than 1,000 m³ of timber that requires a permit pursuant to the *Yukon Timber Regulations*. [SOR/99-436]

72. The starting of an open fire to burn flammable materials that requires a permit under subsection 10(1) of the *Yukon Forest Protection Regulations*, where machinery is used to pile or gather the material.

73. The grazing of reindeer that requires a licence under paragraph 5(1)(b) of the *Northwest Territories Reindeer Regulations*.

PART XI

FORESTS

74. The cutting or removal of timber that requires a permit under subsection 7(3) of the *Timber Regulations, 1993* or an agreement under section 14 of those Regulations.

PART XII

MISCELLANEOUS

75. A physical activity that requires a licence under paragraph 3(a), (d) or (f) of the *Public Lands Licensing Order*.

76. Physical activities that require a licence under paragraph 4(2)(a) of the *Federal Real Property Regulations* to use or occupy federal lands, except

(a) activities that would be consistent with the intended and typical use of the federal lands in question and would not

- (i) result in the alteration of any feature of those federal lands, or**
- (ii) involve the likely release of a polluting substance into a water body;**

(b) the occupancy of a building or part of a building for residential or office purposes if the occupant is not responsible for the operation of the building; and

(c) where the proposed activity is the same as an activity carried on in the same location and for which an environmental assessment has been previously conducted under the *Canadian Environmental Assessment Act* or the *Environmental Assessment and Review Process Guidelines Order* and

(i) as a result of the assessment, the environmental effects have been determined to be insignificant, taking into account the implementation of mitigation measures, if any, and

(ii) the mitigation measures and follow-up program, if any, have been implemented as required in accordance with any timetable established by the responsible authority.

[SOR/99-436]

77. Physical activities relating to the establishment or use of a temporary field camp if the camp is to be used for 200 person-days or more, except a military field camp or troop concentration within a designated training area established by or under the authority of the Minister of National Defence before January 19, 1995. [SOR/99-436]

78. The importation of animals, hatching eggs, embryos or semen for agricultural purposes, including the raising of animals in captivity for sale as breeding stock or for the sale of parts of their bodies, hatching eggs, embryos or semen, that requires a permit under paragraph 10(1)(a), 32(b) or 35(b) of the *Health of Animals Regulations*, other than the importation of animals, embryos or semen of domestic equine species, domestic species of cattle, sheep, pig, goat and poultry and indigenous species that are farmed for fur or their embryos or semen. [SOR/99-436]

79. Seismic surveying in Canada not otherwise provided for under this schedule that is either of the following:

(a) land-based seismic surveying, if during the survey more than 50 kg of chemical explosive would be detonated in a single blast; or

(b) marine or freshwater seismic surveying, if during the survey the air pressure measured at a distance of one metre from the source would be greater than 275.79 kPa (40 pounds per square inch). [SOR/99-436]

80. Outdoor recreational activities to be carried on in rural areas of Canada, except within a national park, national park reserve, national historic site or historic canal, relating to the operation of rafting, boat touring and horseback riding enterprises having more than 10 full-time employees at any one time. [SOR/99-436]

COMING INTO FORCE

These Regulations come into force on the day on which they are registered. [SOR/99-436]

APPENDIX

Brief Explanation of Each Amendment

Inclusion List Regulations

These Regulations define specified physical activities, not relating to physical works, as projects according to the definition in the Canadian Environmental Assessment Act. It is important to note that an environmental assessment of a project is required only before a federal authority exercises a power or performs a duty or function as described in section 5 of the Act.

2. A definition of “ecodistrict” is added to aid in the interpretation of the new section 48.1 of these Regulations (see below).
A definition of “national historic site” is added for greater clarity wherever this term is used in these Regulations.
3. This amendment makes it clearer that all items listed in these Regulations are physical activities not relating to physical works.

Schedule

- The amendment to the heading of the schedule to the Regulations removes wording that would be inappropriate in light of the amendment to section 3, above.
- 1.1 This new section makes any physical activity carried out in a national park or other protected area and involving ecosystem manipulation, as prescribed therein, a project under the Act.
 2. This modification adds reference to additional protected areas. The removal of the reference to the *National Parks General Regulations* has the effect of expanding the scope of this section to include activities undertaken by Parks Canada.
 - 4.1 This new section makes any physical activity that would change a water management regime in a national park or other protected area, as prescribed therein, a project under the Act.
 5. This modification updates the reference to the amended *National Parks Wildlife Regulations*.
 6. This modification makes any activity requiring re-issuing of a licence of occupation of public lands exempt from environmental assessment where an assessment of the same activity has been previously conducted and where the specified conditions apply.
 - 9.1 This new section makes any alteration of a shoreline and any other activity as prescribed therein, a project under the Act.
 - 13.1 This new section makes any outdoor recreational activity within a national park or national park reserve, as prescribed therein, a project under the Act except where an assessment of the same activity has previously been conducted and where the specified conditions apply.
 - 13.2 This new section makes aerial application of a pesticide within a national park or other protected area, as prescribed therein, a project under the Act.
 - 13.3 This new section makes any of the specified activities in a national park or other protected area as prescribed therein, but outside a town or a visitor centre, a project under the Act.
 - 13.4 This new section makes the removal of vegetation for any of the specified purposes, as prescribed therein, a project under the Act.
 - 13.5 This new section makes any of the specified activities related to recreational facilities within a national park or other protected area, as prescribed therein, a project under the Act.

- 13.6 This new section makes any of the specified activities relating to a landfill site within a national park or other protected area, as prescribed therein, a project under the Act.
25. This modification makes the testing of military weapons within areas designated for that purpose exempt from environmental assessment when the testing is done in another country, just as it is already exempt in Canada.
30. This is similar to section 25, but relates to military field exercises and field training.
32. This modification makes any of the specified activities involving a military weapons platform a project under the Act only when those activities are conducted during the development or acquisition of a weapons system.
33. References to the former *National Transportation Act* and *Railway Act* are hereby removed
34. from these sections, due to the repeal of those statutes. Each of the specified activities is still a project under the Act.
- 39.1 This new section makes any of the prescribed activities relating to a winter road, as prescribed therein, a project under the Act.
- 41.1 This new section makes any physical remediation activity for contaminated land a project under the Act.
- 46.1 This new item makes any of the prescribed activities relating to shorelines, and that require the authorization of the Minister of Fisheries and Oceans, a project under the Act. The heading before section 48 of the schedule to the Regulations is to be changed, to read FLORA AND FAUNA.
- 48.1 This new section makes any of the specified activities involving a biological population and carried on outside a national park or other protected area, as prescribed therein, a project under the Act. This item is intended to capture potentially environmentally significant activities, such as activities specifically intended to threaten the survival of a distinct population at a geographical level equivalent to an ecodistrict or larger, while not capturing the management of pests on agricultural land, hunting activities, or minor wildlife culling activities. A definition of "ecodistrict" has been inserted in section 2 of these Regulations.
- 61, These amendments will provide correct references to the *Indian Oil and Gas Regulations*,
- 65, 1995, which replaced an earlier version of those Regulations.
- 66.
71. This modification increases the scope of this section by making timber cutting and removal under a timber harvesting agreement, as prescribed therein, a project under the Act. In addition, the removal of the section reference for the *Yukon Timber Regulations* means that any cutting and removal of more than 1,000 m³ of timber as permitted under any section of those Regulations is a project under the Act.
76. This modification makes any activity requiring a licence to use or occupy federal land, as prescribed therein, exempt from environmental assessment where the specified conditions apply.
77. This modification makes any activity related to the establishment or use of a military field camp or troop concentration exempt from environmental assessment where the specified conditions apply.
78. This modification widens the scope of this section to include the importation of eggs, embryos or semen of specified animals.
79. This new section makes any of the specified seismic surveying activities, as prescribed

therein, a project under the Act.

80. This new section makes any of the specified outdoor recreational activities carried on outside a national park or other protected area, as prescribed therein, a project under the Act.

EXCLUSION LIST REGULATIONS

as amended 4 November 1999 [SOR/99-437]

WHEREAS THE GOVERNOR IN COUNCIL is satisfied that the environmental effects of certain projects in relation to physical works are insignificant;

THEREFORE, HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of the Environment, pursuant to subparagraph 59(c)(ii) of the Canadian Environmental Assessment Act*, is pleased hereby to make the annexed Regulations prescribing those projects and classes of projects for which an environmental assessment is not required, effective on the day on which section 59 of the Canadian Environmental Assessment Act comes into force.

