

# Royal



# Gazette

## Part II Regulations under the Regulations Act

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### Contents

Act	Reg. No.	Page
<b>Environment Act</b>		
Cap-and-Trade Program Regulations . . . . .	194/2018	463
Quantification, Reporting and Verification Regulations—amendment . . . . .	193/2018	460
<b>Mineral Resources Act</b>		
Proclamation of Act, S. 173, S.N.S. 2016, c. 3 . . . . .	195/2018	500
Mineral Resources Regulations—replacement. . . . .	196/2018	501
<b>Petroleum Products Pricing Act</b>		
Petroleum Products Pricing Regulations—amendment . . . . .	192/2018	454
Prescribed Petroleum Products Prices . . . . .	189/2018	446
Prescribed Petroleum Products Prices . . . . .	191/2018	452
<b>Summary Proceedings Act</b>		
Summary Offence Tickets Regulations—amendment . . . . .	190/2018	448

**In force date of regulations:** As of March 4, 2005\*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

\*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

**N.S. Reg. 189/2018**

Made: November 1, 2018

Filed: November 2, 2018

Prescribed Petroleum Products Prices

Order dated November 1, 2018  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****M08945****In the matter of the *Petroleum Products Pricing Act*****- and -**

**In the matter of prescribing prices for petroleum products  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Jennifer L. Nicholson, CPA, CA, Member

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review Board (Board) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

**And whereas** the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended October 31, 2018, are:

Grade 1 Regular gasoline	62.8¢ per litre
Ultra-low-sulfur diesel oil	78.8¢ per litre

**Now therefore** the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	62.8¢ per litre
Grade 2	65.8¢ per litre
Grade 3	68.8¢ per litre
Ultra-low-sulfur diesel oil	78.8¢ per litre

**And now therefore** the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 1.5¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.2¢ per litre

**And whereas** a winter blending adjustment of plus 2.0¢ per litre is required for ultra-low-sulfur diesel oil;

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., November 2, 2018.

Dated at Halifax, Nova Scotia, this 1st day of November, 2018.

sgd: *Doreen Friis*  
Clerk of the Board

### Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on November 2, 2018**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	68.5	10.0	15.5	94.0	114.0	116.2	114.0	999.9
Mid-Grade Unleaded	71.5	10.0	15.5	97.0	117.4	119.6	117.4	999.9
Premium Unleaded	74.5	10.0	15.5	100.0	120.9	123.0	120.9	999.9
Ultra-Low-Sulfur Diesel	87.8	4.0	15.4	107.2	129.1	131.3	129.1	999.9
<b>Zone 2</b>								
Regular Unleaded	69.0	10.0	15.5	94.5	114.5	116.7	114.5	999.9
Mid-Grade Unleaded	72.0	10.0	15.5	97.5	118.0	120.2	118.0	999.9
Premium Unleaded	75.0	10.0	15.5	100.5	121.4	123.6	121.4	999.9
Ultra-Low-Sulfur Diesel	88.3	4.0	15.4	107.7	129.7	131.9	129.7	999.9
<b>Zone 3</b>								
Regular Unleaded	69.4	10.0	15.5	94.9	115.0	117.2	115.0	999.9
Mid-Grade Unleaded	72.4	10.0	15.5	97.9	118.4	120.6	118.4	999.9
Premium Unleaded	75.4	10.0	15.5	100.9	121.9	124.1	121.9	999.9
Ultra-Low-Sulfur Diesel	88.7	4.0	15.4	108.1	130.2	132.4	130.2	999.9
<b>Zone 4</b>								
Regular Unleaded	69.5	10.0	15.5	95.0	115.1	117.3	115.1	999.9
Mid-Grade Unleaded	72.5	10.0	15.5	98.0	118.6	120.8	118.6	999.9
Premium Unleaded	75.5	10.0	15.5	101.0	122.0	124.2	122.0	999.9
Ultra-Low-Sulfur Diesel	88.8	4.0	15.4	108.2	130.3	132.5	130.3	999.9
<b>Zone 5</b>								
Regular Unleaded	69.5	10.0	15.5	95.0	115.1	117.3	115.1	999.9
Mid-Grade Unleaded	72.5	10.0	15.5	98.0	118.6	120.8	118.6	999.9
Premium Unleaded	75.5	10.0	15.5	101.0	122.0	124.2	122.0	999.9
Ultra-Low-Sulfur Diesel	88.8	4.0	15.4	108.2	130.3	132.5	130.3	999.9
<b>Zone 6</b>								
Regular Unleaded	70.2	10.0	15.5	95.7	115.9	118.1	115.9	999.9
Mid-Grade Unleaded	73.2	10.0	15.5	98.7	119.4	121.6	119.4	999.9
Premium Unleaded	76.2	10.0	15.5	101.7	122.8	125.0	122.8	999.9
Ultra-Low-Sulfur Diesel	89.5	4.0	15.4	108.9	131.1	133.3	131.1	999.9

**N.S. Reg. 190/2018**

Made: November 8, 2018

Filed: November 9, 2018

Summary Offence Tickets Regulations—amendment

Order dated November 8, 2018

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Section 8 of the *Summary Proceedings Act***Order****Made under Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

I, Mark Furey, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby

- (a) amend Schedule M-23 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under the Town of Mahone Bay by-laws as summary offence ticket offences, in the manner set forth in the attached Schedule “A”; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule “A”, is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made Nov 8, 2018, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Mark Furey*

Honourable Mark Furey

Attorney General and Minister of Justice

**Schedule “A”****Amendment to the *Summary Offence Tickets Regulations*  
made by the Attorney General and Minister of Justice pursuant to Section 8  
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

- 1 Schedule M-23 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by repealing the heading “Dogs By-law” and the items under it, and substituting the following headings and items:

<b>Building By-law</b>			
1	Constructing building without valid building permit	2(a)	\$697.50
2	Demolishing building without valid demolition permit	2(b)	\$697.50

3	Occupying building or portion of building (specify) to which building permit applies without valid occupancy permit	2(c)	\$697.50
4	Permitting occupancy of building or portion of building (specify) contrary to permitted occupancy class	2(c)	\$697.50
5	Placing temporary building without valid permit	2(d)	\$697.50
6	Undertaking non-structural repairs costing more than \$5000 without valid building permit	4	\$697.50
7	Undertaking work not in accordance with building permit	11	\$697.50
<b>Dog Control By-law</b>			
1	Owning unregistered dog	15(1)	\$295.00
2	Owning dog not wearing valid registration tag	15(2)	\$295.00
3	Owner failing to notify staff of cessation of dog ownership	15(3)	\$295.00
4	Owner failing to provide written statement as required by by-law	15(4)	\$295.00
5	Owning dog that runs at large	15(5)	\$295.00
6	Owning dog that persistently disturbs quiet of neighbourhood	15(6)	\$295.00
7	Owner keeping dangerous dog	15(7)	\$525.00
8	Owner failing to remove dog feces from property other than owner's	15(8)	\$295.00
9	Keeping more than 4 dogs on property	17(1)	\$295.00
<b>Fire and Burglar Alarm By-law</b>			
1	Willfully activating alarm in absence of legitimate activation event	4	\$697.50
2	Installing or operating (specify) audible alarm system not designed to detect burglary, heat, smoke or fire	5	\$410.00
3	Owner permitting installation or operation (specify) of alarm that is audible off property and sounds continuously for more than 20 minutes	5	\$410.00
4	Owner of alarm system failing to have contact person in area available to system activator	5	\$410.00
5	Having alarm system that automatically transmits messages to fire department or police other than as permitted	6	\$410.00
6	Having more than 1 false alarm within 12-month period	8	\$410.00
<b>Outdoor Burning By-law</b>			
1	Operating open fire pit without permission	4(1)	
	first offence		\$410.00
	second offence		\$1272.50
	third or subsequent offence		\$5872.50
2	Having outdoor fire not contained in acceptable fire pit	4(2)	
	first offence		\$410.00
	second offence		\$1272.50
	third or subsequent offence		\$5872.50
3	Burning non-designated material (specify)	4(3)	
	first offence		\$410.00
	second offence		\$1272.50
	third or subsequent offence		\$5872.50

4	Using outdoor gas or wood burning appliance (specify) within 15 ft. of combustible material or property line (specify)	5(2)(iv)	
	first offence		\$410.00
	second offence		\$1272.50
	third or subsequent offence		\$5872.50
5	Creating a nuisance by use of outdoor gas or wood burning appliance (specify)	5(2)(vi)	
	first offence		\$410.00
	second offence		\$1272.50
	third or subsequent offence		\$5872.50
6	Using outdoor gas or wood burning appliance (specify) without responsible adult present	5(2)(vii)	
	first offence		\$410.00
	second offence		\$1272.50
	third or subsequent offence		\$5872.50
7	Using outdoor gas or wood burning appliance (specify) without means to extinguish fire within reasonable distance	5(2)(viii)	
	first offence		\$410.00
	second offence		\$1272.50
	third or subsequent offence		\$5872.50

- 2 Schedule M-23 to the *Summary Offence Tickets Regulations* is further amended by adding the following headings and items immediately after item 9 under the heading “Park Commission By-law”:

**Solid Waste Management By-law**

1	Placing or causing to be placed for collection waste in container not in accordance with by-law (specify)	10	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
2	Placing or causing to be placed waste for collection after 8:00 a.m. on scheduled collection day	29	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
3	Permitting empty or rejected regulation container or rejected materials (specify) to remain at collection spot after 12:00 p.m. on day following scheduled collection day	31	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
4	Placing or causing to be placed yard waste for special collection more than 3 days before designated collection day	35	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50

5	Permitting rejected or residue (specify) yard waste to remain at collection spot after 12:00 p.m. on day following designated collection day	37	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
6	Placing or causing to be placed natural Christmas tree for collection before 8:00 p.m. of day before designated collection day	39	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
7	Permitting rejected natural Christmas tree to remain at collection spot after 12:00 p.m. on day following designated collection day	41	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
8	Owner or occupier failing to keep commercial container behind or beside (specify) building	43	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
9	Keeping commercial container less than 3 m from adjacent residential property	44	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
10	Interfering with solid waste or regulation container (specify) placed out for collection	65	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
11	Disposing of solid waste by burning	69	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
12	Placing solid waste generated outside town for collection in town	70	
	first offence		\$352.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
13	Disposing of solid waste contrary to by-law (specify)	72	\$1272.50
14	Obstructing or hindering person in performance of their duties under by-law	74	\$697.50
	<b>Temporary Vendors By-law</b>		
1	Engaging in temporary vending without licence	3	\$410.00
2	Making false statement in temporary vendor licence application	7	\$410.00
3	Failing to display temporary vendor licence on demand	17(2)	\$410.00
4	Vending contrary to licence specifications or by-law (specify)	22	\$410.00
5	Vending on sidewalk contrary to council policy	23	\$410.00



**Town Streets and Sidewalks By-law**

1	Installing culvert in street right of way, cutting into or excavating street (specify) without valid Street Excavation Permit	3(1)	\$410.00
2	Travelling on temporarily closed street	7	\$410.00
3	Moving building, boat or equipment wider than single lane of traffic (specify) on public street without Street Transport Permit	8(1)	\$410.00
4	Erecting or placing structure under, on or over (specify) street without valid Street Use Permit displayed on structure	19	\$410.00
5	Allowing thing (specify) to overhang public street contrary to by-law (specify)	28	\$410.00

**N.S. Reg. 191/2018**

Made: November 8, 2018

Filed: November 9, 2018

Prescribed Petroleum Products Prices

Order dated November 8, 2018  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****M08953****In the matter of the *Petroleum Products Pricing Act*****- and -**

**In the matter of prescribing prices for petroleum products  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Roland A. Deveau, Q.C., Vice Chair

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review Board (Board) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

**And whereas** the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended November 7, 2018, are:



Grade 1 Regular gasoline	59.0¢ per litre
Ultra-low-sulfur diesel oil	76.2¢ per litre

**Now therefore** the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	59.0¢ per litre
Grade 2	62.0¢ per litre
Grade 3	65.0¢ per litre
Ultra-low-sulfur diesel oil	76.2¢ per litre

**And now therefore** the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 2.0¢ per litre
Ultra-low-sulfur diesel oil:	nil¢ per litre

**And whereas** a winter blending adjustment of plus 2.5¢ per litre is required for ultra-low-sulfur diesel oil;

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., November 9, 2018.

**Dated** at Halifax, Nova Scotia, this 8th day of November, 2018.

sgd: *Lisa Wallace*  
Clerk of the Board

#### Schedule “A”

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on November 9, 2018**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	64.3	10.0	15.5	89.8	109.1	111.3	109.1	999.9
Mid-Grade Unleaded	67.3	10.0	15.5	92.8	112.6	114.8	112.6	999.9
Premium Unleaded	70.3	10.0	15.5	95.8	116.0	118.2	116.0	999.9
Ultra-Low-Sulfur Diesel	86.0	4.0	15.4	105.4	127.1	129.3	127.1	999.9
<b>Zone 2</b>								
Regular Unleaded	64.8	10.0	15.5	90.3	109.7	111.9	109.7	999.9
Mid-Grade Unleaded	67.8	10.0	15.5	93.3	113.2	115.3	113.2	999.9
Premium Unleaded	70.8	10.0	15.5	96.3	116.6	118.8	116.6	999.9
Ultra-Low-Sulfur Diesel	86.5	4.0	15.4	105.9	127.6	129.8	127.6	999.9

<b>Zone 3</b>								
Regular Unleaded	65.2	10.0	15.5	90.7	110.2	112.4	110.2	999.9
Mid-Grade Unleaded	68.2	10.0	15.5	93.7	113.6	115.8	113.6	999.9
Premium Unleaded	71.2	10.0	15.5	96.7	117.1	119.3	117.1	999.9
Ultra-Low-Sulfur Diesel	86.9	4.0	15.4	106.3	128.1	130.3	128.1	999.9
<b>Zone 4</b>								
Regular Unleaded	65.3	10.0	15.5	90.8	110.3	112.5	110.3	999.9
Mid-Grade Unleaded	68.3	10.0	15.5	93.8	113.7	115.9	113.7	999.9
Premium Unleaded	71.3	10.0	15.5	96.8	117.2	119.4	117.2	999.9
Ultra-Low-Sulfur Diesel	87.0	4.0	15.4	106.4	128.2	130.4	128.2	999.9
<b>Zone 5</b>								
Regular Unleaded	65.3	10.0	15.5	90.8	110.3	112.5	110.3	999.9
Mid-Grade Unleaded	68.3	10.0	15.5	93.8	113.7	115.9	113.7	999.9
Premium Unleaded	71.3	10.0	15.5	96.8	117.2	119.4	117.2	999.9
Ultra-Low-Sulfur Diesel	87.0	4.0	15.4	106.4	128.2	130.4	128.2	999.9
<b>Zone 6</b>								
Regular Unleaded	66.0	10.0	15.5	91.5	111.1	113.3	111.1	999.9
Mid-Grade Unleaded	69.0	10.0	15.5	94.5	114.5	116.7	114.5	999.9
Premium Unleaded	72.0	10.0	15.5	97.5	118.0	120.2	118.0	999.9
Ultra-Low-Sulfur Diesel	87.7	4.0	15.4	107.1	129.0	131.2	129.0	999.9

**N.S. Reg. 192/2018**

Made: November 13, 2018

Filed: November 13, 2018

## Petroleum Products Pricing Regulations—amendment

Order in Council 2018-292 dated November 13, 2018  
 Amendment to regulations made by the Governor in Council  
 pursuant to Section 14 of the *Petroleum Products Pricing Act*

The Governor in Council on the report and recommendation of the Minister of Environment and the Minister of Service Nova Scotia dated October 30, 2018, and pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, is pleased to amend the *Petroleum Products Pricing Regulations*, N.S. Reg. 286/2009, made by the Governor in Council by Order in Council 2009-399 dated September 24, 2009, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after November 13, 2018.

**Schedule “A”**

**Amendment to the *Petroleum Products Pricing Regulations*  
 made by the Governor in Council under Section 14  
 of Chapter 11 of the Acts of 2005,  
 the *Petroleum Products Pricing Act***

- 1 Subsection 16(4) of the *Petroleum Products Pricing Regulations*, N.S. Reg. 286/2009, made by the Governor in Council by Order in Council 2009-399 dated September 24, 2009, is amended by striking out “one-tenth” and substituting “one-hundredth”.

- 2 (1) Subsection 17(1) of the regulations is amended by
- (a) striking out the period at the end of clause (d) and substituting a semicolon; and
  - (b) adding the following clause immediately after clause (d):
    - (e) the carbon price
      - (i) calculated according to the formulas in Schedule 1, except as provided in subclause (ii) for 2019,
      - (ii) for the 2019 calendar year, as follows:
        - (A) for gasoline, 0.94¢/L, and
        - (B) for ultra-low-sulfur diesel, 1.20¢/L.
- (2) Subsection 17(5) of the regulations is amended by striking out “one-tenth” and substituting “one-hundredth”.
- 3 The regulations are further amended by adding the attached Schedule 1 immediately after Section 32.