REGULATIONS PRESCRIBING THOSE PROJECTS AND CLASSES OF PROJECTS FOR WHICH AN ENVIRONMENTAL ASSESSMENT IS NOT REQUIRED

SHORT TITLE

1. These Regulations may be cited as the *Exclusion List Regulations*.

INTERPRETATION

2. In these Regulations,
"control product" means control product as defined in section 2 of the *Pest Control Products Act*; (*produits antiparasitaires*)
"dugout" means an excavation to hold water for consumption by livestock; (*étang-réservoir*)
"expansion" means an increase in the exterior dimensions or the production capacity of a physical work; (*agrandissement*)
"fixed structure" means the electrical, heating, fire-prevention, plumbing or security structure of an existing building, but does not include a structure that is intended to produce goods or energy; (*structure fixe*)
"footprint" means the area of land occupied by a building or structure at ground level; (*superficie au sol*)

* S.C. 1992, c. 37 as amended

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

"historic canal" means a historic canal set out in column I of an item of Schedule I to the *Historic Canals Regulations* and includes any federal lands appertaining or incident to a historic canal; (*canal historique*)

"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 de transport d'électricité internationale*)

"irrigation structure" means one of the following that is used for irrigating agricultural land:

- (a) a buried pipeline,
- (b) a pipe,
- (c) a pump,
- (d) a pump house,
- (e) a reservoir,
- (f) a drain, or
- (g) a canal lined with asphalt, wood, concrete or other material; (*structure d'irrigation*)

"modification" means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion; (*modification*)

"national historic site" means a place that is commemorated under section 3 of the *Historic Sites and Monuments Act* and is under the administration of the Parks Canada Agency; (*lieu historique national*) [SOR/99-437]

"national park" means

- (a) a park described in Schedule I to the *National Parks Act*, and
- (b) a park established pursuant to a federal-provincial agreement that is under the responsibility of the Minister of Communications and is not described in Schedule I to the *National Parks Act*; (*parc national*)

"national park reserve" means a reserve established under *An Act to amend the National Parks Act and to amend An Act to amend the National Parks Act*, chapter 48 of the Statutes of Canada, 1988, and the lands described in the schedule to the *Mingan Archipelago National Park Act*; (*réserve foncière*)

"net repair area" means a paved or finished area set aside for the repair of fishing nets; (*aire de réparation de filets*)

"nuclear facility" means nuclear facility as defined in section 2 of the *Atomic Energy Control Regulations*; (*établissement nucléaire*)

"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*)

"polluting substance" means a substance that, if added to a water body, is likely to degrade or alter or form part of a process of degradation or alteration of the physical, chemical or biological conditions of the water body to an extent that is detrimental to its use by human beings, animals, fish or plants; (*substance polluante*)

"right of way" means land that is subject to a right of way and that is developed for a telecommunication or electrical transmission line, a switching station, an oil and gas pipeline, a railway or a road; (*emprise*)

"water body" means a water body, including a canal, reservoir, an ocean and a wetland, up to the high-water mark, but does not include a sewage or waste treatment lagoon or a mine tailings pond; (*plan d'eau*)

"wetland" means a swamp, marsh, bog, fen or other land that is covered by water during at least three consecutive months of the year. (*terres humides*)

GENERAL

3. The projects and classes of projects that are set out in Schedule I and carried out in places other than a national park, national park reserve, national historic site or historic canal are prescribed projects and classes of projects for which an environmental assessment is not required.

4. The projects and classes of projects that are set out in Schedule II and carried out in a national park, national park reserve or national historic site are prescribed projects and classes of projects for which an environmental assessment is not required.

5. The projects and classes of projects that are set out in Schedule II or III and carried out in a historic canal are prescribed projects and classes of projects for which an environmental assessment is not required.

SCHEDULE I
(Section 3)

EXCLUSION LIST FOR PLACES OTHER THAN NATIONAL PARKS, NATIONAL PARK
RESERVES, NATIONAL HISTORIC SITES OR HISTORIC CANALS

PART I

GENERAL

1. The proposed maintenance or repair of an existing physical work.
2. The proposed operation of an existing physical work that is the same as an operation for which an environmental assessment has been previously conducted under either the *Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order* where
 - (a) as a result of the assessment, the environmental effects have been determined to be insignificant, taking into account the implementation of mitigation measures, if any; and
 - (b) the mitigation measures and follow-up program, if any, have been substantially implemented.
3. The proposed construction or installation of a building with a footprint of less than 100 m² and a height of less than 5 m that would not
 - (a) be carried out in or on or within 30 m of a water body; and
 - (b) involve the likely release of a polluting substance into a water body.
- 3.1 The proposed construction, installation, expansion or modification of a physical work, not otherwise referred to in this Schedule, with a footprint of less than 25 m² that would not**
 - (a) be carried out in or on or within 30 m of a water body; or**
 - (b) involve the likely release of a polluting substance into a water body. [SOR/99-437]**
4. The proposed expansion or modification of an existing building, including its fixed structures, that would not
 - (a) increase the footprint or height of the building by more than 10 per cent;
 - (b) be carried out in or on or within 30 m of a water body; and
 - (c) involve the likely release of a polluting substance into a water body.

5. The proposed construction, installation, expansion or modification of an environmental scientific data collection instrument and its housing and enclosure that would not

- (a) be carried out in or on or within 30 m of a water body; or**
- (b) involve the likely release of a polluting substance into a water body. [SOR/99-437]**

11 **6. The proposed construction, installation, expansion or modification of a ramp, door or handrail to facilitate wheelchair access.**

ct **7. The proposed construction, installation, expansion or modification of a temporary exhibition structure inside, or affixed to the exterior of, an existing building.**

8. The proposed construction of a sidewalk or boardwalk, or a parking lot with a parking capacity of 10 automobiles or fewer, where the construction

- (a) would be contiguous to an existing building;**
- (b) would not be carried out in or on or within 30 m of a water body; and**
- (c) would not involve the likely release of a polluting substance into a water body.**

9. The proposed expansion or modification of an existing sidewalk, boardwalk or parking lot that would not

- (a) increase the area of the sidewalk, boardwalk or parking lot by more than 10 per cent;**
- (b) be carried out in or on or within 30 m of a water body; and**
- (c) involve the likely release of a polluting substance into a water body.**

10. The proposed expansion or modification of an existing fence that would not

- (a) increase the length or height of the fence by more than 10 per cent;**
- (b) be carried out in or on or within 30 m of a water body; and**
- (c) involve the likely release of a polluting substance into a water body.**

11. The proposed construction, installation, expansion or modification of a hydrant or hook-up, where

- (a) the hydrant or hook-up would be or is part of an existing farm or municipal system of distribution; and**
- (b) the construction, installation, expansion or modification would not involve the crossing of a water body other than an aerial crossing by a telecommunication or electrical transmission line.**

12. The proposed construction, installation, expansion or modification of a sign no surface of which would have or has an area of more than 25 m² and which would be or is situated at a distance of less than 15 m from an existing building.

13. The proposed construction, installation, expansion or modification of a radiocommunication antenna and its supporting structure that

- (a) would not be carried out in or on or within 30 m of a water body;
- (b) would not involve the likely release of a polluting substance into a water body;
- (c) would have one of the following characteristics:
 - (i) the antenna and supporting structure are affixed to an existing building,
 - (ii) the antenna and supporting structure are situated at a distance of less than 15 m from an existing building, and
 - (iii) neither the antenna nor its supporting structure nor any of its supporting lines have a footprint of more than 25 m²; and
- (d) in the case of subparagraph (c)(iii), would not require a permit under paragraph 25(1)(a) or 27(a) of the *Territorial Land Use Regulations*.

14. **The proposed construction, installation, expansion or modification of a temporary field camp used for scientific or technical research, or for reforestation, if**

- (a) the temporary field camp**
 - (i) would be in use for fewer than 200 person-days, or**
 - (ii) is a military field camp or a designated training area established under the authority of the Minister of National Defence before January 19, 1995; and**
- (b) the proposed construction, installation, expansion or modification would not**
 - (i) be carried out in or on or within 30 m of a water body, and**
 - (ii) involve the likely release of a polluting substance into a water body. [SOR/99-437]**

15. The proposed expansion or modification of an existing road that would be carried out on the existing road right of way and would not

- (a) lengthen the road;
- (b) widen the road by more than 15 per cent;
- (c) be carried out in or on or within 30 m of a water body; and
- (d) involve the likely release of a polluting substance into a water body.

16. The proposed demolition of an existing building with a floor area of less than 1 000 m² that would not

- (a) be carried out in or on or within 30 m of a water body;
- (b) involve the likely release of a polluting substance into a water body; and
- (c) be carried out within 30 m of another building.

17. The proposed construction, installation or modification of Canada - United States international boundary monuments.

PART II

AGRICULTURE

18. The proposed modification of an existing irrigation structure that would not involve the likely release of a polluting substance into a water body.

19. The proposed construction, expansion or modification of a domestic or farm water supply well, pump house, water-tank loading facility or dugout on agricultural land that would not

- (a) be carried out in or on or within 30 m of a water body; and
- (b) involve the likely release of a polluting substance into a water body.

20. The proposed construction, expansion or modification of a centre pivot or side roll sprinkler on agricultural land that would not

- (a) be carried out in or on or within 30 m of a water body; and
- (b) involve the likely release of a polluting substance into a water body.

PART III

ELECTRICAL AND NUCLEAR ENERGY

21. The proposed construction or installation of an electrical transmission line, other than an international electrical transmission line, with a voltage of not more than 130 kV, where the construction or installation would not

- (a) be carried out beyond an existing right of way;
- (b) involve the likely release of a polluting substance into a water body; and
- (c) involve the placement in or on a water body of the supporting structures for the electrical transmission line.

22. The proposed expansion or modification of an existing telecommunication or electrical transmission line, other than an international electrical transmission line, that would not

- (a) lengthen the line by more than 10 per cent;
- (b) be carried out beyond an existing right of way;
- (c) involve the likely release of a polluting substance into a water body; and
- (d) involve the placement in or on a water body of the supporting structures for the telecommunication or electrical transmission line.

23. The proposed construction or installation of a switching station associated with a telecommunication or electrical transmission line with a voltage of not more than 130 kV, other than an international transmission line, where the construction or installation would not

- (a) be carried out beyond an existing right of way;
- (b) be carried out in or on or within 30 m of a water body; and
- (c) involve the likely release of a polluting substance into a water body.

24. The proposed expansion or modification of an existing switching station associated with a telecommunication or electrical transmission line, where the expansion or modification would not

- (a) be carried out beyond an existing right of way;
- (b) be carried out in or on or within 30 m of a water body; and
- (c) involve the likely release of a polluting substance into a water body.

25. The proposed construction, installation, expansion or modification of an international electrical transmission line with a voltage of not more than 50 kV that would not

- (a) be carried out beyond an existing right of way;
- (b) extend more than 4 km outside Canada;
- (c) involve the likely release of a polluting substance into a water body; and
- (d) involve the placement of the supporting structures for the line in or on or within 30 m of a water body.

26. The proposed construction, installation, operation, modification or decommissioning of a particle accelerator, when the particle accelerator is [SOR/99-437]

- (a) an electron linac or cyclotron accelerator capable of operating at no more than 50 MeV; or
- (b) an electrostatic accelerator capable of operating at no more than 5 MV.

27. The proposed construction, installation, operation, expansion, modification, decommissioning or abandonment of a physical work that requires a licence under subsection 7(1) of the *Atomic Energy Control Regulations*, where

- (a) the physical work has a floor area of 100 m² or less and a height of 5 m or less;

(b) in the case of a proposed expansion, the footprint or height of the physical work is not increased by more than 10 per cent; and

(c) the physical work is not one of the following:

(i) a facility for the separation and processing of radioisotopes or a facility for the manufacture of sealed radiation sources, where the activity of the resident inventory of radioactive material in that facility is more than 1PBq or where the activity of the annual throughput or radioactive material is more than 1 PBq, and

(ii) an irradiation facility that employs a pool-type irradiator, where the form and composition of the radioactive material within the sealed radiation source is such that the material would be readily dispersed in air or easily dissolved in water if the seal were ruptured.

28. The proposed construction, installation, operation, modification, decommissioning or abandonment of monitoring, safety or security equipment that is affixed or adjacent to an existing nuclear facility.

29. The proposed modification of an existing nuclear facility or an existing facility referred to in subparagraph 27(c)(i) or (ii) that is the same as a modification for which an environmental assessment has been previously conducted under either the *Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order*, where

(a) as a result of the assessment, the environmental effects have been determined to be insignificant taking into account the implementation of mitigation measures, if any; and

(b) the mitigation measures and follow-up program, if any, have been substantially implemented.

30. The proposed expansion or modification of any fixed structure within an existing nuclear facility or an existing facility referred to in subparagraph 27(c)(i) or (ii) that would not

(a) be carried out in or on or within 30 m of a water body; and

(b) involve the likely release of a polluting substance into a water body.

PART III.1

OIL AND GAS PIPELINES

30.1 (1) Subject to subsection (2), the proposed addition or installation of any of the following components with respect to an existing onshore oil and gas pipeline:

(a) a new connection;

(b) piping;

(c) cathodic protection systems, including rectifiers;

(d) valves, including valve vaults and pressure transmitters;

- (e) compressor and pump station components including compressors, pumps, motors, silencers, scrubbers, gas seals, system boilers, scraper traps, switch gear, transformers and uninterruptible power supply;**
- (f) storage tank components, including mixers and ladders;**
- (g) metering and regulating facilities;**
- (h) quality measurement systems, including analyzers for water or basic sediment, densitometers, calorimeters, in-line viscometers, gas chromatographs and automatic/composite samplers; or**
- (i) mechanical and electrical systems of a facility building, including plumbing, air conditioning, heating and ventilation systems, not involving the use or disposal of chlorofluorocarbons.**

(2) Subsection (1) does not apply to the proposed addition or installation of a pipeline component that would

- (a) result in the extension of the pipeline beyond the existing limits of the right-of-way or of other property on which the pipeline is located;**
- (b) be undertaken within 30 m of a water body; or**
- (c) involve the likely release of a polluting substance into a water body, or result in an increase in airborne emissions or noise during the operation of the facility. [DORS/99-437]**

30.2 The proposed relocation of a section of oil and gas pipeline that would not

- (a) result in the extension of the pipeline beyond the existing limits of the right-of-way or of other property on which the pipeline is located;**
- (b) be undertaken within 30 m of a water body; or**
- (c) involve the likely release of a polluting substance into a water body, or result in an increase in airborne emissions or noise during the operation of the facility. [SOR/99-437]**

PART IV

FORESTRY

31. The proposed expansion or modification of an existing drainage structure, other than a drainage structure connected to a water body, on forested land, where the expansion or modification

- (a) would not lengthen the structure by more than 10 per cent; and**
- (b) would be carried out in a place other than a place in the Yukon Territory or the Northwest Territories.**

PART V

WATER PROJECTS

32. The proposed construction, expansion, modification or demolition that would not involve the likely release of a polluting substance into a water body, of a structure, such as a bait storage depot, net repair area or patrol cabin, that

- (a) would be or is located on land;
- (b) would be or is associated with fishing or the use of small pleasure craft; and
- (c) would have or has a floor area of less than 100 m² and a height of less than 5 m.

33. The proposed construction, installation, expansion or modification of a fish habitat improvement structure that would not involve the use of heavy machinery.

34. The proposed modification of an existing wharf, other than a floating wharf, or of an existing breakwater that is accessible by land, where the modification would not

- (a) be carried out below the high-water mark of the breakwater or wharf;
- (b) involve dredging; and
- (c) involve the likely release of a polluting substance into a water body.

35. The proposed re-installation, expansion or modification of an existing floating wharf that would not increase its area by more than 10 per cent.

36. The proposed demolition of an existing wharf that would not involve

- (a) the use of explosives; and
- (b) the likely release of a polluting substance into a water body.