**Schedule 1—Calculation of Carbon Price for Gasoline and Ultra-Low-Sulfur Diesel**  
(*Petroleum Products Pricing Regulations*, subsection 17(1))

**Definitions for this Schedule**

In this Schedule,

“auction” means an auction of emission allowances under the *Cap-and-Trade Program Regulations*;

“*Cap-and-Trade Program Regulations*” means the *Cap-and-Trade Program Regulations* made under the *Environment Act*;

“Consumer Price Index” means the all-items Consumer Price Index for Nova Scotia, not seasonally adjusted, published by Statistics Canada under the authority of the *Statistics Act* (Canada);

“emission allowance” means an emission allowance sold at an auction;

“floor price” means the minimum price in Canadian dollars of an emission allowance as determined under the *Cap-and-Trade Program Regulations*;

“GHG” means greenhouse gases measured as carbon dioxide equivalent calculated in accordance with the *Quantification, Reporting and Verification Regulations* made under the *Environment Act*;

“settlement price” means the final sale price in Canadian dollars of an emission allowance as determined under the *Cap-and-Trade Program Regulations*.

### Formulas for Calculating Carbon Price for Gasoline

#### Formula 1.0—total carbon price per litre

The formula for calculating total carbon price per litre of gasoline is as follows:

$$TCL_{gas\_t} = SP_{gas\_t} + (SA_{gas\_t} \times C)$$

in which

$TCL_{gas\_t}$  = total carbon price per litre, rounded to the nearest one-hundredth of a cent

$SP_{gas\_t}$  = carbon price per litre as calculated under Formula 1.1, rounded to the nearest one-hundredth of a cent

$SA_{gas\_t}$  = settlement price adjustment as calculated under Formula 1.3 rounded to the nearest one-hundredth of a cent

$C$  = adjustment to account for the number of months between the most recently held auction and the next scheduled auction, as calculated under Formula 1.4

#### Formula 1.1—carbon price per litre

The formula for calculating carbon price per litre of gasoline is as follows:

$$SP_{gas\_t} = 0.2 \times \left( \frac{FP_{t+1}}{423.549} \right) \times 100$$

in which

$SP_{gas\_t}$  = carbon price per litre based on the floor price at the following calendar year's auction rounded to the nearest one-hundredth of a cent

$FP_{t+1}$  = price per tonne of GHG based on the projected floor price at the following calendar year's auctions, calculated using Formula 1.2

423.549 = equivalent in litres of gasoline of 1 tonne of GHG

0.2 = proportion of emission allowances that a fuel supplier emitter must purchase

100 = equivalent in cents of 1 dollar

#### Formula 1.2—price per tonne of GHG

The formula for calculating the price per tonne of GHG is as follows:

$$FP_{t+1} = FP_t \times (1.05 + I)$$

in which

$FP_{t+1}$  = price per tonne of GHG based on the projected floor price at the following calendar year's auctions

$FP_t$  = floor price at the most recent auction

- 1.05 = 5% annual increase in auction floor prices in accordance with the *Cap-and-Trade Program Regulations*
- I = average inflation rate since the last auction determined in accordance with the *Consumer Price Index*

**Formula 1.3—settlement price adjustment**

The formula for calculating the settlement price adjustment is as follows:

$$SA_{gas\_t} = 0.2 \times \left( \frac{CP_t - FP_t}{423.549} \right) \times 100$$

in which

- $SA_{gas\_t}$  = settlement price adjustment rounded to the nearest one-hundredth of a cent
- $CP_t$  = price per tonne of GHG based on the settlement price at the most recent auction
- $FP_t$  = floor price at the most recent auction
- 423.549 = equivalent in litres of gasoline of 1 tonne of GHG
- 0.2 = proportion of emission allowances that a fuel supplier emitter must purchase
- 100 = equivalent in cents of 1 dollar

**Formula 1.4—adjustment for months between auctions**

The formula for calculating the adjustment to account for the months between auctions is as follows:

$$C = \frac{\left( \frac{12}{AY} \right)}{AM}$$

in which

- C = adjustment to account for the number of months between the most recently held auction and the next scheduled auction
- AY = for 2020, the number of auctions scheduled to be held in 2020, for 2021 and each subsequent year the number of auctions held in the previous calendar year
- AM = the number of months between the most recently held auction and the next scheduled auction

### Formulas for Calculating Carbon Price for Ultra-Low-Sulfur Diesel

#### Formula 2.0—total carbon price per litre of ultra-low-sulfur diesel

The formula for calculating the total carbon price per litre for ultra-low-sulfur diesel is as follows:

$$TCL_{diesel\_t} = SP_{diesel\_t} + (SA_{diesel\_t} \times C)$$

in which

$TCL_{diesel\_t}$  = total carbon price per litre rounded to the nearest one-hundredth of a cent

$SP_{diesel\_t}$  = carbon price per litre as calculated under Formula 2.1 rounded to the nearest one-hundredth of a cent

$SA_{diesel\_t}$  = settlement price adjustment as calculated under Formula 2.3 rounded to the nearest one-hundredth of a cent

$C$  = adjustment to account for the number of months between the most recently held auction and the next scheduled auction, as calculated under Formula 2.4

#### Formula 2.1—carbon price per litre of ultra-low-sulfur diesel

The formula for calculating the carbon price per litre of ultra-low-sulfur diesel is as follows:

$$SP_{diesel\_t} = 0.2 \times \left( \frac{FP_{t+1}}{332.557} \right) \times 100$$

in which

$SP_{diesel\_t}$  = carbon price per litre based on the floor price at the following calendar year's auction rounded to the nearest one-hundredth of a cent

$FP_{t+1}$  = price per tonne of GHG based on the projected floor price at the following calendar year's auctions, calculated using Formula 2.2

332.557 = equivalent in litres of ultra-low-sulfur diesel of 1 tonne of GHG

0.2 = proportion of emission allowances that a fuel supplier emitter must purchase

100 = equivalent in cents of 1 dollar

#### Formula 2.2—price per tonne of GHG

The formula for calculating the price per tonne of GHG is as follows:

$$FP_{t+1} = FP_t \times (1.05 + I)$$

in which

$FP_{t+1}$  = price per tonne of GHG based on the projected floor price at the following calendar year's auctions

$FP_t$  = floor price at the most recent auction

1.05 = 5% annual increase in auction floor prices in accordance with the *Cap-and-Trade Program Regulations*

I = average inflation rate since the last auction in accordance with the *Consumer Price Index*

### Formula 2.3—settlement price adjustment

The formula for calculating the settlement price adjustment is as follows:

$$SA_{diesel\_t} = 0.2 \times \left( \frac{CP_t - FP_t}{332.557} \right) \times 100$$

in which

$SA_{diesel\_t}$  = settlement price adjustment rounded to the nearest one-hundredth of a cent

$CP_t$  = price per tonne of GHG based on the settlement price of the most recent auction

$FP_t$  = floor price at the most recent auction

332.557 = equivalent in litres of ultra-low-sulfur diesel of 1 tonne of GHG

0.2 = proportion of emission allowances that a fuel supplier emitter must purchase

100 = equivalent in cents of 1 dollar

### Formula 2.4—adjustment for months between auctions

The formula for calculating the adjustment to account for the number of months between auctions is as follows:

$$C = \frac{\left( \frac{12}{AY} \right)}{AM}$$

in which

C = adjustment to account for the number of months between the most recently held auction and the next scheduled auction

AY = the number of auctions scheduled to be held in,

(i) for 2020, the calendar year 2020,

(ii) for 2021 and each subsequent year, the previous calendar year

AM = the number of months between the most recently held auction and the next scheduled auction



**N.S. Reg. 193/2018**

Made: November 13, 2018

Filed: November 13, 2018

Quantification, Reporting and Verification Regulations—amendment

Order in Council 2018-293 dated November 13, 2018  
Amendment to regulations made by the Governor in Council  
pursuant to Section 112Q of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated October 30, 2018, and pursuant to Section 112Q of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Quantification, Reporting and Verification Regulations*, N.S. Reg. 29/2018, made by [the] Governor in Council by Order in Council 2018-43 dated February 15, 2018, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after November 13, 2018.

**Schedule “A”**

**Amendment to the *Quantification, Reporting and Verification Regulations*  
made by the Governor in Council under Section 112Q  
of Chapter 1 of the Acts of 1994-95,  
the *Environment Act***

- 1 Section 7 of the *Quantification, Reporting and Verification Regulations*, N.S. Reg. 29/2018, made by the Governor in Council by Order in Council 2018-43 dated February 15, 2018, is amended by adding the following subsection immediately after subsection (2):
  - (3) Upon submission of a GHG report, a person is a registrant in the GHG Registry and remains a registrant while under a continuing duty to report under Section 20.
- 2 The value of the variable C in Section 12 of the regulations is amended by
  - (a) striking out “and” at the end of subclause (iii);
  - (b) adding a comma at the end of subclause (iv); and
  - (c) adding the following subclauses immediately after subclause (iv):
    - (v) as CH<sub>4</sub> from all ventilation and degasification systems in underground coal mining,
    - (vi) as CH<sub>4</sub> and N<sub>2</sub>O emissions from anaerobic wastewater treatment,
    - (vii) as process CO<sub>2</sub> emissions from calcination and feed oxidation in cement production,
    - (viii) as fugitive leaks and fugitive emissions from natural gas production, processing, transmission, storage and distribution equipment, and
    - (ix) as CO<sub>2</sub> emissions from the addition of makeup chemicals (CaCO<sub>3</sub>, Na<sub>2</sub>CO<sub>3</sub>) or carbonates in the chemical recovery areas of chemical pulp mills.
- 3 Section 13 of the regulations is amended by

- (a) adding “or distributes a petroleum product in the Province” at the end of clause (c) in the column under the heading “Criteria” in the row beginning “Category 2-Petroleum Product Supplier”; and
- (b) adding the following row immediately under the row beginning “Category 2-Petroleum Product Supplier”:

Category 3-Electricity Importer	a person who imports electricity into the Province
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- 4 Section 14 of the regulations is amended by adding the following row immediately under the row beginning “Category 2-Petroleum Product Supplier”:

Category 3-Electricity Importer	the amount of greenhouse gas that would be emitted from the generation of the electricity imported by the person
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- 5 Section 15 of the regulations is amended by

- (a) striking out “reporting” in the column under the heading “Reporting Threshold” in the row beginning “Category 1-Natural Gas Distributor”; and
- (b) adding the following row immediately under the row beginning “Category 2-Petroleum Product Supplier”:

Category 3-Electricity Importer	the amount is 10 000 t of CO <sub>2</sub> e or more
---------------------------------	---

- 6 (1) The regulations are further amended by renumbering Section 17 as subsection [17](1).
- (2) Subsection 17(1) of the regulations is amended by striking out “The verification amount” and substituting “Subject to subsection (2), the verification amount”.
- (3) Section 17 of the regulations is further amended by adding the following subsection immediately after subsection (1):
- (2) The verification amount for a fuel supplier emitter does not include the amount of CO<sub>2</sub> that is emitted from the combustion of biomass.

- 7 Section 27 of the regulations is amended by

- (a) striking out “June 1” in subsection (1) and substituting “May 1”;
- (b) striking out “2017” in subsection (2) and substituting “2018”; and
- (c) striking out “May 1, 2018” in subsection (2) and substituting “June 1, 2019”.

- 8 Section 28 of the regulations is repealed and the following Section substituted:

**Deadline for verification statement for GHG report**

- 28 (1)** Except as provided in subsection (2), a verification statement required for a GHG report must be submitted to the Minister no later than May 1 of the same year in which the GHG report is required to be given to the Minister.

(2) A verification statement required for a GHG report submitted in 2019 must be submitted to the Minister no later than September 1, 2019.

9 Schedule 1—Greenhouse Gases and Global Warming Potentials to the regulations is amended by striking out “N<sub>2</sub>” in column 2 for item 3 and substituting “N<sub>2</sub>O”.

10 Table 2: Fuel Supplier Emitters in Schedule 2—Specified GHG Activities to the regulations is amended by

(a) in the column under the heading “Description of Activity” in the row beginning “Category 2-Petroleum Product Supplier”,

(i) adding “under an inter-refinery agreement” at the end of item 3; and

(ii) adding the following items immediately after item 4:

5. importing the product into the Province in fuel tanks installed as standard equipment to supply a fuel’s engine

6. supplying the product in a sealed container of 1 L or less

(b) adding the following row immediately under the row beginning “Category 2-Petroleum Product Supplier”:

Category 3-Electricity Importer	Importing electricity into the Province	Importing electricity into the Province for use in the Province
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(c) adding the following definition immediately after Table 2:

**Definition for Table 2**

In this table,

“inter-refinery agreement” means an agreement between an owner or operator of a petroleum product refinery in Canada or a fractionation facility in Canada and the owner or operator of another petroleum product refinery in Canada or another fractionation facility in Canada for the supply of a petroleum product.

**N.S. Reg. 194/2018**

Made: November 13, 2018

Filed: November 13, 2018

## Cap-and-Trade Program Regulations

Order in Council 2018-294 dated November 13, 2018  
Regulations made by the Governor in Council  
pursuant to Section 112Q of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated October 30, 2018, and pursuant to Section 112Q of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to make regulations respecting the establishment of a cap-and-trade program in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on after November 13, 2018.

**Schedule “A”**

**Regulations Respecting the Cap-and-Trade Program  
made by the Governor in Council under Section 112Q  
of Chapter 1 of the Acts of 1994-95,  
the *Environment Act***

**Interpretation****Citation**

1 These regulations may be cited as the *Cap-and-Trade Program Regulations*.

**Definitions**

2 (1) In these regulations,

“account agent” means a recognized account agent who is designated as either an account representative or an account viewing agent;

“account representative” means a recognized account agent who is designated as a primary account representative or an alternate account representative under subsection 30(1) to perform the duties in Section 31;

“account viewing agent” means a recognized account agent who is designated as an account viewing agent under subsection 30(3) to perform the duties in Section 32;

“Act” means the *Environment Act*;

“administrative accounts” means the administrative accounts for the Minister’s use in the program, as set out in Section 17;

“allocation account” means the administrative allocation account for the program, as described in Section 17;

“auction account” means the administrative auction account for the program, as described in Section 17;

“cancellation account” means the administrative cancellation account for the program, as described in Section 17;

“compliance account” means a program participant’s compliance account as described in Section 18;

“Consumer Price Index” means the all-items Consumer Price Index for Nova Scotia, not seasonally adjusted, published by Statistics Canada under the authority of the *Statistics Act* (Canada);

“financial guarantee” means the financial guarantee submitted for an auction or sale by agreement under Section 65;

“general account” means a program participant’s general cap-and-trade account, as described in Section 18;

“issuance account” means the administrative issuance account for the program, as described in Section 17;

“limited use holding account” means a program participant’s limited use holding account, as described in Section 18;

“maximum bid value” in respect of an auction, means the maximum bid value, as described in Section 72;

“NSPI” means Nova Scotia Power Incorporated;

“program” means the greenhouse gas emissions cap-and-trade program established by Section 4 under Section 112C of the Act;

“program participant” means an emitter registered in the program;

“QRV Regulations” means the *Quantification, Reporting and Verification Regulations* made under the Act;

“recognized account agent” means an individual recognized by the Minister under Section 25, and eligible to be designated as an account agent by a program participant under Section 30;

“required to be submitted” means, in relation to emission allowances, required to be submitted to the Minister under subsection 112D(1) of the Act and in accordance with these regulations;

“reserve account” means the administrative reserve account for the program, as described in Section 17;

“retirement account” means the administrative retirement account for the program, as described in Section 17;

“vintage” means, in relation to an emission allowance, the year in which the emissions allowance is created.

- (2) A term defined in Section 2 or 3 of the QRV Regulations has the same meaning when used in these regulations.

### **Definition of “business relationship” and “related persons”**

- 3 (1) In these regulations,

“business relationship” means, when used in reference to 2 persons, that the persons have 1 of the following types of relationship, either directly or indirectly:

- (i) 1 person owns more than 20% of the securities of the other person or holds a call, option or other right or obligation to acquire those securities,
  - (ii) 1 person shares more than 20% of their officers or directors with the other person or may appoint up to 20% of the officers or directors of the other person,
  - (iii) 1 person owns voting securities carrying more than 20% of the voting rights attached to all voting securities in the other person,
  - (iv) if 1 person is a partnership other than a limited partnership, the other person holds more than 20% of the interests in the partnership,
  - (v) if 1 person is a limited partnership, the other person is a general partner of the partnership,
  - (vi) both persons are members of a group that meets 1 of the following descriptions:
    - (A) the group consists of a person and that person’s subsidiaries,
    - (B) the group consists of all of the following:
      - (I) a person who controls other persons as described in subclause (v),
      - (II) the controlled persons,
  - (vii) 1 person controls more than 20% of the other person by any means.
- (2) In these regulations, 2 persons are “related persons” if their relationship meets 1 of the following descriptions:
- (a) a single individual acts as an account representative for both persons and is an employee of at least 1 of the persons;
  - (b) they are in a business relationship as described in subclause (i) of the definition of “business relationship” in subsection (1) and 1 person owns more than 50% of the securities of the other person or holds a call, option or other right or obligation to acquire those securities;
  - (c) they are in a business relationship as described in subclause (ii) of the definition of “business relationship” in subsection (1) and 1 person shares more than 50% of their officers or directors with the other person or may appoint up to 50% of the officers or directors of the other person;
  - (d) they are in a business relationship as described in subclause (iii) of the definition of “business relationship” in subsection (1) and 1 person owns voting securities carrying more than 50% of the voting rights attached to all voting securities in the other person;
  - (e) they are in a business relationship as described in subclause (iv) of the definition of “business relationship” in subsection (1) and 1 person holds more than 50% of the interests in the partnership;

- (f) they are in a business relationship as described in subclause (v) or (vi) of the definition of “business relationship” in subsection (1);
  - (g) 1 person controls more than 50% of the other person by any means.
- (3) If 2 persons are related persons under subsection (2), they are each related to any person to whom the other is related.
- (4) In these regulations, a person is a subsidiary of a 2nd person if the 1st person is controlled, as described in subsection (6), by any of the following:
- (a) the 2nd person;
  - (b) the 2nd person and 1 or more other persons, each of whom is controlled as described in subsection (6) by the 2nd person;
  - (c) 2 or more other persons, each of whom is controlled as described in subsection (6) by the 2nd person.
- (5) In these regulations, if a 1st person is a subsidiary of a 2nd person and the 2nd person is a subsidiary of a 3rd person, then the 1st person is also a subsidiary of the 3rd person.
- (6) For the purposes of subsection (4), a person is controlled by another person if
- (a) the 2nd person has direct or indirect influence over the voting securities of the 1st person, other than voting securities to secure an obligation, and, if that influence were exercised, the 2nd person would be entitled to elect a majority of directors of the 1st person;
  - (b) for a partnership other than a limited partnership, the 2nd person holds more than 50% of the interests in the partnership; or
  - (c) for a limited partnership, the 2nd person is the general partner.