PART VI

TRANSPORTATION

37. The proposed expansion or modification of an existing pavement or gravel area within the boundary of an airport, as defined in subsection 3(1) of the *Aeronautics Act*, that would not

- (a) increase the pavement or gravel area by more than 10 per cent;
- (b) be carried out in or on or within 30 m of a water body; and
- (c) involve the likely release of a polluting substance into a water body.

38. The proposed modification of existing aircraft manoeuvring lights or navigation aids.

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

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

41. (1) Despite subsection 30.1(1) and paragraph 30.2(a), if any of the facilities described in the following paragraphs cross under a railway or road, the proposed construction, installation, replacement or modification of that part of the facility that crosses under the railway or road as well as any other part of the facility located within the railway or road right-of-way

(a) an oil and gas pipeline or a pipeline used for the transmission of any other flammable or highly volatile liquid;

(b) a water pipe; or

(c) a sewer or a drain.

(2) Subsection (1) does not apply if the proposed construction, installation, replacement or modification would not^{*}

(a) be undertaken within 30 m of a water body; or

(b) involve the likely release of a polluting substance into a water body, or result in an increase in airborne emissions or noise during the operation of the facility. [SOR/99-437]

42. The proposed modification of that part of an existing culvert that

(a) is not connected to a water body;

(b) crosses under a railway or road; and

(c) is within the existing railway or road right of way.

43. The proposed modification of an existing railway line, except for a modification outside the right-of-way or beyond 100 m of the centre line of the railway line for a distance of greater than 3 km, that would not

(a) be carried out in or on or within 30 m of a water body; and

(b) involve the likely release of a polluting substance into a water body. [SOR/99-437]

* The official version of this subsection erroneously contains the word "not" immediately prior to paragraph (a); therefore, it should be read as follows:

(2) Subsection (1) does not apply if the proposed construction, installation, replacement or modification would

(a) be undertaken within 30 m of a water body; or

(b) involve the likely release of a polluting substance into a water body, or result in an increase in airborne emissions or noise during the operation of the facility.

Steps are being taken to remedy this matter.

44. The proposed modification of an existing road crossing, as defined in subsection 4(1) of the *Railway Safety Act*, where the modification would

- (a) be carried out on an existing right of way;
- (b) not be subject to an authorization under subsection 101(3) of the *Canada Transportation Act*; [SOR/99-437]
- (c) not be carried out in or on or within 30 m of a water body; and
- (d) not involve the likely release of a polluting substance into a water body.

SCHEDULE II
(Sections 4 and 5)

EXCLUSION LIST FOR NATIONAL PARKS, NATIONAL PARK
RESERVES, NATIONAL HISTORIC SITES AND HISTORIC CANALS

1. The proposed modification, maintenance or repair of an existing structure, other than a structure referred to in section 2, including its internal fixed structures, that would not

- (a) increase the footprint or height of the structure;
- (b) involve a heritage structure;
- (c) involve a change in the method of sewage disposal, or an increase in the amount of sewage, waste or emission;
- (d) involve any excavation beyond the footprint of the structure;
- (e) create a need for related facilities such as parking spaces; or
- (f) involve the likely release of a polluting substance into the environment. [DORS/99-437]

2. The proposed modification, maintenance or repair of an existing structure, including its internal fixed structures, in the Town of Banff or the Town of Jasper described in Schedule I to the *National Parks Lease and Licence of Occupation Regulations (1991)*, in any resort subdivision described in Schedule II to those Regulations or in any visitor centre described in Schedule III to those Regulations, that would not

- (a) be carried out beyond lands subject to an existing lease;
- (b) increase the footprint or height of the structure by more than 10%;
- (c) involve a heritage structure;
- (d) be carried out in, on or over a water body;
- (e) involve the likely release of a polluting substance into the environment; or
- (f) involve the cutting of indigenous trees. [SOR/99-437]

3. The proposed maintenance or repair of an existing sidewalk, boardwalk or parking lot.

4. The proposed maintenance or repair of an existing fence.

5. The proposed construction, installation, maintenance or repair of a sign within an existing right of way or that is carried out at a distance of less than 15 m from an existing building.
6. The proposed maintenance or repair of an existing road, including pull-off areas, that would be carried out on the existing right of way and would not
 - (a) result in the likely release of a polluting substance into a water body; and
 - (b) involve the application of a dust control product or salt to the road or of a pest control product to the areas adjacent to the road [SOR/99-437]
7. The proposed maintenance or repair of an existing environmental data collection instrument and its housing and enclosure.
8. **The proposed construction or installation of an interpretive display or exhibit associated with an existing building, road, pull-off area or trail, if the construction or installation would not**
 - (a) require an expansion of any existing associated facilities; or
 - (b) be located in a special preservation area or a wilderness area set out in a parks management plan laid before each House of Parliament under subsection 5(1.1) of the *National Parks Act*. [SOR/99-437]
9. The proposed construction, installation, modification, maintenance or repair of a handrail or guard-rail associated with an existing structure.
10. The proposed maintenance or repair of an existing fire tower.
11. **The proposed operation of an existing physical work that is the same as an operation for which an environmental assessment has been previously conducted under the *Canadian Environmental Assessment Act* or the *Environmental Assessment and Review Process Guidelines Order*, if**
 - (a) as a result of the assessment, the environmental effects have been determined to be insignificant, taking into account the implementation of mitigation measures, if any; and
 - (b) the mitigation measures and follow-up program if any have been implemented as required in accordance with any timetable established by the responsible authority.
 - (c) Repealed [SOR/99-437]

12. The proposed modification, maintenance or repair of an existing buried water, sewer, gas, electricity or telephone service line, other than a line crossing a water body, in the Town of Banff or the Town of Jasper described in Schedule I to the *National Parks Lease and Licence of Occupation Regulations (1991)*, in any resort subdivision described in Schedule II to those Regulations or in any visitor centre described in Schedule III to those Regulations, where the modification, maintenance or repair would

- (a) take place in a built-up area;
- (b) not involve the cutting of indigenous trees;
- (c) not be carried out in or on or within 30 m of a water body;
- (d) not involve the likely release of a polluting substance into the environment;
- (e) not increase the operating capacity of the water, sewer, gas, electricity or telephone service line; and
- (f) not involve a risk of physical harm to mammals.

SCHEDULE III
(Section 5)

EXCLUSION LIST FOR HISTORIC CANALS

1. The proposed maintenance or repair of an existing dam, historic canal, lock or retaining wall, where the maintenance or repair would not involve

- (a) the removal or the lowering of the level of the water in any part of the canal;
- (b) the likely release of a polluting substance into the canal; and
- (c) dredging, blasting or filling.

2. The proposed maintenance or repair, that would not result in the likely release of a polluting substance, of an existing structure, where the structure is used

- (a) as a base for navigation aids;
- (b) to control the flow of water in the main channel of a historic canal; or
- (c) as a breakwater.

3. The proposed construction, installation, maintenance or repair of any in-water structure that does not have a solid foundation or penetrate the bed of a historic canal, where that installation, maintenance or repair would not involve

- (a) the likely release of a polluting substance into the canal;
- (b) the use of heavy machinery on the bed of the canal to install or maintain the structure; and
- (c) dredging.

4. The proposed construction, installation, maintenance or repair of shore stabilization works that would not involve

- (a) the likely release of a polluting substance into a historic canal;
- (b) the use of heavy machinery on the bed of the canal;
- (c) dredging or excavation; and
- (d) any encroachment on the bed of the canal.

5. The proposed construction, installation, maintenance or repair of a non-commercial marine railway or boat lift that would not involve

- (a) the likely release of a polluting substance into a historic canal;
- (b) the use of heavy machinery on the bed of the canal to install, maintain or repair the marine railway or boat lift; and
- (c) dredging.

6. The proposed construction, installation, maintenance or repair of an aerial telecommunication or electrical transmission line that would cross or does cross a historic canal and is supported by a single pole on either side of the canal.

7. The proposed construction, installation, maintenance or repair of a submarine cable or submarine utility pipeline, other than an oil and gas pipeline, where the construction, installation, maintenance or repair would not involve

- (a) the crossing of a wetland; and
- (b) any alteration to the bed of a historic canal.

COMING INTO FORCE

These Regulations come into force on the day on which they are registered. [SOR/99-437]

APPENDIX

Brief Explanation of Each Amendment

Exclusion List Regulations

These Regulations exclude specified undertakings in relation to physical works from any requirement for assessment under the Canadian Environmental Assessment Act.