### **Cap-and-Trade Program**

#### **Establishment of cap-and-trade program**

**4** A greenhouse gas emissions cap-and-trade program is hereby established under Section 112C of the Act.

#### **Emitters exempt from program**

- 5** (1) An emitter is not required or permitted to register in the program if
- (a) the emitter is not required to submit a verification statement for a GHG report under the QRV Regulations; or
  - (b) despite clause (a), for a GHG report for their 2017 emissions, the verification amount in the report would not have met the verification threshold under QRV Regulations in force as of the effective date of these regulations.
- (2) An emitter who ceases to engage in specified GHG activities permanently on or before the following dates is not required or permitted to register in the program:
- (a) the registration date in clause 6(b); or



- (b) for an emitter required to register by the deadline in clause 6(a), December 31, 2018.

### Registration in Program

#### Deadlines for registering in program

- 6** Except as provided in Section 7, an emitter must apply to the Minister to register in the program on or before 1 of the following dates:
- (a) March 31, 2019, if the verification amount in the emitter's GHG report for 2017 emissions meets the verification threshold;
  - (b) October 1 immediately after the emitter submits their 1st GHG report in which the verification amount meets the verification threshold for emissions any year after 2017.

#### Registration of new owner or operator of facility

- 7** If a program participant who is a facility emitter ceases to be the owner or operator of the facility, the new owner or operator must
- (a) register in the program no later than 30 days after becoming the owner or operator of the facility; and
  - (b) meet all the requirements that applied to the former owner or operator under these regulations.

#### Content of application to register

- 8 (1)** An application to register in the program must include all of the following information and documents:
- (a) the program participant's name and contact information and whether they are an individual or a corporation, partnership, sole proprietor or other type of organization or entity;
  - (b) for a corporation, all of the following information about the corporation:
    - (i) the date and place of incorporation,
    - (ii) the business number,
    - (iii) the names and contact information of the directors and officers,
    - (iv) the names and contact information of persons controlling over 10% of the voting rights attached to all the outstanding voting securities,
    - (v) the name of all subsidiaries and parent corporations or partnerships associated with the corporation;
  - (c) for a partnership, all of the following information about the partnership:
    - (i) the business number,
    - (ii) the name and contact information of each partner or, for a limited partnership, the name and contact information of each partner and general partner,
    - (iii) the name and contact information of the directors and officers of each partner who is a corporation,

- (iv) the name and contact information of each special partner having provided over 10% of the common stock,
  - (v) the name of any person who is controlled by the partnership or by whom the partnership is controlled and a description of the nature of that control,
  - (vi) if a partner in a partnership is a corporation, the name of all subsidiaries and parent corporations or partnerships associated with that partner;
- (d) for a person who is not an individual, corporation or partnership, all of the following information about the person:
- (i) the date and place of the person's establishment by other means,
  - (ii) their business number, if applicable,
  - (iii) the name and contact information of an individual authorized to act on their behalf,
  - (iv) the name of any person who is controlled by the person or by whom the person is controlled and a description of the nature of that control;
- (e) if the person has a business relationship with, or is a related person in respect of, another program participant or person who is required to be registered in the program, all of the information about the other program participant or person:
- (i) their name and contact information,
  - (ii) whether they are an individual or a corporation, partnership, sole proprietor or other type of organization or entity,
  - (iii) if they are not an individual, the date and place of their incorporation or the date and place of their establishment by other means,
  - (iv) a description of the nature of their business relationship or other relationship as related persons, including
    - (A) the percentage of shares, securities or other interests of each person held by the others, and
    - (B) a diagram showing the relationship,
  - (v) their general account number,
  - (vi) the name and contact information of their primary account representative;
- (f) a designation of account representatives prepared in accordance with Section 30 and a statement indicating whether any account representatives are consultants;
- (g) a statement setting out
- (i) whether any of the persons' account representatives is an account representative for another program participant and, if so, the identity of that program participant, and

- (ii) the name of each account representative to which subclause (i) applies;
- (h) a document signed by the chief officer of the applicant or a resolution of the board of directors of the applicant that sets out all of the following:
  - (i) an undertaking that they will comply with the Act and these regulations,
  - (ii) a statement that the information provided under this Section is accurate, to the best of their knowledge;
- (i) all of the following information relating to each specified GHG activity and facility in respect of which the emitter is required to submit a verification statement for a GHG report:
  - (i) all GHG Registry numbers assigned by the Minister under Section 7 of the QRV Regulations,
  - (ii) the primary NAICS codes and any secondary and tertiary NAICS codes related to each activity,
  - (iii) the names and contact information of any persons responsible for preparing a GHG report in respect of the activities.
- (2) A program participant must notify the Minister of any change to the information and documents required under subsection (1) within 30 days of the change.

### **Attribution of Greenhouse Gas Emissions to Program Participants**

#### **Attribution of emissions—specified GHG activities at facility**

- 9** (1) This Section applies in relation to specified GHG activities engaged in at a facility during a year for the purpose of attributing an amount of greenhouse gas emissions to the owner or operator of the facility in respect of those activities under Section 112D of the Act.
- (2) Subject to subsection (3), if a verification statement is submitted, or is required to be submitted, to the Minister under the QRV Regulations for a GHG report for a facility for a year, the amount of greenhouse gas emissions attributable to the owner or operator of the facility for that year is as set out in the following table:

<b>Verification Statement</b>	<b>Amount of GHG Emissions Attributed to Owner or Operator of Facility</b>
positive or qualified positive verification statement	verification amount set out in the GHG report
adverse verification statement	amount determined by the Minister under Section 11
required verification statement not submitted	amount determined by the Minister under Section 11

- (3) If a revised GHG report for a facility for a year is submitted to the Minister under the QRV Regulations, the amount of greenhouse gas emissions attributable to the owner or operator of the facility for that year is as set out in the following table:

Revised GHG Report Submitted	Amount of GHG Emissions Attributed to Owner or Operator of Facility
on or before the deadline set out under Section 14	amount attributed under subsection (2), as applicable, based on the revised GHG report
after the deadline set out in Section 14	the greater of: <ul style="list-style-type: none"> <li>amount determined under subsection (2), as applicable, based on the revised GHG report</li> <li>amount attributed based on the original GHG report</li> </ul>

- (4) Despite subsections (2) and (3), the amount of greenhouse gas emissions attributable to the owner or operator of a facility who is required to register in the program by the deadline in clause 6(b) and who is not engaged in a specified GHG activity described in Categories 1, 3, 8 or 9 of Table 1 in Schedule 2 of [to] the QRV Regulations, is zero for the first year for which they are required to submit emission allowances under clause 13(1)(b).

#### Attribution of emissions—specified GHG activities for fuel supplier emitters

- 10 (1) This Section applies in relation to specified GHG activities engaged in by a fuel supplier emitter during a year for the purpose of attributing an amount of greenhouse gas emissions to the emitter in respect of those activities under Section 112D of the Act.
- (2) Subject to subsection (3), if a verification statement is submitted, or is required to be submitted, to the Minister under the QRV Regulations for a GHG report for a fuel supplier emitter for a year, the amount of greenhouse gas emissions attributable to the fuel supplier emitter for that year is as set out in the following table:

Verification Statement	Amount of GHG Emissions Attributed to Fuel Supplier Emitter
positive or qualified positive verification statement	verification amount set out in the GHG report
adverse verification statement	amount determined by the Minister under Section 11
required verification statement not submitted	amount determined by the Minister under Section 11

- (3) If a revised GHG report for a fuel supplier emitter for a year is submitted to the Minister under the QRV Regulations, the amount of greenhouse gas emissions attributable to the fuel supplier emitter for that year is as set out in the following table:

Revised GHG Report Submitted	Amount of GHG Emissions Attributed to Fuel Supplier Emitter
on or before the deadline set out under Section 14	amount attributed under subsection (2), as applicable, based on the revised GHG report
after the deadline set out in Section 14	the greater of: <ul style="list-style-type: none"> <li>amount determined under subsection (2), as applicable, based on the revised GHG report</li> <li>amount attributed based on the original GHG report</li> </ul>

**Attribution amount determined by Minister**

- 11 (1)** In determining the amount of greenhouse gas emissions attributed to an emitter under Section 9 or 10, the Minister must base the determination on 1 or more of the following:
- (a) verification statements and verified GHG reports submitted to the Minister on behalf of the emitter under the QRV Regulations in respect of the specified GHG activity, including any qualifications provided by an accredited verification body;
  - (b) other information available to the Minister in respect of the specified GHG activity;
  - (c) information in respect of the specified GHG activity obtained by the Minister by requesting information from the emitter;
  - (d) information in respect of similar specified GHG activities engaged in by emitters in the Province.
- (2)** The Minister must provide an emitter with written notice of the proposed amount determined under subsection (1) that sets out all of the following:
- (a) the proposed amount;
  - (b) an explanation of how the proposed amount was determined;
  - (c) a statement that the person may, no later than 5 days after the date the notice was given, submit comments in writing to the Minister in respect of the proposed amount.
- (3)** After considering any comments received from the emitter under subsection (2), the Minister must give written notice to the emitter of the final amount determined.

**Submitting Emission Allowances****Compliance period**

- 12** The initial compliance period prescribed for the purpose of Section 112D of the Act is January 1, 2019, to December 31, 2022.

**Time period for which emission allowances required to be submitted**

- 13 (1)** The time period for which emission allowances are required to be submitted begins on the following dates:
- (a) January 1, 2019, for a program participant required to register in the program by the deadline in clause 6(a);
  - (b) for a program participant required to register in the program by the deadline in clause 6(b),
    - (i) January 1 in the year immediately after the date they registered in the program, for a facility emitter, and
    - (ii) January 1 in the year immediately before the date they registered in the program, for a fuel supplier emitter.
- (2)** A program participant is no longer required to submit emission allowances after December 31 of the last year for which they are required to submit a verification statement for a GHG report under the QRV Regulations.

**Deadline for submitting emission allowances for compliance period**

- 14 (1)** Except as provided in subsection (2), the deadline for submitting emission allowances required to be submitted for a compliance period is 8 p.m. Atlantic Standard Time on December 15 immediately after the end of the compliance period.
- (2)** If a program participant submits a revised GHG report that results in an increase in the amount of GHG emissions attributable to the program participant, the deadline for submitting emission allowances in subsection (1) may be extended by the Minister to a date that is no later than 180 days after the date the revised GHG report is submitted.

**Submitting emission allowances**

- 15** To submit emission allowances for the greenhouse gas emissions attributed to a program participant under Sections 9 and 10, the emission allowances must be transferred to the program participant's compliance account.

**Transfer of emission allowances required to be submitted**

- 16 (1)** After the deadline in Section 14, the Minister must transfer emission allowances out of a program participant's compliance account until all emission allowances required to be submitted for the program participant for the compliance period are transferred, in the following order:
- (a)** emission allowances purchased at a sale by agreement;
  - (b)** other emission allowances in the compliance account, beginning with the emission allowances with the earliest vintage and continuing chronologically to the emission allowances with the most recent vintage.
- (2)** If a program participant has not transferred all emission allowances required to be submitted by the program participant for the compliance period to their compliance account under Section 15, the Minister may transfer the remaining amount of the required emission allowances out of the program participant's general account.
- (3)** The Minister must transfer the emission allowances under subsections (1) and (2) into the retirement account.
- (4)** If the amount of emission allowances transferred under subsections (1) and (2) is less than the amount of emission allowances required to be submitted by the program participant for the compliance period, then the authority of the program participant and its account representatives to transfer emission allowances from the program participant's general account, other than to the program participant's compliance account, is suspended until all of the required emission allowances have been submitted.

**Cap-and-Trade Accounts****Administrative accounts**

- 17 (1)** Subject to subsection (2), the Minister must maintain all of the following administrative accounts in the program for the following purposes:
- (a)** an issuance account—to record emission allowances created by the Minister;
  - (b)** an allocation account—for emission allowances available for allocation without charge;
  - (c)** an auction account—for emission allowances intended for sale at auction;

- (d) a reserve account—for emission allowances intended for sale by agreement or to be used to adjust the quantity of emission allowances allocated without charge;
  - (e) a retirement account—for emission allowances that are retired from the program;
  - (f) a cancellation account—for cancelled emission allowances.
- (2) The number and names of administrative accounts in the program's electronic system may differ from those established under subsection (1), so long as it does not substantially alter the application of these regulations.

### **Program participant accounts**

- 18** (1) On registering a program participant in the program, the Minister must establish all of the following accounts in the program for the program participant:
- (a) a general account—for emission allowances that are transferred from the Minister, to be held by the program participant until transferred under these regulations;
  - (b) a compliance account—for emission allowances that are required to be submitted by the program participant;
  - (c) a limited use holding account—for emission allowances that are transferred at the request of the program participant to be sold on consignment at auction.
- (2) The accounts established under subsection (1) must be administered and maintained for the purposes and in the manner set out in these regulations.

### **Minister's correction of material errors in accounts**

- 19** (1) The Minister may correct a material error that occurs in any account in the program.
- (2) The Minister must notify the affected program participants and provide reasons for any correction made under subsection (1).

### **Holding limit for general and compliance accounts**

- 20** (1) A program participant may hold a combined total of no more than 500 000 emission allowances in their general account and, except as provided in subsection (2), in their compliance account.
- (2) The limit in subsection (1) does not apply to emission allowances in a program participant's compliance account that are required to be submitted for the current year or for any preceding years.

### **Holding limit for related persons**

- 21** (1) The limit in Section 20 applies to program participants who are related persons as if they are a single person.
- (2) Program participants who are related persons must allot percentage shares of the limit in Section 20 amongst themselves and divide up the emission allowances permitted to be held under Section 20 according to those percentages.
- (3) The percentage shares of emission allowances allotted under subsection (2) must be disclosed to the Minister at all of the following times:
- (a) on registration of the related persons in the program;



- (b) no later than 30 days after a new business relationship is created;
- (c) at least 40 days before the date of an auction or sale by agreement for which 1 of the related persons has applied to be registered as a bidder or purchaser.

**When holding limit exceeded**

- 22 (1)** Beginning 5 days after a program participant is in contravention of the limit in Section 20, the Minister may transfer the number of emission allowances that exceed the holding limit out of the program participant's accounts, in the following order:
- (a) emission allowances in the general account, beginning with emission allowances with the earliest vintage and continuing chronologically to the emission allowances with the most recent vintage;
  - (b) emission allowances in the compliance account, beginning with the emission allowances with the earliest vintage and continuing chronologically to the emission allowances with the most recent vintage.
- (2)** The Minister must transfer the emission allowances under subsection (1) to the following administrative accounts in such proportions as the Minister determines to be advisable for the program:
- (a) the reserve account;
  - (b) the auction account.

**Surrendering emission allowances on permanently ceasing specified GHG activities**

- 23 (1)** On notifying the Minister as required by subsection 112J(1) of the Act, the emission allowances required to be surrendered to the Minister under subsection 112J(2) of the Act by a program participant who is permanently ceasing specified GHG activities must be surrendered no later than December 31 following the date of the verification statement for the last GHG report submitted in accordance with the QRV Regulations, by doing all of the following:
- (a) transferring to their compliance account any emission allowances required to be submitted;
  - (b) for a program participant who is a facility emitter, transferring to their compliance account any emission allowances allocated without charge for the facility that are not required to be submitted.
- (2)** The Minister must transfer the emission allowances transferred under clause (1)(a) to the retirement account to be retired.
- (3)** The Minister must transfer the emission allowances transferred under clause (1)(b) to the following administrative accounts in such proportions as the Minister determines to be advisable for the program:
- (a) the reserve account;
  - (b) the auction account.

**Closure of program participant's accounts**

- 24 (1)** The Minister may close a program participant's compliance account and transfer all of the emission allowances from it to the program participant's general account if any of the following apply:

- (a) the program participant
    - (i) is no longer required to submit a verification statement for a GHG report under the QRV Regulations, and
    - (ii) is in compliance with the Act, the QRV Regulations and these regulations, and has submitted all emission allowances required to be submitted;
  - (b) the program participant
    - (i) notifies the Minister that it no longer owns or operates the facility for which emission allowances are required to be submitted, and
    - (ii) does not own or operate any other facility for which emission allowances are required to be submitted;
  - (c) the program participant
    - (i) is permanently ceasing specified GHG activities at their facility,
    - (ii) does not own or operate any other facility for which emission allowances are required to be submitted, and
    - (iii) has submitted or surrendered emission allowances in compliance with Section 23.
- (2) A program participant whose compliance account is closed under subsection (1) must dispose of any emission allowances in their general account no later than 60 days after the date their compliance account is closed, by doing the following:
- (a) surrendering to the Minister any emission allowances that were distributed to the program participant without charge by providing written notice of their surrender to the Minister and leaving them in their general account;
  - (b) for any emission allowances that were not distributed to the program participant without charge,
    - (i) transferring them to another program participant, or
    - (ii) requesting that the Minister transfer them to their limited use holding account for sale on consignment at the next auction.
- (3) The Minister may remove any emission allowances remaining in a program participant's general account 60 days after their compliance account is closed.
- (4) The Minister must transfer any emission allowances surrendered under subsection (2) or removed under subsection (3) to the following administrative accounts, in such proportions as the Minister determines to be advisable for the program:
- (a) the reserve account;
  - (b) the auction account.