2. The definition of “national historic site” has been revised for greater clarity wherever this term is used in these Regulations.

Schedule 1

- 3.1 This new section excludes specified undertakings involving small physical works from any requirement for environmental assessment if the stated conditions are met.
5. This modification removes the exception for a water quality data collection instrument. This means that any of the specified activities involving any environmental scientific data collecting instrument is excluded.
14. This modification serves to expand the scope of this section to include undertakings involving temporary military field camps, subject to specified conditions.
26. This modification corrects the inadvertent omission of the term “decommissioning” from the preceding version of this section relating to a particle accelerator.
- 30.1 This new section excludes the addition or installation of any of the specified components on an existing oil and gas pipeline if specified conditions are met.
- 30.2 This new section excludes any relocation of a section of oil and gas pipeline, subject to specified conditions.
41. The modification of this section widens the range of excluded undertakings with respect to pipe crossings, specifies the types of pipes affected, and sets certain conditions that must be met.
43. This modification removes the inappropriate word “deviation” and specifies additional conditions that must be met to qualify for exclusion.
- 44(b) The amended section refers to the *Canada Transportation Act* instead of the (repealed) *Railway Act*.

Schedule 2 (applies within national parks and other protected areas)

1. This modification widens the range of exclusion to apply to a “structure” rather than a “building”, while retaining all specified conditions. This will convey more accurately the original intention of the Department of Canadian Heritage.
2. Similar to section 1, above.
- 6(b) Part of this paragraph is hereby amended to clarify the original intent, that is, *not* to exclude the application of dust control or pest control products.
8. A drafting error in the current section of the Regulations is corrected by substituting

“or” for “and” between paragraphs (a) and (b) to indicate that, if either of the two conditions are met, the exclusion does not apply.

11. This modification widens the scope of application of this section. The exclusion now applies to the operation of any existing physical work located within a national park or other protected area, as prescribed therein, if an assessment of the same operation has already been conducted and all specified conditions are met. The requirements concerning licences, permits and approvals have been deleted.

COMPREHENSIVE STUDY LIST REGULATIONS

as amended 4 November 1999 [SOR/99-439]

WHEREAS the Governor in Council is satisfied that certain projects and classes of projects are likely to have significant adverse environmental effects;

THEREFORE, HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of the Environment, pursuant to paragraph 59(d) of the Canadian Environmental Assessment Act*, is pleased hereby to make the annexed Regulations prescribing those projects and classes of projects for which a comprehensive study is required, effective on the day on which section 59 of the Canadian Environmental Assessment Act comes into force.

REGULATIONS PRESCRIBING THOSE PROJECTS AND CLASSES OF PROJECTS FOR WHICH A COMPREHENSIVE STUDY IS REQUIRED

SHORT TITLE

1. These Regulations may be cited as the Comprehensive Study List Regulations.

INTERPRETATION

2. In these Regulations,

"abandonment" does not include the temporary cessation of the operation of a physical work;
(fermeture)

"aerodrome" means aerodrome as defined in subsection 3(1) of the Aeronautics Act; (aérodrome)

"airport" means airport as defined in subsection 3(1) of the Aeronautics Act; (aéroport)

"decommissioning" does not include the cessation of the operation of a physical work;
(désaffectation)

* S.C. 1992, c. 37 as amended

“hazardous waste” means hazardous waste as defined in subsection 43(4) of the *Canadian Environmental Protection Act*, but does not include prescribed substances as defined in section 2 of the *Atomic Energy Control Act*; (*déchets dangereux*) [SOR/99-439]

"historic canal" means a historic canal set out in column I of an item of Schedule I to the Historic Canals Regulations; (*canal historique*)

“long-range development plan” means a plan for the development and operation of a commercial ski area prepared for the approval of the Minister of Canadian Heritage; (*plan d’aménagement à long terme*) [SOR/99-439]

"management plan" means a management plan in respect of a national park, national park reserve, national historic site or historic canal that has been laid before each House of Parliament; (*plan de gestion*)

“marine terminal” means

(a) an area normally used for berthing ships and includes wharves, bulkheads, quays, piers, docks, submerged lands, and areas, structures and equipment that are

(i) connected with the movement of goods between ships and shore and their associated storage areas, including areas, structures and equipment used for the receiving, handling, holding, consolidating, loading or delivery of waterborne shipments, or

(ii) used for the receiving, holding, regrouping, embarkation or landing of waterborne passengers; and

(b) any area adjacent to the areas, structures and equipment referred to in paragraph (a) that is used for their maintenance.

It does not include

(c) production, processing or manufacturing areas that include docking facilities used exclusively in respect of those areas; or

(d) the storage facilities related to the areas referred to in paragraph (c); (*terminal maritime*) [SOR/99-439]

"migratory bird sanctuary" means an area set out in the schedule to the Migratory Bird Sanctuary Regulations; (*refuge d’oiseaux migrateurs*)

“national historic site” means a place that is commemorated under section 3 of the *Historic Sites and Monuments Act* and is under the administration of the Parks Canada Agency; (*lieu historique national*) [SOR/99-439]

"national park" means

- (a) a park described in Schedule I to the National Parks Act, and
- (b) a park established pursuant to a federal-provincial agreement that is under the responsibility of the Minister of Communications and is not described in Schedule I to the National Parks Act; (parc national)

"national park reserve" means a reserve established under An Act to amend the National Parks Act and to amend An Act to amend the National Parks Act, chapter 48 of the Statutes of Canada, 1988, and the lands described in the schedule to the Mingan Archipelago National Park Act; (réserve foncière)

"new right of way" means land that is subject to a right of way that is proposed to be developed for an electrical transmission line, an oil and gas pipeline, a railway line, or an all-season public highway and that is not alongside and contiguous to an existing right of way; (nouvelle emprise)

"nuclear facility" means nuclear facility as defined in section 2 of the Atomic Energy Control Regulations; (établissement nucléaire)

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

"paper product" includes paper, coated paper, paperboard, hardboard, boxboard, linerboard, insulating board, building board, corrugating medium, tissue, moulded cellulose product and any other product directly derived from pulp, but does not include viscose, rayon, cellophane or any other cellulose derivative; (produit de papier)

"pulp" means processed cellulose fibres that are derived from wood, other plant material or recycled paper products; (pâte)

"pulp and paper mill" means a mill that produces pulp and paper products, but does not include a mill that produces paper products only; (fabrique de pâtes et papiers)

"right of way" means land that is subject to a right of way and that is developed for an electrical transmission line, an oil and gas pipeline, a railway or an all-season public highway; (emprise)

"water body" means any water body, including a canal, reservoir, an ocean and a wetland, up to the high-water mark, but does not include a sewage or waste treatment lagoon or a mine tailings pond; (plan d'eau)

"wetland" means a swamp, marsh, bog, fen or other land that is covered by water during at least three consecutive months of the year; (terres humides)

"wildlife area" means wildlife area as defined in section 2 of the Wildlife Area Regulations.
(réserve de faune)

GENERAL

3. The projects and classes of projects that are set out in the schedule are prescribed projects and classes of projects for which a comprehensive study is required.

SCHEDULE
(Section 3)

COMPREHENSIVE STUDY LIST

PART I

NATIONAL PARKS AND PROTECTED AREAS

1. The proposed construction, decommissioning or abandonment in relation to a physical work in or on a national park, national park reserve, national historic site or historic canal that is contrary to its management plan.

2. The proposed construction, decommissioning or abandonment, in a wildlife area or migratory bird sanctuary, of

- (a) an electrical generating station or transmission line;
- (b) a dam, dyke, reservoir or other structure for the diversion of water;
- (c) an oil or gas facility or oil and gas pipeline;
- (d) a mine or mill;
- (e) a nuclear facility or uranium mining facility;
- (f) an industrial facility;
- (g) a canal or lock;
- (h) a marine terminal;
- (i) a railway line or public highway;
- (j) an aerodrome or runway; or
- (k) a waste management facility.