- (5) After 60 days have passed since a program participant's compliance account was closed, the Minister may close all of the program participant's accounts and cancel their registration in the program.

### Account Agents

#### Recognized account agents

- 25 (1) The Minister may recognize an individual who meets the eligibility criteria in Section 26 and provides the information required under Section 27 as a recognized account agent.
- (2) The Minister must assign a unique identification number to each recognized account agent.

#### Eligibility for recognized account agent

- 26 An individual may apply to be recognized by the Minister as an account agent in the program if the person meets all of the following eligibility criteria:
- (a) they have not been convicted of a criminal offence in the 5 years immediately before the application, unless a pardon, including a record suspension with[in] the meaning of the *Criminal Records Act* (Canada), has been obtained;
  - (b) they have not been found guilty of an offence under the Act, these regulations or the QRV Regulations;
  - (c) they have not been found guilty of an offence under the *Securities Act*.

#### Contents of application for recognized account agent

- 27 An application to be recognized by the Minister as an account agent must include all of following information and documents for the applicant:
- (a) name, address and date of birth;
  - (b) copies of 2 government-issued identity documents, 1 of which must have a photograph and indicate their name and date of birth;
  - (c) a statement signed by a lawyer or notary, completed no earlier than 3 months before the date the application is submitted, verifying the applicant's identity and certifying the authenticity of the identity documents;
  - (d) if the applicant is employed, the name and contact information of the their employer;
  - (e) confirmation from a financial institution located in Canada that
    - (i) the applicant has an account with the institution, and
    - (ii) the financial institution has verified the applicant's identity;
  - (f) a document signed by the applicant stating that
    - (i) the applicant meets the eligibility criteria in Section 26, and
    - (ii) the information included in the application is true and accurate.

**Updated or additional information for recognized account agent**

**28** A recognized account agent must provide the Minister with all of the following:

- (a) no later than 30 days after any change to the information or documents provided under Section 27, updated information respecting their eligibility;
- (b) any information relevant to their recognition as an account agent, upon request and by the date requested by the Minister.

**Cancellation of account agent recognition**

**29** The Minister may cancel an individual's recognition under Section 25 for any of the following reasons, by providing the individual with written notice of cancellation:

- (a) the Minister is satisfied that the individual does not satisfy, or no longer satisfies, the eligibility criteria in Section 26;
- (b) the individual fails to provide any information required or requested by the Minister under Section 28.

**Program participant to designate recognized account agents**

**30 (1)** A program participant must designate recognized account agents as their account representatives, as follows:

- (a) 1 individual as a primary account representative;
  - (b) at least 1 and no more than 4 individuals as alternate account representatives, none of whom may also be designated as the primary account representative.
- (2)** At least 1 of the account representatives designated under subsection (1) must reside in the Province, unless the program participant has a recognized agent in the Province who is authorized to accept service of documents.
- (3)** A program participant may designate up to 5 individuals as account viewing agents.
- (4)** A program participant must submit all of the following information and documents for each recognized account agent they designate as their account agent:
- (a) the recognized account agent's name and their identification number assigned by the Minister under subsection 25(2);
  - (b) a statement signed by a chief officer or a resolution of the program participant's board of directors confirming that the recognized account agent has been designated by the program participant, and whether they are designated as an account representative or account viewing agent;
  - (c) a statement signed by a lawyer or notary confirming the relationship between the recognized account agent and the program participant;
  - (d) a statement signed by the recognized account agent, confirming that
    - (i) they have been designated by the program participant for the purposes of these regulations, and

- (ii) they undertake to comply with the Act and these regulations;
- (e) if the recognized account agent is also designated as an account agent by another program participant, a statement signed by the recognized account agent providing the name and contact information of the other program participant.

**Powers and duties of account representative**

- 31 (1)** A program participant's account representative is authorized to act on behalf of the program participant to perform any actions that the program participant is required or permitted to take under the Act or the regulations.
- (2)** A program participant's account representative who submits a notice or confirmation under these regulations must confirm in writing that
- (a) they are authorized to submit the notice or confirmation on behalf of the program participant; and
  - (b) the information set out in the notice or confirmation is true, accurate and complete to the best of their knowledge.

**Powers of account viewing agent**

- 32** A program participant's account viewing agent is authorized to observe the program participant's cap-and-trade accounts on behalf of the program participant.

**Termination of account agent designation**

- 33** A designation of a program participant's account representative or account viewing agent terminates when any of the following occurs:
- (a) the Minister receives a written request from the program participant to terminate the designation;
  - (b) all of the program participant's cap-and-trade accounts are closed;
  - (c) the Minister cancels the account agent's recognition under Section 29.

**Suspension and reinstatement of authority to deal with accounts**

- 34 (1)** If the Minister has reason to believe that a program participant or their account representative has contravened the Act, these regulations or the QRV Regulations, the Minister may suspend the program participant's or account representative's authority to deal with emissions allowances held in the program participant's accounts by providing written notice of the suspension to the program participant and any account representative suspended.
- (2)** The Minister may reinstate any authority suspended under subsection (1), if satisfied that the program participant or their account representative is not or is no longer in contravention of the Act, these regulations or the QRV Regulations.

**Emission Allowance Transactions****General restrictions on emission allowances transactions**

- 35 (1)** An emission allowance may be transferred only in accordance with these regulations.
- (2)** A program participant may hold emission allowances for their own use only.

- (3) Once transferred to a compliance account, an emission allowance may only be used to account for emission allowances required to be submitted, except as required for the following:
  - (a) surrendering emission allowances under Section 23;
  - (b) closure of a program participant's accounts under Section 24;
  - (c) transferring emission allowances to a new owner of a facility under Section 39.
- (4) Only an emission allowance created by the Minister under Section 45 may be transferred or used for compliance purposes in the program.
- (5) An emission allowance that has been cancelled or retired cannot be transferred or used for compliance purposes in the program.

**Minister to transfer upon receiving transfer request**

- 36** (1) The Minister must transfer emission allowances in accordance with a transfer request except in the following circumstances:
- (a) the requested transfer would result in contravention of the Act or these regulations;
  - (b) the request contains an error or omission or is incomplete;
  - (c) the Minister has reasonable grounds to believe that an offence has been committed under the Act or these regulations in relation to the transfer request.
- (2) If the Minister refuses to transfer emission allowances under subsection (1), the Minister must provide notice of the reason for the refusal to all of the account representatives involved in the transfer request no later than 5 days after the date of the refusal.
- (3) A notice under subsection (2) for a refusal to transfer emission allowances under clause (1)(b) must either
- (a) identify the error or omission; or
  - (b) include a description of how the request is otherwise incomplete.
- (4) Unless a transfer request is refused under subsection (1), the Minister must ensure that the emission allowances specified in the request are transferred in accordance with the transfer request, on receipt of the following:
- (a) for transfers under Section 38, the confirmation of the intended transferee's intent to accept the transfer;
  - (b) for transfers under Section 39, the notice of intent to transfer and confirmation of the registration under Section 7 of the new owner or operator; and
  - (c) for transfers under Section 40, a confirmation of the intent to transfer.

**Additional information about transfer of emission allowances to Minister on request**

- 37** The account representatives for a transferor and transferee in any transaction to transfer emission allowances under these regulations must provide the Minister with additional information, upon request and by the date requested by the Minister.

**Transferring emission allowances between program participants**

- 38 (1)** To transfer emission allowances from their general account to another program participant's general account, a program participant must submit a transfer request to the Minister by taking all of the following steps:
- (a) an account representative of the transferor must submit a notice of the transferor's intent to transfer emission allowances, setting out all of the information required by subsection (2), to all of the following:
    - (i) the Minister,
    - (ii) all of the transferor's other account representatives;
  - (b) no later than 2 days after the date that a notice of intent is submitted under clause (a), a 2nd account representative of the transferor must submit a confirmation of the transferor's intent to transfer the emission allowances specified in the notice to all of the following:
    - (i) the Minister,
    - (ii) all of the transferor's other account representatives,
    - (iii) all of the intended transferee's account representatives.
- (2)** A notice of a transferor's intent to transfer emission allowances required by subsection (1) must include all of the following information:
- (a) the transferor's general account number;
  - (b) the transferee's general account number;
  - (c) the total number of emission allowances to be transferred;
  - (d) for each emission allowance to be transferred,
    - (i) the vintage, if any, and
    - (ii) if the transferor and transferee are not related persons, the price to be paid for the emission allowance under the transfer agreement;
  - (e) for each emission allowance of the same vintage, the method used to determine the price to be paid;
  - (f) a detailed description of the transfer agreement that includes all of the following:
    - (i) the date that the transferor and transferee signed the agreement,
    - (ii) the date by which all terms of the agreement are to be fulfilled,
    - (iii) a description of any other matters dealt with in the agreement;
  - (g) the date that the notice is submitted.



- (3) To accept a transfer of emission allowances under this Section, an account representative of the intended transferee must submit a confirmation of the intended transferee's intent to accept the transfer to the Minister no later than 3 days after the notice of intent is submitted under clause (1)(a).

#### **Transfers between compliance accounts—new facility owner or operator**

- 39 (1)** Subject to subsection (2), to transfer emission allowances from the compliance account of a previous owner or operator of a facility to the compliance account of a new owner or operator of the facility, the previous owner or operator's account representative must submit a transfer request to the Minister in the form of a notice of intent to transfer emission allowances that sets out all of the following information:
- (a) the previous owner or operator's compliance account number;
  - (b) the new owner or operator's compliance account number;
  - (c) the total number of emission allowances to be transferred;
  - (d) the vintage for each emission allowance to be transferred.
- (2) The Minister must receive the registration of the new owner or operator of the facility required by Section 7 before transferring the emission allowances in accordance with a transfer request under subsection (1).

#### **Transfers from program participant's general account to compliance account or limited use holding account**

- 40 (1)** To transfer emission allowances from their general account to their compliance account, a program participant must submit a transfer request to the Minister by taking the following steps:
- (a) an account representative of the program participant must submit a notice of the intent to transfer emission allowances, setting out all of the information required by subsection (3) to all of the following:
    - (i) the Minister,
    - (ii) all of the program participant's other account representatives;
  - (b) no later than 2 days after the date that the notice of intent is submitted under clause (a), a 2nd account representative of the program participant must submit a confirmation of their intent to transfer the emission allowances specified in the notice to all of the following:
    - (i) the Minister,
    - (ii) all of the program participant's other account representatives.
- (2) To transfer emission allowances from their general account to their limited use holding account, a program participant's account representative must submit a transfer request to the Minister, signed by a 2nd account representative of the program participant, setting out all of the information required by subsection (3).
- (3) A notice of intent to transfer emission allowances required by subsection (1) or (2) must include all of the following information:

- (a) the program participant's general account number;
- (b) the program participant's compliance account number or limited use holding account number, whichever the emission allowances are being transferred to;
- (c) the total number of emission allowances to be transferred;
- (d) the vintage for each emission allowance to be transferred.

**Annual publication of transactions summary**

**41** At least annually, the Minister must publish the following on the Department's website:

- (a) a list of program participants; and
- (b) a summary of transactions conducted between program participants during the previous year.

**Prohibitions on use of non-public information in dealing with emission allowances**

- 42** (1) A person must not purchase, sell, trade or otherwise deal with emission allowances if the person has information that could reasonably be expected to have a significant effect on the price or value of an emission allowance, unless the person reasonably believes that the information has been made public or is known to the other party.
- (2) A person must not, other than in the necessary course of business, inform another person of information that could reasonably be expected to have a significant effect on the price or value of an emission allowance, unless the person reasonably believes that the information has been made public or is known to the other party.
- (3) A contravention of subsection (1) or (2) voids the affected transaction.

**Misleading or untrue statements**

**43** A person must not make a statement that the person knows or reasonably ought to know

- (a) in a material respect and at the time and in the light of the circumstances in which it is made is misleading or untrue or does not state a fact that is required to be stated or that is necessary to make the statement not misleading; and
- (b) would reasonably be expected to have a significant effect on the price or value of an emission allowance.

**Misleading or untrue information**

**44** A person must not provide any information that the person knows or reasonably ought to know

- (a) in a material respect and at the time and in the light of the circumstances in which it is provided is misleading or untrue or does not state a fact that is required to be stated or that is necessary to make the information not misleading; and
- (b) would reasonably be expected to have a significant effect on the price or value of an emission allowance.

## Creation and Allocation of Emission Allowances to Administrative Accounts

### Creation of emission allowances

- 45 (1)** An emission allowance created by the Minister must be
- (a) in electronic form;
  - (b) identified in a way that allows it to be differentiated from all other emission allowances; and
  - (c) recorded in either the administrative accounts or recorded in the accounts of a program participant.
- (2)** The number of emission allowances created by the Minister for a year must be the number set out in the following table:

Year	Number of Emission Allowances Created
2019	13 683 000
2020	12 725 000
2021	12 258 000
2022	12 148 000

### Issuance account

- 46** On or before January 1 in the first year of a compliance period, the Minister must record the emission allowances created for that compliance period in the issuance account.

### Reserve account

- 47 (1)** On or before January 1 in the first year of a compliance period, the Minister must transfer emission allowances from the issuance account to the reserve account in accordance with subsection (2).
- (2)** The number of emission allowances to be transferred to the reserve account under subsection (1) is 3% of the number of emission allowances created for each year in the compliance period.

### Allocation account

- 48** On or before January 1 of each year in a compliance period, the Minister must transfer emission allowances from the issuance account to the allocation account to be distributed to program participants without charge in accordance with Sections 50 to 58.

### Auction account

- 49** The Minister may transfer some or all emission allowances that are not required for the reserve or allocation accounts to the auction account before each scheduled auction, to be auctioned to program participants.

## Allocation of Emission Allowances Without Charge

### Calculation of initial allocation of emission allowances without charge to facility emitters, other than NSPI

- 50 (1)** A program participant who is a facility emitter, other than NSPI, is eligible to receive emission allowances without charge for each year in a compliance period in accordance with this Section and Sections 51 to 54.

- (2) Subject to subsections (3) and (4), the Minister must calculate the number of emission allowances to be initially allocated under Section 51 without charge to a program participant who is a facility emitter using Formula 2.1 in Schedule 1.
- (3) For a facility emitter who is required to register in the program by the deadline in clause 6(b), the Minister must use the years that correspond to the following as the reference period to calculate the emission allowances under subsection (2) instead of the years set out in Column 5 of Table 1 of Schedule 1:

Year for Which the Facility is Required to Submit a Verification Statement	Substituted Reference Years in Column 5
3rd	1st year for which the facility is required to submit a verification statement
4th	1st and 2nd years for which the facility is required to submit a verification statement
5th	1st, 2nd and 3rd years for which the facility is required to submit a verification statement
6th and subsequent years	2nd, 3rd and 4th years for which the facility is required to submit a verification statement

#### **Initial allocation of emission allowances without charge to facility emitters**

- 51** (1) The Minister must allocate the number of emission allowances that are calculated under Section 50 without charge to program participants who are facility emitters on or before April 14, 2019, and January 14 of each subsequent year, and transfer them to the program participants' general accounts.
- (2) If the owner or operator of a facility changes before the allocation date in subsection (1) in a given year and the previous owner or operator of the facility notifies the Minister in writing on or before the last business day before the allocation date in that year, the emission allowances in subsection (1) must be allocated to the new owner or operator of the facility.

#### **Calculation of remaining allocation of emission allowances without charge to facility emitters**

- 52** The Minister must calculate the remaining number of emission allowances to be allocated each year under Sections 53 and 54 without charge to a program participant who is a facility emitter, after receiving the verification statement for the GHG report for the year for which allocations were calculated under Section 50, using Formula 3.1 in Schedule 1.

#### **Allocation of remaining emission allowances to facility emitters**

- 53** If the calculation of the remaining emission allowances under Section 52 creates a positive result, the Minister must allocate the program participant the amount of emission allowances calculated under Section 52 and transfer them to the program participant's general account on or before June 14 of each year after the verification statement is received as required by Section 52.

#### **Surrendering excess emission allowances from initial allocation**

- 54** (1) If the calculation of the remaining emission allowances under Section 52 creates a negative result, the Minister must notify the program participant that they must transfer an amount of emission allowances of the same or earlier vintage as were issued under Section 51 that is equal to the amount calculated under Section 52 into their compliance account no later than 30 days after the date they receive the Minister's notification.

- (2) If a program participant does not comply with subsection (1), the Minister may transfer the amount of emission allowances required to be transferred under that subsection from the program participant's general account into the administrative accounts under subsection (4).
- (3) If there are insufficient emission allowances in a program participant's accounts to cover the program participant's obligation under subsection (1), the Minister may reduce the program participant's next allocation of emission allowances without charge by the number of emission allowances necessary to make up the shortfall.
- (4) The Minister must transfer the emission allowances transferred under subsections (1) or (2) to the following administrative accounts in such proportions as the Minister determines to be advisable for the program:
  - (a) the reserve account;
  - (b) the auction account.

#### **Allocation of emission allowances without charge to NSPI**

- 55** (1) NSPI is eligible to receive emission allowances without charge in relation to NSPI's program participation respecting their facilities and in relation to the specified GHG activity of importing electricity into the Province, in accordance with this Section.
- (2) The number of emission allowances NSPI may be allocated without charge for a year is as set out in the following table:

Year	Number of Emission Allowances Allocated Without Charge to NSPI
2019	6 334 000
2020	5 517 000
2021	5 120 000
2022	5 087 000

- (3) The Minister must allocate 100% of the emission allowances to be allocated without charge to NSPI under this Section on or before April 14, 2019, and January 14 of each subsequent year, and transfer the emission allowances to NSPI's general account.

#### **Calculation and allocation of emission allowances without charge to fuel supplier emitters**

- 56** (1) Subject to Section 57, for each year in a compliance period, the Minister must calculate the number of emission allowances required to be submitted by a program participant who is a fuel supplier emitter based on the greenhouse gas emissions attributed to the emitter under Section 10.
- (2) The Minister must allocate 80% of the emission allowances that are calculated under subsection (1) without charge to program participants who are fuel supplier emitters and transfer them to the program participants' general accounts on or before June 14 in the year immediately after the year for which the emission allowances are allocated.

#### **Revised GHG reports—adjustment of allocation**

- 57** (1) Except as provided in subsection (2), a program participant who submits a revised GHG report that increases the verification amount reported in a GHG report submitted for a year in the current compliance period is entitled, during the next allocation of emission allowances, to be allocated

additional emission allowances without charge equal to the difference between the quantity calculated based on the original GHG report and the quantity calculated based on the revised GHG report.

- (2) No additional emission allowances may be allocated under subsection (1) if the compliance deadline in Section 14 has expired for the year that the revised GHG report is submitted for.

#### **Suspension of allocation of emission allowances without charge**

- 58** (1) The Minister may suspend the allocation of emission allowances without charge to any program participant who contravenes the Act, these regulations or the QRV Regulations.
- (2) The Minister may reinstate any allocation suspended under subsection (1), if satisfied that the program participant is not or is no longer in contravention of the Act, these regulations or the QRV Regulations.

#### **Auctions and Sales by Agreement**

##### **Number of auctions and sales by agreement per year**

- 59** (1) The Minister may hold an auction or sale by agreement of emission allowances in a specific place or online.
- (2) The Minister may hold no more than 4 auctions and 4 sales by agreement per calendar year.
- (3) The Minister must hold at least 2 auctions per calendar year, beginning in 2020.

##### **Minister's notice of auction or sale of agreement**

- 60** (1) No later than 60 days before the date of an auction or sale by agreement, the Minister must publish a notice of the auction or sale on the Department's website and, if the Minister considers it appropriate, in a newspaper or other publication.
- (2) The Minister's notice under subsection (1) must include all of the following information:
- (a) the place or Internet address, the date and the time of the auction or sale;
  - (b) the terms and conditions for registering as a bidder or purchaser;
  - (c) the form of a bid or offer;
  - (d) the procedure for submitting a bid or offer;
  - (e) the procedure for the auction or sale by agreement;
  - (f) for an auction,
    - (i) the number of emission allowances to be auctioned, the vintages and the composition of each lot, and
    - (ii) the minimum purchase price for the emission allowances at the auction;
  - (g) for a sale by agreement,
    - (i) the number of emission allowances available for sale, and

- (ii) the price for the emission allowances;
- (h) the regulatory rules that apply to the auction or sale by agreement.

**Registration with Minister as a bidder or purchaser**

- 61 (1)** To participate in an auction or sale by agreement, a program participant must register with the Minister as a bidder or purchaser no later than 30 days before the date of the auction or sale by agreement by submitting all of the following information and documents:
- (a) their name and contact information;
  - (b) the names and identification numbers of the their account representatives;
  - (c) for a sale by agreement, their compliance account number;
  - (d) for an auction, their general account number;
  - (e) the names and contact information of any advisors who were retained in relation to their bidding strategy and the name of any employer of the advisor;
  - (f) the form of the financial guarantee that will be submitted under Section 65.
- (2)** To participate in an auction or sale by agreement, a program participant must provide the Minister with an update of any change in the following information and documents no later than 40 days before the date of the auction or sale:
- (a) all information or documents required on registration as a program participant under Section 8 relating to
    - (i) the program participant's identity, ownership, administration and structure, and
    - (ii) the existence of any business relationship;
  - (b) in relation to the related persons disclosed on registration as a program participant under Section 8, as updated under clause (a), the allocation of the holding limit.
- (3)** A program participant is not permitted to participate in an auction or sale by agreement if there is any change in the information provided under clause (2)(b) 30 days or less before the date of the auction or sale.

**Restriction on services of an advisor at auction or sale by agreement**

- 62 (1)** Except as provided in subsection (2), a program participant who retains an advisor in relation to their bidding or purchasing strategy in an auction or sale by agreement must ensure that the advisor does not do any of the following:
- (a) disclose any of the information set out in Section 63;
  - (b) coordinate the bidding or purchasing strategy of any other bidder or purchaser in relation to an auction or sale by agreement in the same calendar year.
- (2)** Subsection (1) does not apply to a person who is acting as an advisor for more than 1 program participant, if the program participants are related persons to each other.

**Prohibition on disclosing information about auction or sale by agreement participation**

**63** A program participant must not disclose any information relating to their participation or non-participation in an auction or sale by agreement, including any of the following:

- (a) whether they are participating in an auction or sale by agreement;
- (b) their identity;
- (c) their bidding strategy;
- (d) the amount of their bids or purchase offers and the number of emission allowances bid or offered for;
- (e) the financial information submitted to the Minister.

**Refusal to permit participation in auction or sale by agreement**

**64** The Minister may refuse to register a program participant as a bidder or purchaser, if the program participant has done any of the following:

- (a) provided false or misleading information when applying to register to participate in the auction or sale by agreement, or any previous auction or sale;
- (b) failed to disclose required information;
- (c) contravened a rule of procedure for the auction or sale by agreement, or any previous auction or sale.

**Financial guarantee for auction or sale by agreement**

**65 (1)** A registered bidder or purchaser must provide a financial guarantee at least 12 days before the date of the auction or sale by agreement.

**(2)** The financial guarantee required by subsection (1) must be

- (a) submitted in Canadian dollars;
- (b) be valid for a period of at least 26 days following the date of the auction or sale by agreement;
- (c) be provided in 1 of the following forms:
  - (i) bank transfer,
  - (ii) 1 of the following issued by a bank as defined under the *Bank Act* (Canada) or a body corporate to which the *Trust and Loan Companies Act* (Canada) applies:
    - (A) an irrevocable letter of credit,
    - (B) a letter of guarantee.

**(3)** If the Minister designates a third party to administer the financial services for the program, the financial guarantee must be made out to and deposited with the designated third party or their financial institution.



## Auction of Emission Allowances

### Sale of emission allowances by consignment at auction

- 66** (1) To sell emission allowances on consignment at auction, a program participant must first request a transfer of the emission allowances to their limited use holding account.
- (2) Emission allowances transferred to a program participant's limited use holding account for sale at auction must be transferred by the Minister to the auction account no later than 5 days after the date of the request, to be sold
- (a) at the next auction; or
- (b) if the transfer request required by Section 40 is not received at least 80 days before the next scheduled auction, at the auction immediately after the next scheduled auction.
- (3) Emission allowances placed for sale on consignment at auction must be sold before any other emission allowances in the auction account, in the order in which the transfer to the program participant's limited use holding account under Section 40 was completed.
- (4) Any emission allowances transferred to the auction account to be offered for sale on consignment must remain in the auction account until sold.
- (5) Following the sale of a program participant's emission allowances on consignment at an auction, the Minister must transfer 100% of the sale price to the program participant.

### Program participants eligible to participate in auction

- 67** A program participant is eligible to participate in an auction as a bidder, unless
- (a) emission allowances are not required to be submitted for emissions attributed to the program participant for the previous calendar year; or
- (b) their cap-and-trade accounts have been suspended or revoked for any reason other than failing to submit sufficient emission allowances in relation to attributable greenhouse gas emissions.

### Auctioning of emission allowances

- 68** The auctioning of emission allowances must be by a single round of bidding and using sealed bids in Canadian dollars.

### Composition of lots of emission allowances available for auction

- 69** (1) Emission allowances must be auctioned in lots of 1000 emission allowances, except for the last lot which may consist of fewer emission allowances.
- (2) Emission allowances from a vintage that is the same as or a year previous to the year of an auction may be combined together in the same lot of emission allowances at the auction.
- (3) Emission allowances from a vintage subsequent to the year of the auction may not be combined together in a lot with emission allowances of another vintage.

### Minimum price of emission allowances at an auction

- 70** (1) The minimum price of emission allowances at an auction is set as follows:
- (a) for an auction conducted in 2020, \$20 per emission allowance;

- (b) for an auction conducted in any year after 2020, the minimum price set for the previous year, increased by 5% and adjusted for inflation in accordance with the Consumer Price Index, as calculated by the Minister.
- (2) The Minister must reject any bid submitted at less than the minimum price set under subsection (1).

**Program participant's bids at auction**

- 71 (1) A program participant's account representatives may submit more than 1 bid at an auction on behalf of the program participant, subject to the terms and conditions set out in the notice of auction published by the Minister under Section 60.
- (2) A bid submitted at an auction must state all of the following:
- (a) the number of lots of emission allowances requested;
  - (b) the price offered per emission allowance, in dollars and whole cents.
- (3) The maximum bid value of all bids submitted at an auction for a program participant may not exceed the amount of the financial guarantee provided.

**Calculation of maximum bid value of program participant's bids at auction**

- 72 (1) Before accepting any bids, the Minister must calculate the maximum bid value of all of a program participant's bids at an auction in accordance with subsection (2).
- (2) The maximum bid value is the highest value obtained by multiplying each bid price included in the program participant's bids by the number of emission allowances that the program participant proposed to purchase at that bid price or at a higher bid price.

**Limit on total amount of emission allowances purchased at auction**

- 73 (1) A program participant who is a facility emitter, other than NSPI, may not purchase more than the following amount of emission allowances at auction:
- (a) per auction, 3% of the emission allowances required to be submitted by the program participant for emissions in the previous calendar year;
  - (b) per calendar year, 5% of the emission allowances required to be submitted by the program participant for emissions in the previous calendar year.
- (2) A program participant who is a fuel supplier emitter, other than NSPI, may not purchase more than the following amount of emission allowances at auction:
- (a) per auction, 15% of the emission allowances required to be submitted by the program participant for emissions in the previous calendar year;
  - (b) per calendar year, 25% of the emission allowances required to be submitted by the program participant for emissions in the previous calendar year.
- (3) NSPI may not purchase more than 5% of the emission allowances available for sale at an auction.
- (4) Despite subsections (1) to (3), the purchase limits in those subsections may be exceeded by the amount required to purchase a full lot of emission allowances, if purchasing a portion of the lot is within the program participant's purchase limits.

**Rejection of program participant's bids that exceed holding or purchase limits**

- 74** (1) After the period of time for bidding has concluded, the Minister must reject a program participant's bids, or a portion of their bids, if accepting all of the program participant's bids would result in a contravention of either
- (a) the holding limit under Section 20; or
  - (b) the purchase limit in Section 73.
- (2) In rejecting a program participant's bids, or a portion of their bids, under subsection (1), the Minister must first reject the bid with the lowest price offered, and then continue in increasing order by bid price until the total of the program participant's bids remaining would, if accepted, not result in a contravention of Section 20 or 73.

**Removal of lots from program participant's bids if over financial guarantee**

- 75** (1) After the period of time for bidding has concluded, the Minister must remove any lots from a program participant's bid that cause the maximum bid value of all of their bids at the auction to exceed the amount of their financial guarantee.
- (2) The Minister must assign a new offer price to lots removed under subsection (1) based on the offer prices of all bids at the auction, by descending value, beginning with the price immediately below the price in the bid that caused the maximum bid value of the program participant's bids at the auction to exceed their financial guarantee, until the lots are assigned a price that would bring the maximum bid value of all of the program participant's bids at the auction within the limit of their financial guarantee.
- (3) If it is not possible to assign a new offer price under subsection (2) to bring the maximum bid value of all of the program participant's bids at the auction within the limit of their financial guarantee, the Minister must reject the removed lots.
- (4) A program participant whose bids have been assigned a new offer price under subsection (2) is deemed to have submitted the bids at that offer price.

**Awarding emission allowances at auction**

- 76** The Minister must accept all bids that have not been rejected and then award emission allowances, starting with the bidder that submitted the highest offer price and then to the next highest bidder, and so forth, until all of the available emission allowances have been awarded.

**Final sale price per emission allowance**

- 77** The final sale price for all emission allowances sold at an auction is the lowest offer price for the bids for which the Minister awards emission allowances under Section 76.

**Dividing emission allowances amongst lowest price bidders**

- 78** If there is more than 1 bidder at the lowest offer price for which the Minister has awarded emission allowances under Section 76, and the total amount of accepted bids at that offer price exceeds the remaining amount of emission allowances available, the Minister must divide the remaining emission allowances among the bidders at that price in accordance with the following steps:
- (a) determine each bidder's share by dividing the number of emission allowances bid on by the bidder at that price by the total number of emission allowances for which bids were received at that price;

- (b) award the remaining emission allowances by multiplying each bidder's share by the remaining number of emission allowances, rounding down to the nearest whole number;
- (c) if there are any emission allowances remaining after completing the step in clause (b), assign a random number to each of the bidders and award 1 emission allowance per bidder, in ascending order of the numbers assigned, until all of the emission allowances have been awarded.

### **Sale by Agreement**

#### **Program participants eligible to purchase emission allowances at sale by agreement**

**79** A program participant is eligible to register as a purchaser to purchase emission allowances at a sale by agreement only if

- (a) emission allowances are required to be submitted for emissions attributed to the program participant for the previous calendar year;
- (b) they have no emission allowances in their general account; and
- (c) their accounts have not been suspended or revoked for any reason other than failing to submit emission allowances required to be submitted.

#### **Sale price of emission allowances at sale by agreement**

**80** The sale price of emission allowances at a sale by agreement must be set as follows:

- (a) \$50 per emission allowance, for a sale by agreement conducted in 2020;
- (b) for a sale by agreement conducted in any year after 2020, the sale price set for the previous year, increased by 5% and adjusted for inflation in accordance with the Consumer Price Index, as calculated by the Minister.

#### **Selling of emission allowances by sale by agreement**

**81** The sale by agreement of emission allowances consists of a single round of offers, using sealed offers in Canadian dollars.

#### **Composition of lots of emission allowances available for sale by agreement**

**82** Emission allowances must be offered for sale at a sale by agreement in lots of 1000 emission allowances, except for the last lot.

#### **Program participant's offers at sale by agreement**

**83** A program participant's account representatives may not submit more than 1 offer at a sale by agreement on behalf of the program participant, subject to the terms and conditions set out in the notice of sale by agreement published by the Minister under Section 60.

#### **Rejection of program participant's offers that exceed holding limit or financial guarantee**

**84** After the period of time for submitting offers has concluded, the Minister must remove lots of emission allowances from any of a program participant's offers submitted at a sale by agreement, that either

- (a) exceed the financial guarantee provided; or
- (b) would result, if accepted, in a contravention of the holding limit under Section 20.

**Sale of emission allowances when available allowances equal to or exceed offers**

**85** When the total number of emission allowances for which purchasers have submitted offers at a sale by agreement is equal to or less than the number of emission allowances available at the sale by agreement, the Minister must award the emission allowances to the purchasers in accordance with their offers.

**Sale of emission allowances when offers exceed available allowances**

**86** When the total number of emission allowances for which purchasers have submitted offers at a sale by agreement exceeds the number of emission allowances available at the sale by agreement, the Minister must divide the available emission allowances among the purchasers in accordance with the following steps:

- (a) determine each purchaser's share by dividing the number of emission allowances for which offers have been received from each purchaser by the total number of emission allowances for which offers have been received;
- (b) award the available emission allowances by multiplying each purchaser's share by the available number of emission allowances, rounding down to the nearest whole number;
- (c) if there are any emission allowances remaining after completing the step in clause (b) is completed, assign a random number to each of the purchasers and award 1 emission allowance per purchaser, in ascending order of the numbers assigned, until all of the emission allowances have been awarded.

**Post-auction and Post-sale by Agreement****Payment of amount owing for emission allowances purchased**

- 87** (1) A program participant who purchases emission allowances at an auction or by sale by agreement must pay the amount owing for the allowances, less any amount withheld under subsection (2), no later than 7 days after notification of the purchase is sent.
- (2) If the financial guarantee provided by a program participant is in the form of a bank transfer, then the amount owing for the purchase of emission allowances at auction or by sale by agreement is withheld from the financial guarantee.
- (3) If the amount owing for a program participant's purchase of emission allowances at auction or by sale by agreement is not transferred in full in accordance with subsection (1) or withheld under subsection (2), the Minister may withhold the remaining amount owing from the financial guarantee provided, using the form of guarantee in the order set out in Section 65, until the amount owing is paid in full.
- (3)\* Any of a financial guarantee not required to pay the amount owing for the purchase of emission allowances at auction or by sale by agreement must be returned to the program participant.

[\*Subsection numbering as in original.]