3. **The proposed increase in the size of an area that is used for golfing in a national park or national park reserve, or the proposed increase in the number of holes that are used for golfing within such an area. [SOR/99-439]**

3.1 The proposed development of a commercial ski area in a national park or national park reserve:

- (a) as set out in a long-range development plan that is to be submitted to the Minister of Canadian Heritage for approval;**
- (b) that is not consistent with a long-range development plan approved by the Minister of Canadian Heritage; or**
- (c) that is consistent with a long-range development plan approved before 1999 but that involves development of currently undeveloped, unskied or unserved terrain. [SOR/99-439]**

PART II

ELECTRICAL GENERATING STATIONS AND TRANSMISSION LINES

4. The proposed construction, decommissioning or abandonment of

- (a) a fossil fuel-fired electrical generating station with a production capacity of 200 MW or more; or
- (b) a hydroelectric generating station with a production capacity of 200 MW or more.

5. The proposed expansion of

- (a) a fossil fuel-fired electrical generating station that would result in an increase in production capacity of 50 per cent or more and 200 MW or more; or
- (b) a hydroelectric generating station that would result in an increase in production capacity of 50 per cent or more and 200 MW or more.

6. The proposed construction, decommissioning or abandonment of a tidal power electrical generating station with a production capacity of 5 MW or more, or an expansion of such a station that would result in an increase in production capacity of more than 35 per cent.

7. The proposed construction of an electrical transmission line with a voltage of 345 kV or more that is 75 km or more in length on a new right of way.

PART III

WATER PROJECTS

8. The proposed construction, decommissioning or abandonment of a dam or dyke that would result in the creation of a reservoir with a surface area that would exceed the annual mean surface area of a natural water body by 1500 hectares or more, or an expansion of a dam or dyke that would result in an increase in the surface area of a reservoir of more than 35 per cent.

9. The proposed construction, decommissioning or abandonment of a structure for the diversion of 10 000 000 m³/a or more of water from a natural water body into another natural water body or an expansion of such a structure that would result in an increase in diversion capacity of more than 35 per cent.

10. The proposed construction, decommissioning or abandonment of a facility for the extraction of 200 000 m³/a or more of ground water or an expansion of such a facility that would result in an increase in production capacity of more than 35 per cent.

PART IV

OIL AND GAS PROJECTS

11. The proposed construction, decommissioning or abandonment of

- (a) a platform, artificial island or any other physical work for the production of oil or gas, where the platform, island or work is located offshore in salt water or fresh water;
- (b) a heavy oil or oil sands processing facility with an oil production capacity of more than 10 000 m³/d; or

**(c) an oil sands mine with a bitumen production capacity of more than 10 000 m³/d.
[SOR/99-439]**

12. The proposed expansion of a heavy oil or oil sands processing facility that would result in an increase in oil production capacity that would exceed 5 000 m³/d and would raise the total oil production capacity to more than 10 000 m³/d.

13. The proposed construction, decommissioning or abandonment, or an expansion that would result in an increase in production capacity of more than 35 per cent, of

- (a) an oil refinery, including a heavy oil upgrader, with an input capacity of more than 10 000 m³/d;
- (b) a facility for the production of liquid petroleum products from coal with a production capacity of more than 2 000 m³/d;
- (c) a sour gas processing facility with a sulphur inlet capacity of more than 2 000 t/d;
- (d) a facility for the liquefaction, storage or regasification of liquefied natural gas, with a liquefied natural gas processing capacity of more than 3 000 t/d or a liquefied natural gas storage capacity of more than 50 000 t;
- (e) a petroleum storage facility with a capacity of more than 500 000 m³; or
- (f) a liquefied petroleum gas storage facility with a capacity of more than 100 000 m³.

14. The proposed construction of

- (a) an oil and gas pipeline more than 75 km in length on a new right of way; or
- (b) an offshore oil and gas pipeline.

15. A proposed offshore exploratory drilling project in an area where no other offshore exploratory drilling project has been previously assessed under either the Canadian Environmental Assessment Act or the Environmental Assessment Review Process Guidelines Order.

PART V

MINERALS AND MINERAL PROCESSING

16. The proposed construction, decommissioning or abandonment of
- (a) a metal mine, other than a gold mine, with an ore production capacity of 3 000 t/d or more;
 - (b) a metal mill with an ore input capacity of 4 000 t/d or more;
 - (c) a gold mine, other than a placer mine, with an ore production capacity of 600 t/d or more;
 - (d) a coal mine with a coal production capacity of 3 000 t/d or more; or
 - (e) a potash mine with a potassium chloride production capacity of 1 000 000 t/a or more.
17. The proposed expansion of
- (a) an existing metal mine, other than a gold mine, that would result in an increase in its ore production capacity of 50 per cent or more, or 1 500 t/d or more, if the increase would raise the total ore production capacity to 3 000 t/d or more;
 - (b) an existing metal mill that would result in an increase in its ore input capacity of 50 per cent or more, or 2 000 t/d or more, if the increase would raise the total ore input capacity to 4 000 t/d or more;
 - (c) an existing gold mine, other than a placer mine, that would result in an increase in its ore production capacity of 50 per cent or more, or 300 t/d or more, if the increase would raise the total ore production capacity to 600 t/d or more;
 - (d) an existing coal mine that would result in an increase in its coal production capacity of 50 per cent or more, or 1 500 t/d or more, if the increase would raise the total coal production capacity to 3 000 t/d or more; or
 - (e) an existing potash mine that would result in an increase in its potassium chloride production capacity of 50 per cent or more, or 500 000 t/a or more, if the increase would raise the total potassium chloride production capacity to 1 000 000 t/a or more.
18. The proposed construction, decommissioning or abandonment, or an expansion that would result in an increase in production capacity of more than 35 per cent, of
- (a) an asbestos mine;
 - (b) a salt mine with a brine production capacity of 4 000 t/d or more;
 - (c) an underground salt mine with a production capacity of 20 000 t/d or more;
 - (d) a graphite mine with a production capacity of 1 500 t/d or more;
 - (e) a gypsum mine with a production capacity of 4 000 t/d or more;
 - (f) a magnesite mine with a production capacity of 1 500 t/d or more;
 - (g) a limestone mine with a production capacity of 12 000 t/d or more;
 - (h) a clay mine with a production capacity of 20 000 t/d or more;
 - (i) a stone quarry or gravel or sand pit with a production capacity of 1 000 000 t/a or more; or
 - (j) a metal mine located offshore or on the ocean bed.

PART VI

NUCLEAR AND RELATED FACILITIES

19. The proposed construction, decommissioning or abandonment, or an expansion that would result in an increase in production capacity of more than 35 per cent, of

- (a) a uranium mining facility on a site that is not within the boundaries of an existing licensed uranium mining facility;
- (b) a uranium mining facility on a site within the boundaries of an existing licensed uranium mining facility, if the proposal involves processes for milling or uranium tailings management that are not authorized under the existing licence;
- (c) a uranium refining or conversion facility with a uranium production capacity of more than 100 t/a;
- (d) a nuclear reactor that has a production capacity of more than 25 MW (thermal);
- (e) a heavy water production facility that uses hydrogen sulphide and has a heavy water production capacity of more than 10 t/a;
- (f) a facility for the processing of irradiated nuclear fuel with an irradiated nuclear fuel input capacity of more than 100 t/a; or
- (g) a facility that is on a site that is not within the boundaries of an existing licensed nuclear facility and is for
 - (i) the storage of irradiated nuclear fuel, where the facility has an irradiated nuclear fuel inventory capacity of more than 500 t,
 - (ii) the processing or storage of radioactive waste other than irradiated nuclear fuel, where
 - (A) the activity of the throughput of radioactive material with a half-life greater than one year is more than 1 TBq/a, or
 - (B) the activity of the inventory of radioactive material with a half-life greater than one year is more than 100 TBq, or
 - (iii) the disposal of radioactive prescribed substances within the meaning assigned in section 2 of the Atomic Energy Control Act.

PART VII

INDUSTRIAL FACILITIES

20. The proposed construction, decommissioning or abandonment of a pulp mill or pulp and paper mill.

21. The proposed expansion of a pulp mill or pulp and paper mill that would result in an increase in its production capacity of more than 35 per cent and more than 100 t/d.

22. The proposed construction, decommissioning or abandonment, or an expansion that would result in an increase in its production capacity of more than 35 per cent, of

- (a) a facility for the production of primary steel with a metal production capacity of 5 000 t/d or more;
- (b) an industrial facility for the commercial production of non-ferrous metals or light metals by pyrometallurgy or high temperature electrometallurgy; [SOR/99-439]**
- (c) a non-ferrous metal smelter located in the Yukon Territory or Northwest Territories;
- (d) a facility for the manufacture of chemical products with a production capacity of 250 000 t/a or more;
- (e) a facility for the manufacture of pharmaceutical products with a production capacity of 200 t/a or more;
- (f) a facility for the manufacture of wood products that are pressure-treated with chemical products, with a production capacity of 50 000 m³/a or more;
- (g) a facility for the manufacture of plywood or particle board with a production capacity of 100 000 m³/a or more;
- (h) a facility for the production of respirable natural mineral fibres;
- (i) a leather tannery with a production capacity of 500 000 m²/a or more;
- (j) a facility for the manufacture of primary textiles with a production capacity of 50 000 t/a or more;
- (k) a factory for the manufacture of chemical explosives employing chemical processes; or
- (l) a facility for the manufacture of lead-acid batteries.

PART VIII

DEFENCE

23. The proposed construction outside an existing military base of

- (a) a military base or station; or**
- (b) a training area, range or test establishment for military training or weapons testing. [SOR/99-439]**

24. The proposed expansion of a military base or station that would result in an increase in the area of the military base or station of more than 25 per cent, or an increase in the cumulative floor area of existing buildings located on the military base or station of more than 25 per cent.

25. The proposed decommissioning of a military base or station.

26. The proposed testing of weapons for more than five days in a calendar year in an area other than those training areas, ranges and test establishments established under the authority of the Minister of National Defence for the testing of weapons prior to the coming into force of these Regulations.

27. The proposed low-level flying of military fixed-wing jet aircraft for more than 150 days in a calendar year as part of a training program at an altitude below 330 m above ground level on a route or in an area that is not established by or under the authority of the Minister of National Defence or the Chief of the Defence Staff as a route or area set aside for low-level flying training prior to the coming into force of these Regulations.

PART IX

TRANSPORTATION

28. The proposed construction, decommissioning or abandonment of

- (a) a canal or any lock or associated structure to control water levels in the canal;
- (b) a lock or associated structure to control water levels in existing navigable waterways; or
- (c) a marine terminal designed to handle vessels larger than 25 000 DWT unless the terminal is located on lands that are routinely and have been historically used as a marine terminal or that are designafed for such use in a land-use plan that has been the subject of public consultation. [SOR/99-439]**

29. The proposed construction of

- (a) a railway line more than 32 km in length on a new right of way;
- (b) an all-season public highway that will be more than 50 km in length and either will be located on a new right-of-way or will lead to a community that lacks all-season public highway access; or [SOR/99-439]**
- (c) a railway line designed for trains that have an average speed of more than 200 km/h.

30. The proposed construction or decommissioning of

- (a) an aerodrome located within the built-up area of a city or town;
- (b) an airport; or
- (c) an all-season runway with a length of 1 500 m or more.

31. The proposed extension of an all-season runway by 1 500 m or more.

PART X

WASTE MANAGEMENT

32. The proposed construction, decommissioning or abandonment of a facility used exclusively for the treatment, incineration, disposal or recycling of hazardous waste, or an expansion of such a facility that would result in an increase in its production capacity of more than 35 per cent.

COMING INTO FORCE

These Regulations come into force on the day on which they are registered. [SOR/99-439]

APPENDIX

Brief Explanation of Each Amendment

Comprehensive Study List Regulations

These Regulations list types of projects that are subject to a comprehensive study (a more extensive environmental assessment) rather than a screening.

2. The definition of “hazardous waste” is hereby modified to exclude prescribed nuclear substances because those materials are captured under section 19 of the schedule to these Regulations.
The definition of “national historic site” has been revised for greater clarity wherever this term is used in these Regulations.
A definition of “long-range development plan” is hereby introduced to aid in interpreting section 3.1 of these Regulations. A definition of “marine terminal” is also introduced to facilitate the application of paragraph 28(c) of these Regulations.

Schedule

- 3., 3.1 The modification of section 3 and the creation of the new section 3.1 establish separate sections related to golf courses and ski hills within national parks or national park reserves, in order to clarify when a comprehensive study is required in each case.
11. This modification specifies when a comprehensive study is required for an oil sands mine that is not accompanied by a processing facility.
22. This modification eliminates the previous threshold of production capacity pertaining to metal smelters, so that all smelters of the specified types now require a comprehensive study.
23. This modification clarifies the meaning of this section according to its original intent. Construction of any of the specified types of military establishments requires a comprehensive study only when they are to be located outside an existing military base.
- 28(c) This modification narrows the scope of application of this paragraph. A marine terminal now requires a comprehensive study only when proposed for an area not already used for existing marine terminals, or not designated for such use.
- 29(b) This modification clarifies when an all-season highway requires a comprehensive study, in accordance with the original intent of this paragraph.

LAW LIST REGULATIONS

as amended 28 July 1999 and 4 November 1999 [SOR/99-330 and SOR/99-438]

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of the Environment, pursuant to paragraphs 59(f) and (g) of the Canadian Environmental Assessment Act* , is pleased hereby to make the annexed Regulations prescribing provisions of Acts of Parliament and regulations made pursuant to any such Act that confer powers, duties or functions on federal authorities or on the Governor in Council, the exercise of which requires an environmental assessment, effective on the day on which section 59 of the Canadian Environmental Assessment Act comes into force.

REGULATIONS PRESCRIBING PROVISIONS OF ACTS OF PARLIAMENT
AND REGULATIONS MADE PURSUANT TO ANY SUCH ACT THAT CONFER
POWERS, DUTIES OR FUNCTIONS ON FEDERAL AUTHORITIES OR ON THE
GOVERNOR IN COUNCIL, THE EXERCISE OF WHICH REQUIRES AN
ENVIRONMENTAL ASSESSMENT

Short Title

1. These Regulations may be cited as the *Law List Regulations*.
General
2. The provisions of an Act set out in Part I of Schedule I and a regulation set out in Part II of that Schedule are prescribed for the purposes of paragraph 5(1)(d) of the Canadian Environmental Assessment Act.
3. The provisions of an Act set out in Schedule II are prescribed for the purposes of subsection 5(2) of the Canadian Environmental Assessment Act.

* S.C. 1992, c. 37 as amended

SCHEDULE I

(Section 2)

PROVISIONS OF ACTS AND REGULATIONS THAT CONFER POWERS, DUTIES OR
FUNCTIONS ON FEDERAL AUTHORITIES

PART I

PROVISIONS OF ACTS

Item*	Provisions
1. (12)	Arctic Waters Pollution Prevention Act (a) subsection 10(3), as delegated by the Governor in Council Authority Delegation Order
2. (9)	Canada Oil and Gas Operations Act (a) paragraph 5(1)(b) (b) subsection 5.1(4)
2.1 (18)	<i>Canada Transportation Act</i> (a) section 32, where the review, rescission, variation or re-hearing relates to a decision, order or application made under subsection 98(2), 99(3), 101(3), 116(4), 127(2) or 138(2) (b) subsection 98(2) (c) subsection 99(3) (d) subsection 101(3) (e) subsection 116(4) (f) subsection 127(2) (g) subsection 138(2) [SOR/99-330]
3. (13)	Canadian Environmental Protection Act

* The italicized number shown in parentheses under the item number is the corresponding item number in the French version of this Schedule.