**Transferring emission allowances purchased at auction or sale by agreement**

**88** On receiving payment in full for the emission allowances allocated to a program participant at an auction or sale by agreement, the Minister must issue the emission allowances to the program participant by transferring the emission allowances to the following program accounts for the program participant:

- (a) for an auction:
  - (i) the general account, or

- (ii) to comply with the holding limit in Section 20, compliance account;
- (b) for a sale by agreement, the compliance account.

**Unsold emission allowances after auction or sale by agreement**

**89** Any emission allowances that remain unsold at the close of an auction or sale by agreement must,

- (a) for a sale by agreement, remain in the reserve account; or
- (b) for an auction, remain in the auction account for future auctions.

**Publication of summary of auction or sale by agreement**

**90** The Minister must publish a summary of each auction or sale by agreement on the Department's website no later than 45 days after the close of the auction or sale by agreement, including all of the following information:

- (a) the names of the program participants registered as bidders or purchasers;
- (b) the final purchase price of the emission allowances;
- (c) without identifying the purchasers, the total amount and distribution of the emission allowances sold at the auction or sale by agreement.

**Information, Records and Forms****GHG Registry information**

**91** Any information submitted under these regulations is deemed to be recorded in the GHG Registry.

**Retention of records**

**92** A program participant must keep all records created by the program participant relating to their participation in the program and their compliance with these regulations, including all the following, in paper or electronic format, for at least 7 years after the date that the records were created:

- (a) registration in the program;
- (b) transactions in the program;
- (c) designations of recognized account agents;
- (d) documents relating to the allocation of emission allowances;
- (e) registrations in auctions or sales by agreement.

**Form and manner of records and required information submitted**

- 93** (1) A record or other information that is required to be submitted under these regulations must be submitted in a form provided or approved by the Minister and in a manner approved by the Minister.
- (2) The Minister may require that a record or information required to be submitted under these regulations be in an electronic format specified by the Minister.

**Schedule 1—Calculation of Allocation of Emissions Allowances Without Charge  
to Facility Emitters Other than NSPI**  
(*Cap-and-Trade Program Regulations, S. 50 and 52*)

**Formulas**

**Formula 1.1—estimated base number of emission allowances**

$$B_{ci_{t-2}} = \sum_i^n (\text{product}_{i_{t-2}} \times EI_{c_i})$$

in which

$B_{ci_{t-2}}$  = the estimated base number of emission allowances for a facility's GHG emissions for year t

$\text{product}_{i_{t-2}}$  = the amount for year t-2 of

- (i) quantity of product i produced, if the product is set out in Column 2 of Table 1,
- (ii) quantity of process parameter i, if the process parameter is set out in Column 2 of Table 1

$EI_{c_i}$  = the historical facility production intensity benchmark, calculated using Formula 1.2

**Formula 1.2—historical facility production intensity benchmark**

$$EI_{c_i} = \frac{\sum_j^n E_{c_{ij}}}{\sum_j^n \text{product}_{ij}}$$

in which

$EI_{c_i}$  = the historical facility production intensity benchmark

$E_{c_{ij}}$  = the historical combustion emissions for product i specified in Column 2 of Table 1 for the reference years j specified in Column 5 of Table 1

$\text{product}_{ij}$  = the

- (i) quantity of product i set out in Column 2 of Table 1 that was produced at the facility for years j specified in Column 5 of Table 1
- (ii) quantity of the process parameter i set out in Column 2 of Table 1 for years j specified in Column 5 of Table 1

**Formula 2.1—initial emission allowances allocated**

$$A_{t-2} = 0.75 \times AF_t \times C_{at} \times B_{ci_{t-2}}$$

in which

$A_{t-2}$  = the number of emissions allowances to be initially allocated for the year t, after applying the cap adjustment factor and assistance factor to the estimated base number of emission allowances calculated

0.75 = percentage of calculated emission allowances to be initially allocated

$AF_t$  = the assistance factor for year t, as set out in Column 7 of Table 1 for each year in the compliance period

$C_{at}$  = the cap adjustment factor for year t with adjustment based on biomass fuel use, calculated using Formula 2.2

$B_{ci_{t-2}}$  = the estimated base number of emission allowances for a facility's GHG emissions for year t, calculated using Formula 1.1

**Formula 2.2—cap adjustment factor with adjustment for biomass fuel use**

$$C_{at} = 1 - (1 - C_{ct}) \times F_{bt}$$

in which

$C_{at}$  = the cap adjustment factor for year t with adjustment based on biomass fuel use

$C_{ct}$  = the cap adjustment factor without adjustment for biomass fuel use, as set out in Table 2 for year t

$F_{bt}$  = adjustment based on biomass fuel use, calculated using Formula 2.3

**Formula 2.3—adjustment for biomass fuel use**

$$F_{bt} = 1 - \frac{EI_{Biomass_{t-2}}}{EI_{AllFuels_{t-2}}}$$

in which

$F_{bt}$  = adjustment based on biomass fuel use

$EI_{Biomass_{t-2}}$  = energy input from biomass fuel at the facility in year t-2, in gigajoules

$EI_{AllFuels_{t-2}}$  = total energy input from all fuel, including biomass fuel, at the facility in year t-2, in gigajoules



**Formula 3.1—remaining allocation of emission allowances**

$$B_{adj} = (AF_t \times C_{at} \times B_{ci\_t}) - A_{t-2}$$

in which

$B_{adj}$  = production adjustment

$AF_t$  = the assistance factor for year t, as set out in Column 7 of Table 1 for each year in the compliance period

$C_{at}$  = the cap adjustment factor for year t with adjustment based on biomass fuel use, calculated using Formula 2.2

$B_{ci\_t}$  = actual base number of emission allowances calculated based on  $product_{i\_t}$ , calculated using Formula 3.2

$A_{t-2}$  = the number of emissions allowances initially allocated for the year t, calculated using Formula 2.1, after applying the cap adjustment factor and assistance factor to the estimated base number of emission allowances calculated

**Formula 3.2—actual base number of emission allowances**

$$B_{ci\_t} = \sum_i^n product_{i\_t} \times EI_{c\_i}$$

in which

$B_{ci\_t}$  = actual base number of emission allowances calculated based on  $product_{i\_t}$

$Product_{i\_t}$  = the amount for year t of

- (i) quantity of product i set out in Column 2 of Table 1
- (ii) quantity of the process parameter i set out in Column 2 of Table 1

$EI_{c\_i}$  = the historical facility production intensity benchmark, calculated using Formula 1.2

## Supporting Tables

Table 1—Historical facility emissions intensity for product produced/process parameter

<b>Column 1</b> <b>Specified</b> <b>GHG</b> <b>Activity</b> <b>(or</b> <b>component)</b>	<b>Column 2</b> <b>Product <i>i</i></b> <b>Produced/</b> <b>Process</b> <b>Parameter <i>i</i></b>	<b>Column 3</b> <b>Product <i>i</i></b> <b>Produced/</b> <b>Process</b> <b>Parameter <i>i</i></b> <b>units</b>	<b>Column 4</b> <b>Historical</b> <b>Combustion</b> <b>Emissions</b> <b>Intensity</b>	<b>Column 5</b> <b>Fixed</b> <b>Reference</b> <b>Period (j)</b>	<b>Column 6</b> <b>Facility</b> <b>Intensity</b> <b>Benchmark</b> <b>Units</b>	<b>Column 7</b> <b>Adjustmen</b> <b>t Factor</b> <b>AF<sub>t</sub></b>
Cement production	cement: clinker +mineral additives (gypsum and limestone)	metric tons	historical facility combustion emissions intensity	2015, 2016	emission allowances per metric ton of clinker +mineral additives (gypsum and limestone)	1
Pulp and paper	air-dried pulp	metric tons	historical facility combustion emissions intensity	2014, 2015, 2016	emission allowances per air dried metric ton of pulp	0.9
Natural gas processing	raw natural gas throughput	10 <sup>3</sup> cubic metre	historical facility combustion and flaring emissions intensity	2014, 2015, 2016	emission allowances per 10 <sup>3</sup> cubic metre of raw natural gas throughput	0.9

Table 2—Cap adjustment factor without adjustment for biomass fuel use (Cct)

<b>Year</b>	<b>Cap Adjustment Factor</b> <b>(without adjustment for biomass fuel use)</b>
2019	1.000
2020	0.930
2021	0.896
2022	0.888

**N.S. Reg. 195/2018**

Made: November 13, 2018

Filed: November 13, 2018

Proclamation, S. 173, S.N.S. 2016, c. 3

Order in Council 2018-297 dated November 13, 2018  
Proclamation made by the Governor in Council  
pursuant to Section 173 of the  
*Mineral Resources Act*

The Governor in Council on the report and recommendation of the Minister of Energy and Mines dated October 12, 2018, and pursuant to Section 173 of Chapter 3 of the Acts of 2016, the *Mineral Resources Act*, is pleased to order and declare by proclamation that Chapter 3 of the Acts of 2016, the *Mineral Resources Act*, do come into force on and not before December 18, 2018.

PROVINCE OF NOVA SCOTIA

**sgd: Arthur J. LeBlanc**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by Section 173 of Chapter 3 of the Acts of 2016, the *Mineral Resources Act*, it is enacted as follows:

**173** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 3 of the Acts of 2016, the *Mineral Resources Act*, do come into force on and not before December 18, 2018;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 3 of the Acts of 2016, the *Mineral Resources Act*, do come into force on and not before December 18, 2018, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the Great Seal of  
Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour  
Arthur J. LeBlanc, ONS, Q.C., Lieutenant Governor of  
the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 13th day of November in the year of Our Lord two thousand and eighteen and in the sixty-seventh year of Our Reign.

BY COMMAND:

**sgd: Honourable Mark Furey**  
Provincial Secretary  
Attorney General and Minister of Justice

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**N.S. Reg. 196/2018**

Made: November 13, 2018

Filed: November 13, 2018

Mineral Resources Regulations

Order in Council 2018-298 dated November 13, 2018  
Repeal of regulations and regulations made by the Governor in Council  
pursuant to Section 156 of the *Mineral Resources Act*

The Governor in Council on the report and recommendation of the Minister of Energy and Mines dated October 12, 2018, and upon notice of a fee increase having been presented to the House of Assembly in accordance with Section 4 of Chapter 8 of the Acts of 2007, the *Fees Act*, and pursuant to Section 156 of Chapter 3 of the Acts of 2016, the *Mineral Resources Act*, is pleased, effective December 18, 2018, to

- (a) repeal the *Mineral Resources Act Regulations*, N.S. Reg. 222/2004, made by the Governor in Council by Order in Council 2004-435 dated November 4, 2004; and
- (b) make new regulations respecting mineral resources in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

**Schedule “A”**

**Regulations Respecting Mineral Resources  
made by the Governor in Council under Section 156  
of Chapter 3 of the Acts of 2016,  
the *Mineral Resources Act***

**Interpretation**

**Citation**

1 These regulations may be cited as the *Mineral Resources Regulations*.

**Definitions**

2 (1) In these regulations, the following definitions apply:

“acceptable” means acceptable to the Registrar in accordance with the regulations;

“Act” means the *Mineral Resources Act*;

“base map” means a base map as defined in subsection 4(1);

“claim reference map” means a representation of 1/4 of the area of a base map as subdivided in accordance with subsection 5(1);

“drill core” means a cylindrical core of material removed from a drill hole;

“drill hole” means a hole that is drilled to a depth of at least 1 metre for the primary purpose of obtaining geological, geochemical or geophysical information;

“drilling program” means drilling activity conducted on a claim area or areas during a period that is measured from when drilling begins to the removal of the final drill machine, or to a time as extended by the Registrar;

“electronic registry” means the Province’s online mineral resources registration system maintained by the Registrar as required by subsection 15(2) of the Act that provides Internet browser-based access to mineral tenure information and electronic access for applying for mineral rights and maintaining existing mineral rights;

“engineer” means a person holding a licence to practise under the *Engineering Profession Act* or, for a person who is not resident in the Province, equivalent legislation in the jurisdiction in which the person is resident;

“file” means to file through the electronic registry;

“geoscientist” means a person holding a ~~license to practice~~ [licence to practise] under the *Geoscience Profession Act*;

“index map” means a generalized location map;

“mineral reserve” means the economically mineable part of a mineral resource;

“overburden” means the layer of soil, gravel, rock or other material covering a layer of bedrock;

“reclamation plan” means a reclamation plan required for a mineral lease or non-mineral registration under Section 86 of the Act;

“reclamation security” means the security required under Section 88 of the Act to be provided for the reclamation of the area that may be disturbed by the activities of a licensee, lessee, registrant or holder of a letter of authorization or excavation registration, or their agent or assignee;

“seal”, in relation to a drill hole, means to close off all or any part of the length of a drill hole in a permanent manner to ensure the prevention of leakage by appropriate methods and materials that meet industry standards;

“technical illustration” means a depiction of data that clarifies the content of a report or stands alone as a record of information and includes a map, plan, section, drawing, chart, graph, diagram or photograph;

“tract” means subdivision of a claim in accordance with Section 6;

“watercourse” means the bed or shore of any river, stream, lake, creek, pond, spring, lagoon or ocean, and the water therein, within the jurisdiction of the Province, whether it contains water or not.

(2) In the Act and these regulations, the following definitions apply:

“mineral resource” means a concentration or occurrence of a mineral found in or on the earth’s crust in a form and quantity and grade or quality that indicate reasonable prospects for economic extraction;

“stakeholders” means the individuals, groups, communities, organizations, associations or authorities whose interests may be positively or negatively affected by a proposal or activity under the Act and who are concerned with the proposal or activity and its consequences;

“underground exploration” means opening or reopening underground workings and includes dewatering or rehabilitating the workings.

(3) The following definitions apply in the Act:

“confidential information” in subsection 141(3) of the Act means information referred to in Section 21 of the *Freedom of Information and Protection of Privacy Act*;

“construction stone” in the definition of “mineral” in clause 3(v) of the Act includes shale or clay when used to manufacture common building bricks;

“privileged” in Section 135 of the Act means, in relation to information, that the information is confidential information.

### Land Divisions and Boundaries

#### Land divisions required for mineral rights and non-mineral registration areas

- 3 All mineral rights and non-mineral registration areas must be defined or described in terms of the divisions of land set out in Sections 4 to 8.

#### Base maps used to establish claim reference maps

- 4 (1) In these regulations, “base map” means a National Topographic System (NTS-NAD 83) map on a scale of 1:50 000 produced by the federal Department of Natural Resources for areas bounded by each 30' of longitude and each 15' of latitude.
- (2) Base maps must be used for establishing claim reference maps to determine the boundaries of claims, licences, leases and non-mineral registrations.

**Claim reference maps**

- 5 (1) Each base map must be subdivided into claim reference maps, as shown in Figure 1 of Schedule A, by median lines corresponding to the median longitude and latitude lines of the base map, with the resulting claim reference maps lettered A for the southeast quarter, B for the southwest quarter, C for the northwest quarter and D for the northeast quarter.
- (2) Each claim reference map must be identified by the numbering of the base map of origin and the appropriate quarter section letter.
- (3) Claim reference maps maintained by the Registrar are conclusive as to the matters shown on them and are the sole official depiction of the relative location and extent of mineral rights and non-mineral registrations.

**Division of claim reference map into tracts**

- 6 (1) Each claim reference map must be subdivided into 108 tracts by 12 equal divisions on latitude and 9 equal divisions on longitude, as shown in Figure 2 in Schedule A, in accordance with all of the following specifications:
- (a) the east and west boundaries of each tract must be true meridians of longitude;
- (b) the north and south boundaries of each tract must be straight lines parallel to the chord of 1/2 of the part of the parallel of latitude that represents the south boundary of each claim reference map;
- (c) the angle of intersection of each chord on either side of the median meridian of longitude for each claim reference map must be 90°.
- (2) Each tract must contain 259 ha, more or less.
- (3) The 108 tracts on a claim reference map must be numbered as shown in Figure 2 in Schedule A.

**Division of tract into claims**

- 7 (1) Each tract on a claim reference map must be subdivided into 16 claims, by 4 equal divisions on latitude and 4 equal divisions on longitude.
- (2) The 16 claims in each tract of a claim reference map must be lettered as shown in Figure 3 in Schedule A.

**Boundary measurements**

- 8 (1) All boundaries extend downward vertically without limit.
- (2) All surface measurements must be referenced to a horizontal plane.

**Registry Records****Registration in electronic registry**

- 9 A person who wishes to prospect or explore must register as a user of the electronic registry in order to file documents with the Registrar.

**Correction by Registrar of map or document in Registry**

**10** When the Registrar becomes aware of an error on a map or document maintained by the Registrar, whether in electronic or paper form, the Registrar must correct the error.

**Service and Delivery of Documents****Service of notice or document by Minister, Registrar or other person**

**11 (1)** In addition to service by prepaid registered mail to a person's address under subsection 34(2) of the Act, a notice or other document that is served under the Act or these regulations by the Minister, Registrar or any other person acting under the authority of the Act or these regulations is deemed to be effectively served on a person if delivered by any of the following methods:

- (a) it is delivered personally;
  - (b) it is sent through the electronic registry;
  - (c) it is sent by e-mail to the most recent e-mail address for the person in the Registrar's records.
- (2)** A notice or document referred to in subsection (1) is deemed to have been received no later than the 7th day after the date of service.
- (3)** The Registrar may order another means of service, including substituted service or service by advertisement.

**Delivery of documents to Minister or Registrar**

**12 (1)** A document required to be delivered to the Minister under the Act or these regulations must be delivered by 1 of the following methods:

- (a) personal delivery;
  - (b) registered mail.
- (2)** A document required to be delivered to the Registrar under the Act or these regulations must be delivered by 1 of the following methods:
- (a) personal delivery;
  - (b) registered mail;
  - (c) filing electronically, as required by these regulations and subsection 17(2) of the Act.
- (3)** A document is not received by the Minister or Registrar until it is delivered in accordance with subsection (1) or (2).



## Surface Access Rights

### Filing consent obtained for work involving disturbing ground on private lands

**13** When consent is obtained from a private land owner or occupier for activities that involve disturbing the ground under subsection 25(3) of the Act, the written consent required by that subsection must be filed by the mineral right holder, and must include all of the following:

- (a) the name and mailing address of the owner or current occupier;
- (b) the name and address of the mineral right holder;
- (c) a description of the work;
- (d) a description of the property;
- (e) a statement signifying the owner or occupier's written consent to the work done;
- (f) the signatures of the mineral right holder and the owner or occupier.

### Requesting surface access rights

**14** An application to the Minister under Section 26 of the Act to request surface access rights by a mineral right holder must be in the form of a statutory declaration submitted to the Minister and contain all of the following:

- (a) for a mineral right holder who is unable to obtain consent to enter upon private land from the land owner or occupier:
  - (i) the name of the mineral right holder, the mineral right and any exploration licence number,
  - (ii) the name of the owner or current occupier,
  - (iii) the location of the property, with map,
  - (iv) the activities that involve disturbing the ground,
  - (v) details of the contact made with the owner or occupier for the purposes of obtaining consent;
- (b) for a mineral right holder who is unable to contact or locate the land owner or occupier to obtain consent to enter upon private land:
  - (i) the particulars of the title search of the private land,
  - (ii) the efforts taken to locate the owner or occupier,

- (iii) details of the attempts made to contact the owner or occupier for the purposes of obtaining consent.

**Notice of application to request surface access rights**

**15 (1)** The Minister must provide the owner or occupier of the land with a written notice of an application made under Section 14, stating all of the following:

- (a) that a request for surface rights access to the owner's or occupier's land has been made;
  - (b) that, no later than 30 days after the date of the notice, the owner or occupier may do either of the following, in writing:
    - (i) consent to access for the mineral right holder,
    - (ii) state why no consent should be given.
- (2)** The Minister may request further information from a mineral right holder or an owner or occupier concerning an application under Section 14, and the mineral right holder or owner or occupier has 14 days to respond to the Minister.

**Access to municipal water supply watershed lands (protected water areas)**

**16 (1)** In this Section, the following definitions apply:

“protected water area” means a protected water area under Section 106 of the *Environment Act*, as shown on a claims reference map;

“preliminary exploration” means exploration with no ground disturbance, including all activities listed in subsection 25(2) of the Act, but does not include seismic surveys in which explosives are used;

“exploration with ground disturbance” means any of the activities listed in subsection 25(3) of the Act.

[Order of definitions as in original.]

- (2)** In addition to any requirement to obtain consent from persons under Section 24 or 25 of the Act, before beginning any preliminary exploration in a protected water area, a person must give the operator of the water works a written notice of the exploration that includes all of the following, and file a copy of the notice with the Registrar:
- (a) the proposed exploration activities;
  - (b) the dates that the exploration will begin and end.

**Registration as a prospector**

**17 (1)** To register as a prospector under clause 30(2)(a) of the Act, a person must file an application with the Registrar that contains all of the following:

- (a) the applicant's name, address and telephone number;

- (b) the fee, in accordance with the fees set out in Section 79;
  - (c) the signature of the applicant.
- (2) The Registrar must maintain a list of registered prospectors that includes all of the particulars of each registered prospector who applies under subsection (1).
- (3) The Registrar must advise each registered prospector of where they may access a copy of the Act and these regulations.
- (4) The Registrar must issue an identification card to each registered prospector through the electronic registry that contains all of the following:
- (a) a registration number;
  - (b) an acknowledgment that the holder of the identification card is a registered prospector.
- (5) A prospector's registration under this Section is for a term of 10 years, and may be renewed by updating and confirming the particulars of the prospector's registration provided under subsection (1).

### Exploration Licences

#### Application for exploration licence

**18** An application for an exploration licence under subsection 31(1) of the Act, or its renewal under Section 47 of the Act, must be made by filing an application with the Registrar that contains all of the following information, in addition to the information required by subsection 34(1) of the Act:

- (a) the minerals subject to the exploration licence;
- (b) the area and location of the minerals;
- (c) a description of the claim, the tracts and the claim reference map;
- (d) the applicant's name and occupation.

#### Competing applications for common claim

- 19 (1)** The notice required to be given by the Registrar under subsection 32(1) of the Act to multiple applicants for a common claim must be in writing sent no later than 7 days after the date of application, and include all of the following:
- (a) notice of any other pending applications received by the Registrar;
  - (b) a request that the applicant submit tenders or proposals in accordance with subsection (2).
- (2) Tenders or proposals for the right to obtain an exploration licence must outline the proposed assessment work and be received no later than 30 days after the date the notice is sent under subsection (1).

**Application for area designated in expired exploration licence**

**20** An application for an exploration licence for all or a portion of the same area designated in an expired exploration licence may not be made before 10 a.m. on the day following the expiry date of the expired licence.

**Form of exploration licence**

- 21** (1) An exploration licence is issued through the electronic registry.
- (2) In addition to the information required by Section 39 of the Act, all of the following is prescribed as information that must be included on an exploration licence under Section 39 of the Act:
- (a) the name of the licensee;
  - (b) the name of the minerals subject to the licence;
  - (c) any conditions on the licence, as determined by the Registrar;
  - (d) the unique number assigned to the licence.

**Late renewal of expired licence**

- 22** (1) The renewal of a licence under Section 50 of the Act does not alter the anniversary date of the licence or the required assessment work for the licence.
- (2) The time within which an expired exploration licence may be renewed under Section 50 of the Act is no later than 90 days after the date the licence expires.

**Form of certificate of compliance**

- 23** A certificate of compliance granted under Section 52 of the Act is issued through the electronic registry and must contain all of the following information:
- (a) the licensee's name;
  - (b) the exploration licence number;
  - (c) an acknowledgment of compliance with either required assessment work or payment of fees in lieu of the work;
  - (d) the renewal date of the licence;
  - (e) the expiry date of the licence;
  - (f) the number of cumulative terms of the licence upon renewal;
  - (g) a summary, expressed in dollar amounts, of all of the following:
    - (i) work submitted,
    - (ii) work required,

- (iii) credits acquired,
- (iv) credits remaining,
- (v) payment in lieu of work,
- (vi) total credits used,
- (vii) total credits available,
- (viii) total credits remaining.

### **Refund on refusal or rejection of application**

**24** A refund of fees made under Section 41 of the Act when an application for an exploration licence is refused or rejected may be made to the applicant by 1 of the following methods:

- (a) by registered mail to the address provided in the application;
- (b) by electronically crediting the amount back to the applicant.

### **Stakeholder engagement plans**

**25 (1)** A stakeholder engagement plan prepared and implemented by a licensee under Section 44 of the Act must

- (a) include the time period before and during the exploration and development of mineral resources;
- (b) be proportionate to the nature and location of the licensed area;
- (c) be revised throughout the course of work on the licensed area whenever there are changes to the scope of the work; and
- (d) be filed, if requested by the Minister.

**(2)** A stakeholder engagement plan filed under clause (1)(d) must be filed no later than 24 hours after the Minister's request, and must be acceptable to the Registrar.

## **Assessment Work**

### **Statements of expenditure**

**26 (1)** A statement of expenditure required to be submitted by a licensee under subsection 45(1) of the Act must be submitted by filing a statement with the Registrar that contains all of the following information:

- (a) the licensee's name and mailing address;
- (b) the exploration licence number;

- (c) the date the exploration licence was issued;
  - (d) the type and amount of work done or caused to be done;
  - (e) the amount spent;
  - (f) the overhead costs;
  - (g) the name and mailing address of each person who completed the work and the dates that they worked;
  - (h) a certification by the licensee as to the truth and correctness of the statement of expenditure.
- (2) All expenditures for assessment work that qualifies for work credit must be expressed in Canadian dollars on a statement of expenditure and must be documented to the satisfaction of the Registrar.
- (3) Receipts or proof of expenditures must be provided to the Registrar on request.

**Contents of assessment work report**

- 27 (1) In addition to the information required for a statement of expenditure in subsection 26(1), assessment work submitted for credit for an exploration licence must include 1 of the following:
- (a) a prospector's statement filed with the Registrar, and acceptable to the Registrar, that contains all of the following:
    - (i) the exploration licence number,
    - (ii) the date the exploration licence was issued,
    - (iii) the general location of the property,
    - (iv) the claims, tracts and claim reference map for the area licensed under the exploration licence,
    - (v) the results of the exploration,
    - (vi) samples taken and analysed,
    - (vii) other significant observations,
    - (viii) the total cost of the work,
    - (ix) certification by the licensee as to the accuracy of the information provided;
  - (b) a technical report, as set out in Sections 35 to 46.

- (2) A prospector's statement filed under clause (1)(a) must be accompanied by a daily log of activities and a map upon which relevant new observations are noted.
- (3) A prospector's statement may be submitted for work credit only for the first 2 renewals.
- (4) A technical report with any engineering content must be prepared by an engineer.

#### Work credit amounts for acceptable assessment work

**28** Acceptable assessment work under Section 31 submitted for work credit under Section 27 in respect of an exploration licence must be credited by the Registrar at the amount set out in the following table for each 8-hour day, per person, during which the assessment work was performed:

How Submitted	Amount Credited per Person per 8-hour Day
prospector's statement	\$130.00
technical report	for work performed by person who is an engineer or geoscientist, the full invoiced cost
	for work performed by anyone other than an engineer or geoscientist, \$250.00

#### Extension period for filing assessment work

**29** The period for which the Registrar may grant a licensee a single extension under subsection 48(1) of the Act for filing assessment work is up to 45 days.

#### Required work credits for renewing exploration licence

**30** The dollar value of work credit given for assessment work that is required for renewing an exploration licence is based on the number of terms for which the licence has been issued and consecutively renewed, as set out in the following table:

Number of Terms for Which Licence Issued/Renewed (age of licence at the end of the current licence period)	Dollars per Term per Claim
1 to 2 (licence age 0-4 years)	\$400
3 to 5 (licence age 5-10 years)	\$600
6 to 8 (licence age 11-16 years)	\$800
9 and any subsequent renewal term (licence age 17 years and older)	\$1600

#### Assessment work acceptable for work credit

- 31** (1) The following is acceptable assessment work and may be credited as work credit at the full cost of the work:
- (a) prospecting;
  - (b) trenching, pitting, stripping, bulk sampling and refilling excavations;

- (c) line cutting or flagging;
  - (d) all of the following surveys, except as provided in Section 32:
    - (i) geological surveys,
    - (ii) geochemical surveys,
    - (iii) geophysical surveys, including ground, marine and borehole investigations,
    - (iv) aerial surveys, including photographic and geophysical;
  - (e) photogeological and remote imagery interpretations;
  - (f) drilling and sealing of drill holes;
  - (g) ground surveys related to exploration or development;
  - (h) ground exploration work;
  - (i) assays, analyses, metallurgical studies and mineral tests;
  - (j) technical data compilations;
  - (k) any work and reasonable expenditures approved by the Registrar as being necessarily incidental to and directly associated with the work referred to in clauses (a) to (j), including expenses for accommodation, food, meals and transportation;
  - (l) reclamation work;
  - (m) drafting and cartographic services.
- (2) The cost of the following assessment work is an allowable expense, if the cost of the work is considered reasonable by the Registrar as being necessarily incidental to and directly associated with the work, and the total work credit given for the assessment work performed must not exceed 50% of the total cost of assessment work credited under subsection (1) in respect of an exploration licence:
- (a) negotiations with landowners for surface access;
  - (b) legal fees related to land access or land ownership;
  - (c) compensation for landowners;
  - (d) direct costs of stakeholder engagement.
- (3) The following costs for assessment work are allowable expenses, and the total work credit given for the assessment work performed must not exceed 10% of the total cost of assessment work credited under subsection (1) in respect of an exploration licence:



- (a) the cost of buildings, structures, machinery, plants, equipment, conveyances or access roads;
  - (b) the cost of site rehabilitation;
  - (c) expenditures made to do any of the following:
    - (i) prepare environmental impact or assessment studies conducted for proposed mining purposes,
    - (ii) test mining methods,
    - (iii) prepare metallurgical study reports, including expenditures for consumable items related to ore processing test work, pilot plant runs and milling of bulk samples;
  - (d) the cost of preparing marketing studies;
  - (e) accounting fees directly attributable to the licence;
  - (f) the cost of administrative support services;
  - (g) the cost of field supplies;
  - (h) office expenses for any of the following:
    - (i) rent,
    - (ii) heat,
    - (iii) light,
    - (iv) supplies,
    - (v) telecommunications,
    - (vi) office equipment rental,
    - (vii) postage, express and freight,
    - (viii) building and equipment insurance,
    - (ix) reasonable printing and copying charges directly attributable to the licence.
- (4)** Despite subsections (1), (2) and (3), assessment work must not be credited as work credit if any of the following apply:
- (a) the work has been previously credited;
  - (b) the work fails to provide new or additional data contributing to the geoscientific knowledge of the area where it was conducted;

- (c) the work is not directly related to seeking landowner permission or stakeholder engagement for exploration;
- (d) the work is not reported in the manner prescribed by these regulations;
- (e) the work is not considered acceptable.

### Work credits for aerial and ground surveys

- 32 (1)** Work credit given for aerial surveys is credited as a percentage of costs of the survey, based on the time that has elapsed between the completion of the survey and submission of an acceptable work report and statement of expenditure in accordance with these regulations, as set out in the following table:

<b>Time Report Submitted (years after survey completed)</b>	<b>Percentage of Survey Cost Credited</b>
1st renewal after survey (up to 2 years after survey)	125%
2nd renewal after survey (years 3 and 4 after survey)	100%
3rd renewal after survey (years 5 and 6 after survey)	75%
4th and 5th renewal after survey (years 7, 8, 9 and 10 after survey)	at the discretion of the Registrar, to a maximum of 50%
6th or subsequent renewal after survey (beyond 10 years after the survey)	0%

- (2)** Work credit for prospecting or preliminary ground surveys performed on an unlicensed area is credited in respect of an exploration licence that is subsequently acquired for the survey area if all of the following conditions are met:
- (a) the prospector is in compliance with Section 30 of the Act;
  - (b) the assessment work was conducted on lands that were, at the time of the work, available for application for an exploration licence;
  - (c) an assessment work report and statement of expenditure are submitted.
- (3)** Work credit allowed under subsection (2) is credited in the same manner as for aerial surveys under subsection (1), except that it is based on the time that elapses between the date the work begins and the date that the reports and statements required by Section 45 of the Act are submitted.

### Credit for assessment work in excess of minimum

- 33** Work credit in excess of the value specified in Section 30 that is required to be applied by the Registrar under subsection 51(1) of the Act against the assessment work requirement for subsequent renewals of an exploration licence must be applied at its full value for credit up to a maximum of 10 years following the date the work is submitted for credit, if the work is submitted

- (a) after the effective date of these regulations; and

- (b) in the licence year during which it was conducted.

#### **Existing work credit applied to later renewal**

- 34 (1)** Excess assessment work recorded by the Department to the credit of an exploration licence issued under the former Act and applied under Section 161 of the Act to the assessment work requirements of an exploration licence issued or renewed under the Act may be brought forward up to a maximum of 10 years from the date the work was originally submitted for credit after the effective date of these regulations for a later application to renew the licence and must be applied in accordance with Section 32 as of the next anniversary date of the licence after the effective date.
- (2)** For the purposes of subsection (1), any work credits that will reach the 10-year maximum in the middle of an exploration licence's term must be extended to the end of the licence term.

#### **Technical Report for Assessment Work**

##### **Separate technical report for each exploration licence**

**35** A separate technical report must be filed for each exploration licence unless

- (a) an exploration licence forms part of a group of coterminous exploration licences, in which case a single technical report for the group is acceptable; or
- (b) the technical report is approved by the Registrar for assessment work to be applied as work credit to more than 1 exploration licence.

##### **Submitting technical report in alternative form of media**

- 36 (1)** The Registrar may accept a technical report that exceeds a size acceptable to the electronic registry in an alternative form of media acceptable to the Registrar labelled on the exterior as a technical report and in accordance with subsection (2).
- (2)** Submission of a technical report must include all of the following:
- (a) a label identifying the report as a technical report;
  - (b) a list of all applicable exploration licence numbers;
  - (c) the name of each mineral rights holder;
  - (d) a text file listing the contents of the submission;
  - (e) all data files applicable to the report.

##### **Format of technical report**

- 37 (1)** A technical report must be made up of text together with any combination of maps, figures, illustrations, photographs and analyses.
- (2)** A technical report must meet all of the following criteria:
- (a) be capable of being printed on paper of letter or legal size, while maintaining the format of the original electronic document;

- (b) have margins of suitable width to allow full view of the contents of each page;
  - (c) have a title page, with all subsequent pages numbered consecutively;
  - (d) display the date on which the report was completed;
  - (e) include detailed tables, as follows:
    - (i) table of contents that sets out the principal subdivisions of the text with corresponding page numbers,
    - (ii) table of illustrations with corresponding figure numbers,
    - (iii) table of appendices with corresponding appendix numbers,
    - (iv) list of tables with corresponding table numbers and titles, and
    - (v) list of data files that apply to the report;
  - (f) be in a single portable document format (PDF) file with text, maps, figures and illustrations either
    - (i) converted directly to PDF, or
    - (ii) if direct conversion to PDF is not possible, scanned at 300 dots per inch and then converted to PDF.
- (3) Each of the data files that apply to a technical report must be in a format other than PDF that is acceptable to the Registrar.