- (a) subsection 71(1)
 - (b) subsection 72(4)
- 4. Dominion Water Power Act
 - (6)
 - (a) subsection 7(1)
- 5. Explosives Act
 - (5)
 - (a) paragraph 7(1)(a)
- 6. Fisheries Act
 - (11)
 - (a) subsection 22(1)
 - (b) subsection 22(2)
 - (c) subsection 22(3)
 - (d) section 32
 - (e) subsection 35(2)
 - (f) subsection 37(2)
- 7. Indian Act
 - (7)
 - (a) subsection 18(2)
 - (b) subsection 28(2)
 - (c) paragraph 58(4)(b)
- 8. National Energy Board Act
 - (8)
 - (a) subsection 46(1)
 - (b) subsection 58(1)
 - (c) subsection 58.11(1)
 - (d) subsection 58.32(1)
 - (e) subsection 58.34(2)
 - (f) paragraph 74(1)(d)
 - (g) subsection 81(4)
 - (h) subsection 108(4)
 - (i) subsection 108(6)
 - (j) subsection 112(1)
 - (k) subsection 112(3)
- 9. National Parks Act
 - (10)
 - (a) paragraph 5(10)(c)

- (b) paragraph 5(10)(e)
10. **Repealed [SOR/99-330]**
11. Navigable Waters Protection Act
(14)
- (a) paragraph 5(1)(a)
(b) subsection 6(4)
(c) section 16
(d) section 20
12. **Northwest Territories Waters Act**
(3)
- (a) paragraph 14(6)(a), including where approval under that paragraph is given in accordance with subsection 18(2) or (3)
(b) paragraph 14(6)(b), including where approval under subparagraph (b)(i) or (ii) is given in accordance with subsection 18(2) or (3) [SOR/99-330]
13. Radiocommunication Act
(15)
- (a) paragraph 5(1)(f)
14. **Repealed [SOR/99-330]**
15. Railway Safety Act
(16)
- (a) subsection 10(1)
16. Railway Relocation and Crossing Act
(2)
- (a) section 7
(b) subsection 8(1)
17. Telecommunications Act
(17)
- (a) subsection 19(1)
(b) subsection 19(4)
- 17.1 ***Territorial Lands Act***
(17.1)
- (a) section 8 [SOR/99-438]

18. Yukon Waters Act
(4)

(a) paragraph 14(6)(a), including where approval under that paragraph is given in accordance with subsection 18(2) or (3)

(b) paragraph 14(6)(b), including where approval under subparagraph (b)(i) or (ii) is given in accordance with subsection 18(2) or (3) [SOR/99-330]

SCHEDULE I

PART II

PROVISIONS OF REGULATIONS

Item*	Provisions
1. <i>(21)</i>	Ammonium Nitrate Storage Facilities Regulations (a) subsection 5(1) (b) subsection 5(2) (c) subsection 6(1)
2. <i>(33)</i>	Anhydrous Ammonium Bulk Storage Regulations (a) section 6
3. <i>(10)</i>	Atomic Energy Control Regulations (a) subsection 7(1) (b) section 10 (c) paragraph 25(1)(b) (d) subsection 27(1)
4. <i>(20)</i>	Chlorine Tank Car Unloading Facilities Regulations (a) subsection 6(1) (b) subsection 6(2)

* The italicized number shown in parentheses under the item number is the corresponding item number in the French version of this Schedule.

5. Dominion Water Power Regulations
(17)
- (a) subsection 8(1)
 - (b) subsection 12(2)
 - (c) section 21
 - (d) subsection 25(2)
 - (e) subsection 40(1)
 - (f) section 46
 - (g) subsection 49(3)
 - (h) section 50
 - (i) subsection 69(3)
6. **Repealed [SOR/99-330]**
7. Federal Mobile PCB Treatment and Destruction Regulations
(35)
- (a) section 11
 - (b) subsection 12(1)
8. Federal Real Property Regulations
(19)
- (a) paragraph 4(2)(a)
9. Flammable Liquids Bulk Storage Regulations
(14)
- (a) section 6
10. *Health of Animals Regulations*
(32)
- (a) **paragraph 10(1)(a)**
 - (b) **paragraph 32(b)**
 - (c) **paragraph 35(b) [SOR/99-330]**
11. Historic Canals Regulations
(9)
- (a) subsection 14(2)
12. **Repealed [SOR/99-330]**
13. Indian Mining Regulations
(15)
- (a) subsection 5(2)
 - (b) subsection 6(1)

14. **Indian Oil and Gas Regulations**
(27)
(a) subsection 6(4)
(b) subsection 27(4)
(c) subsection 32(1)
(d) subsection 39(1)
(e) subsection 39(3) [SOR/99-438]
15. **Indian Reserve Waste Disposal Regulations**
(11)
(a) section 5
16. **Indian Timber Regulations**
(6)
(a) subsection 5(1)
(b) section 9
(c) subsection 22(1)
17. **International River Improvements Regulations**
(1)
(a) subsection 10(1)
(b) section 12
18. **Liquefied Petroleum Gases Bulk Storage Regulations**
(13)
(a) section 6
19. **Metal Mining Liquid Effluent Regulations**
(12)
(a) subsection 5(2)
20. **Migratory Birds Regulations**
(23)
(a) subsection 4(1)
(b) section 33
(c) paragraph 35(2)(b)
(d) section 36
21. **Migratory Bird Sanctuary Regulations**
(29)
(a) subsection 9(1)

22. National Historic Parks General Regulations
(24)
- (a) section 10
 - (b) subsection 11(1)
 - (c) subsection 11(2)
23. National Parks General Regulations
(25)
- (a) subsection 11(1)
 - (b) subsection 12(1)
 - (c) subsection 18(1)
 - (d) subsection 20(1)
 - (e) subsection 20(2)
24. National Parks Building Regulations
(2)
- (a) subsection 5(1)
- 24.1 *National Parks Businesses Regulations, 1998*
(14.1)
- (a) subsection 5(1) [SOR/99-438]
25. **Repealed [SOR/99-330]**
26. National Parks Lease and License of Occupation Regulations (1991)
(3)
- (a) subsection 18(1)
27. **National Parks Wildlife Regulations**
(16)
- (a) **paragraph 15(1)(a) [SOR/99-330]**
28. Northwest Territories Reindeer Regulations
(30)
- (a) paragraph 5(1)(b)
29. Public Lands Licensing Order
(26)
- (a) paragraph 3(a)
 - (b) paragraph 3(d)
 - (c) paragraph 3(f)

30. Sonic and Supersonic Flight Order
(37)
(a) section 3
31. Territorial Land Use Regulations
(36)
(a) paragraph 25(1)(a)
(b) paragraph 27(a)
32. Timber Regulations, 1993
(4)
(a) subsection 7(3)
(b) section 14
33. Uranium and Thorium Mining Regulations
(22)
(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
34. Wildlife Area Regulations
(31)
(a) section 4
35. Wood Buffalo National Park Game Regulations
(18)
(a) paragraph 56(1)(b)
36. Yukon Forest Protection Regulations
(28)
(a) subsection 10(1)
37. **Yukon Timber Regulations**
(7)
(a) **subsection 4(1)**
(b) **subsection 7(1) [SOR/99-438]**

SCHEDULE II

(Section 3)

PROVISIONS OF ACTS THAT CONFER POWERS, DUTIES OR FUNCTIONS ON THE
GOVERNOR IN COUNCIL

Item*	Provisions
1. (7)	Arctic Waters Pollution Prevention Act (a) subsection 13(1)
2. (6)	Bridges Act (a) paragraph 8(1)(b)
3. (8)	Canadian Environmental Protection Act (a) subsection 63(1)
4. (1)	Dominion Water Power Act (a) section 9
5. (5)	Fisheries Act (a) section 32 (b) subsection 35(2) (c) paragraphs 36(5)(a) to (e), where the regulation made pursuant to those paragraphs contains a provision that limits the application of the regulation to a named site (d) subsection 37(2)
6. (2)	Indian Act (a) subsection 35(1) (b) subsection 39(1)

* The italicized number shown in parentheses under the item number is the corresponding item number in the French version of this Schedule.

7. National Energy Board Act
(3)

- (a) section 52
- (b) subsection 58.16(1)

8. National Parks Act
(4)

- (a) paragraph 6(2)(c)
- (b) subsection 8.3(3)

9. Repealed [SOR/99-330]

COMING INTO FORCE

These Regulations come into force on the day on which they are registered. [SOR/99-438]

APPENDIX

Brief Explanation of Each Amendment

Law List Regulations

These Regulations list sections of statutes and regulations which provide for the exercise of regulatory powers, the use of which requires the application of the Canadian Environmental Assessment Act.

Most of the amendments to these Regulations are consequential changes made necessary by changes (repeal, replacement, etc.) made to other federal statutes or regulations since the coming into force of the *Canadian Environmental Assessment Act*. These amendments ensure that the references in these Regulations are kept current.

The single exception to the consequential amendments is:

Schedule 1

24.1 Reference to the *National Parks Businesses Regulations, 1998* is added to give effect to amendment 13.1 of the *Inclusion List Regulations*.