### **Content of technical report**

- 38 (1)** A technical report must contain all information obtained from technical data compilations and assessment work conducted and submitted for assessment work credits under Sections 40 to 46.
- (2)** The text of each technical report must include all of the following principal subdivisions:
- (a) a summary—to include a summary of the work performed and of the results obtained;
  - (b) an introduction—to include an outline of the scope of and reasons for the work;
  - (c) location and access—to include an outline of details regarding the location of the work;
  - (d) exploration licence tabulation—to include a tabulation of the exploration licences pertaining to the technical report, including all of the following:
    - (i) claim reference maps, tracts, claims and dates of issue,
    - (ii) the name of the licence holder,

- (iii) the name of the person submitting the technical report, if different from the licence holder;
  - (e) work performed—to include a detailed description of the assessment work conducted including the names of the persons who conducted the work and the dates during which the work was performed;
  - (f) interpretation of results—to include a discussion and interpretation of the results of the work conducted;
  - (g) conclusions and recommendations—to include an outline of the conclusions reached and recommendations made regarding future work on the property under the licence;
  - (h) a bibliography;
  - (i) an author's certificate, as required by subsection 46(2);
  - (j) appendices;
  - (k) a list of any data files that apply to the report, along with a description of the content and format.
- (3) A technical report that includes assays or analytical results must include all of the following:
- (a) a description of the analytical methods and indicated detection limits and analytical uncertainties;
  - (b) a description of quality assurance and quality control procedures and analyses of any control samples;
  - (c) a legible and signed copy of the certified laboratory report submitted by the analytical facility that conducted the work.

#### **Format of technical illustrations**

- 39 (1)** A technical illustration that accompanies or is included in a technical report must be in a format acceptable to the Registrar and meet all of the following criteria:
- (a) it is produced at a scale that is appropriate to the information being illustrated, and in sufficient detail to permit on-site verification;
  - (b) it is clearly visible and legible;
  - (c) it includes a complete legend referenced by numbers, letters, graphic patterns or symbols;
  - (d) it includes all of the following, as appropriate to the nature of the illustration, including any separate index map:
    - (i) a bar scale,

- (ii) an astronomic (true) north arrow,
  - (iii) at least 3 Universal Transverse Mercator (UTM) map coordinates referred to the North American Datum of 1983 (NAD 83) in accordance with the National Topographic System (NTS),
  - (iv) a title,
  - (v) the date the illustration was prepared,
  - (vi) a figure number.
- (2) A technical illustration that includes a map, other than an index map, must include all of the following:
- (a) the plotted location of appropriate Universal Transverse Mercator (UTM) grid lines referred to the North American Datum of 1983 (NAD 83) in accordance with the National Topographic System (NTS);
  - (b) the exploration licence boundaries along with appropriate tract or claim boundaries;
  - (c) distinctive topographic features illustrated in such manner that they can be readily identified and located on the ground;
  - (d) the location of all surface or underground workings;
  - (e) the location of all surveyed lines and grid lines, named or identified appropriately, with the length and azimuth of each line shown;
  - (f) the location of any geodetic monuments, survey control points, bench marks and reference measurements relative to identifiable surface features or permanent objects.

#### **Details of geological work included in technical report**

**40** A technical report that includes geological work as assessment work submitted for work credit must include all of the following:

- (a) a report of geological work that includes descriptions of all of the following:
  - (i) the manner in which the work was conducted, the dates upon which it was conducted and by whom it was conducted,
  - (ii) the geological features observed,
  - (iii) the synthesis of the geological observations referred to in subclause (ii),
  - (iv) each sample taken and the location of each sample taken,
  - (v) all prospecting activity conducted;

- (b) a geological map that shows all of the following:
  - (i) mapped outcrops, float and other observed geological features,
  - (ii) the orientation of geological features observed,
  - (iii) identification of the various rock types observed,
  - (iv) trenches, pits, stripped areas, shafts and underground workings,
  - (v) the number and location of all drill holes,
  - (vi) the location and identification, by means of sample number, of all samples taken for analysis,
  - (vii) an indication of the detection limit of the analytical procedures employed,
  - (viii) the numerical values of all analysed rock above the detection limit for the elements that form the primary targets of the exploration program.

**Details of geochemical work included in technical report**

**41** A technical report that includes geochemical work as assessment work submitted for work credit must include all of the following:

- (a) a report of geochemical work, including an orientation survey, that includes all of the following:
  - (i) the type of survey, including a description of sample medium and field sample preparation,
  - (ii) the size fractions analysed and details of laboratory preparation including crushing and splitting methodology,
  - (iii) relevant site information not already contained in a separate part of the report that may have a bearing on the results obtained and their interpretation, including all of the following:
    - (A) local geology,
    - (B) local topography,
    - (C) local surface and ground water data,
    - (D) local meteorological conditions,
    - (E) specific dates of when work is done,
  - (iv) a description of results;

- (b) a geochemical map that shows all of the following:
  - (i) the distinctive topographic features and relevant site information that may influence the interpretation of results,
  - (ii) the location and identification, by means of sample number, of all samples taken for analysis,
  - (iii) an indication of the detection limit and analytical uncertainty of the analytical procedures employed,
  - (iv) the numerical values above the detection limit for the elements that form the primary targets of the exploration program.

#### **Details of geophysical work included in technical report**

**42 (1)** A technical report that includes geophysical work as assessment work submitted for work credit must include all of the following:

- (a) a report of geophysical work, including an orientation survey, that includes all of the following:
  - (i) the type and method of survey, correctional techniques, type and model of instrument used, components measured and locational controls employed, including the following:
    - (A) for a ground survey, the total line kilometres surveyed and line spacing,
    - (B) for an aerial survey, the aircraft type, ground clearance, location of area covered and total line kilometres surveyed and line spacing, and
    - (C) for a shipborne survey, the type and size of vessel and total line kilometres surveyed and line spacing,
  - (ii) relevant information that may have a bearing on the results obtained and their interpretation, including local geology, topography, powerlines, swamps and meteorological conditions,
  - (iii) a description of results;
- (b) a geophysical map that shows all of the following:
  - (i) distinctive topographic features and relevant site information that may have a bearing on the interpretation of results,
  - (ii) applicable instrument and transmitting station orientation,
  - (iii) instrument readings for each station or fix point, corrected for instrument drift and diurnal variations,



- (iv) properly supported, contoured or profiled information from any airborne, shipborne or remote sensing surveys conducted.
- (2) A geophysical profile or cross-section that is submitted as part of geophysical work under this Section must show all of the following:
- (a) horizontal and vertical scales;
  - (b) stations identified so that the profile or cross-section may be related to the tract, traverse or drill hole and geophysical survey maps.

### **Report of drilling results**

- 43 (1) A technical report on assessment work that includes drilling activity, other than drilling performed for blasting purposes, must include a drilling results report that includes all of the following:
- (a) a written description of the drilling program, including all of the following:
    - (i) type of drilling,
    - (ii) number of drill holes,
    - (iii) dates the drill program began and ended,
    - (iv) drill core storage site,
    - (v) drill hole abandonment procedures;
  - (b) drill hole information for each drill hole including,
    - (i) location,
    - (ii) size,
    - (iii) length,
    - (iv) equipment and casing left in the drill hole;
  - (c) an identification of drill targets;
  - (d) a review of the results of the drilling program;
  - (e) a description of drill hole geophysical surveys, including results;
  - (f) an identification of the type of material sampled including core, sludge, overburden and chips and sample fraction including whole core and split core;
  - (g) a typed drill log for each drill hole that includes all of the following:

- (i) the name of the exploration company,
  - (ii) the name of the licensee, if not the same as reported under subclause (i),
  - (iii) the hole identification number, which includes a year designation,
  - (iv) the collar location with map coordinates, exploration grid coordinates and claim reference map, tract and claim references,
  - (v) the datum, whether established or assumed,
  - (vi) the azimuth, inclination and elevation of the drill hole at the collar,
  - (vii) the depth and result of each dip and azimuth test,
  - (viii) the depth of overburden and the total depth of the drill hole,
  - (ix) the dates that the drilling began and ended,
  - (x) the type of materials obtained, including core, chips and sludge,
  - (xi) the name of the drilling contractors,
  - (xii) the drill hole size,
  - (xiii) the name of the person who prepared the drill log,
  - (xiv) a detailed geological description in descending order from the collar to the end of the hole, including depths of features described, sample numbers and sample intervals,
  - (xv) if possible, all assays, analyses and results,
  - (xvi) a statement regarding whether whole or split samples were removed.
- (2) Technical illustrations submitted for drilling work must be in the form of maps that record the location of drill holes and show drill hole number and relevant site information.

#### **Details of excavation work performed**

- 44 (1) A technical report on assessment work that includes excavation work, must include an excavation results report that includes all of the following:
- (a) a description of the following:
    - (i) the location of workings, together with, if applicable, an exploration grid reference,
    - (ii) the type of excavation including trenching, pitting, stripping, bulk sampling, shaft sinking, driving adits, declines, drifts, cross-cuts, levels, raises and winzes, and the re-opening, rehabilitation or dewatering of any working,

- (iii) the method and equipment used,
  - (iv) the dimension and orientation of workings and, where the depth of the overburden is known, the depth of overburden;
  - (b) the purpose of the excavation;
  - (c) the excavation registration number or date of the letter of authorization;
  - (d) the dates the excavation work began and ended;
  - (e) a description and location of all samples taken, and analysed, and the name of the laboratory where samples were analysed.
- (2) A technical illustration submitted for an excavation must show all of the following that are applicable to the excavation:
- (a) the location of the excavation with respect to appropriate tract or claim boundaries;
  - (b) the dimensions and orientation of the excavation;
  - (c) the location and identification, by means of sample number, of all samples taken for analysis;
  - (d) an indication of the analytical uncertainty detection limit of the analytical procedures employed;
  - (e) the numerical values above the detection limit for the elements that form the primary targets of the exploration program;
  - (f) a description of reclamation work carried out;
  - (g) a figure or drawing identifying the area reclaimed.

#### **Details of metallurgical studies performed**

45 A technical report on assessment work that includes metallurgical studies or test work or mineralogical examinations must include a report on the results of the studies, test work and examinations that includes all of the following:

- (a) the source, including location if possible, quantity and type of all samples collected;
- (b) the quantity and size fractions of the samples used for testing;
- (c) the mineralogical composition of the samples, if it has been determined;
- (d) the results of all methods of processing performed or investigated;
- (e) a process flowsheet and metallurgical results from pilot plant testing and bulk sample processing.

**Qualifications required to author technical report**

- 46 (1)** A technical report required to be made under the Act or regulations, other than a statistical report, must be prepared by 1 of the following:
- (a) a geologist;
  - (b) a geophysicist;
  - (c) a geochemist;
  - (d) a mining or geological engineer;
  - (e) a person with acceptable experience or qualifications.
- (2)** A technical report must be filed with the author's certificate attached, and both the technical report and certificate must be dated and signed.
- (3)** An author's certificate referred to in subsection (2) must state all of the following:
- (a) the author's name, address and occupation;
  - (b) the author's qualifications, including the author's work experience;
  - (c) whether the report is based on a personal examination by the author;
  - (d) the date of any personal examination;
  - (e) if the report is not based on a personal examination by the author, the source of the information contained in the report;
  - (f) the particulars of any securities of the company, or its affiliates, that the author owns;
  - (g) whether the author has, directly or indirectly, received or expects to receive any interest, direct or indirect, in the property of the company the report was made for or any of its affiliates, or beneficially owns, directly or indirectly, any securities of the company or any of its affiliates and, if so, give particulars;
  - (h) whether the author is a geoscientist or an engineer.

**Renewing exploration licence**

- 47 (1)** If an exploration licence is renewed before the expiry date of the exploration licence,
- (a) there is no refund of all or any portion of the application fees paid;
  - (b) work credits that have been accepted in accordance with Section 31 are not redistributed until the next renewal of the licence;

- (c) despite Section 31, if additional assessment work is submitted before the next renewal, the assessment work must be added to existing work credits at the following percentages, or as otherwise specified in Section 32:
  - (i) 100% of acceptable cost, if filed in the exploration licence term during which the work was performed,
  - (ii) 50% of acceptable cost, if filed past the exploration licence term.
- (2) The manner for contacting the Registrar under subsection 43(4) of the Act to notify of the applicant's intent to renew an exploration licence when the electronic registry is unavailable due to system outages, must be by 1 of the following methods no later than 08:00 a.m. of the next calendar day:
  - (a) telephone;
  - (b) e-mail.

**Definition of “community of interest” with licensee**

**48** For the purposes of the prohibition on renewing an exploration licence in Section 49 of the Act, a “community of interest” with a licensee includes any of the following:

- (a) a corporation and a person or 1 of several persons who directly or indirectly control the corporation;
- (b) unrelated corporations that are controlled directly or indirectly by the same persons;
- (c) persons connected by blood relationships, marriage or by adoption;
- (d) persons connected within a partnership;
- (e) persons engaged in a joint venture.

**Notification of proposed aerial survey**

**49** Before conducting an aerial survey, the person conducting the survey or the licensee must provide the Registrar with at least 7 days' notice by filing a notice of the proposed aerial survey with the Registrar containing all of the following:

- (a) the exploration licence number for the area being surveyed;
- (b) the aerial contractor's name, address and contact information;
- (c) aerial survey details.

**Drilling programs requirements for licensee—before and after drilling**

**50 (1)** No later than 7 days before beginning drilling, a licensee must file a drilling notification with the Registrar.

- (2) No later than 30 days after the date that a drilling program is completed, a licensee must do all of the following:
  - (a) provide the Registrar with a tabulation of drill hole data, including grid references, azimuths, dips, total depths, dates drilling began and ended and a drill hole location map cross-referenced to claim or licence boundaries;
  - (b) permanently seal each drill hole from a minimum depth of 3 m in competent bedrock back to the surface of the ground, unless
    - (i) the owner or occupier requests that the drill hole not be sealed, or
    - (ii) the accepted reclamation plan indicates further work is to be conducted following completion of the drilling program;
  - (c) seal all significant intersections in a drill hole where water, coal, salt, potash, uranium or petroleum, as defined in the *Petroleum Resources Act*, have been encountered;
  - (d) remove all debris, including abandoned rods and casings, from the area and leave the drill site with no casing or pipe protruding above the surface of the ground.
- (3) Drill holes drilled for the sole purpose of sampling overburden or the overburden and bedrock interface are not required to be sealed in accordance with clause (2)(b).
- (4) The Registrar may grant a single extension of time for a licensee to comply with clause (2)(a), if the licensee shows good cause, in writing, for the extension.

### Preservation of drill cores

51 (1) In this Section,

“holder” means the person who is in possession of a drill core.

- (2) A holder of drill core obtained for the purpose of mineral exploration must do all of the following:
  - (a) retain the drill core in a standard core box at the drill site or at a drill core storage facility;
  - (b) take precautions to secure the drill core against weather and vandalism;
  - (c) request permission of the Registrar before removing the drill core from the Province.
- (3) A person must not discard, destroy or otherwise reduce the scientific value of a drill core without first requesting and obtaining the Registrar’s permission to do so, unless the person is using the drill core for assaying, testing or beneficiation or metallurgical, mineralogical or other scientific studies.
- (4) If the Registrar is of the opinion that the scientific value of a drill core is significant, the Registrar may direct an officer to take possession of the drill core for the Minister and take any other action the Registrar considers necessary to preserve the drill core.

- (5) Before a drill core is received by the Registrar under subsection (4), the holders of the drill core must identify each core box with a weatherproof label that indicates all of the following:
- (a) the drill hole number;
  - (b) the core interval represented;
  - (c) the date that it was drilled;
  - (d) the name of the company the drill core was drilled for.

### **Excavation Registrations and Letters of Authorization**

#### **Submitting excavation registration**

- 52 (1) An excavation registration must be entered into the electronic registry and must contain all of the following:
- (a) the licensee's name and exploration licence number;
  - (b) a description of the excavation work to be carried out;
  - (c) the location, including the claim, the tracts and claim reference map where the excavation will be carried out;
  - (d) written confirmation that the written consent of the owner or occupier of private lands as required by Section 25 of the Act was obtained, or a copy of the Ministerial grant of surface access rights under Section 26 of the Act;
  - (e) a sketch map of a practical scale showing the extent of the proposed work and sufficient topographical detail to permit the work to be easily located;
  - (f) if the work is not being conducted by the licensee, the telephone number of the licensee's field representative of the person who is conducting the work;
  - (g) the date that the work is scheduled to commence and the date it is scheduled to be completed;
  - (h) the expected date that reclamation will be completed;
  - (i) a certification as to the truth and correctness of the information;
  - (j) agreement to be bound by any conditions required by the Registrar and to have the registration posted on the electronic registry.
- (2) An excavation registration submitted before commencing work, as required by Section 61 of the Act, must be submitted at least 7 days before the work is commenced.
- (3) An excavation registration is not required to be submitted for bulk sampling that ends up being less than 100 tonnes if the licensee has received a letter of authorization for the sampling.

**Recording excavation registration**

- 53** (1) The Registrar may refuse to record an excavation registration, and must inform the licensee of the refusal, if the Registrar determines that the information submitted under Section 52
- (a) is incomplete; or
  - (b) was not submitted by the deadline in subsection 52(2).
- (2) The Registrar must enter an excavation registration in the Registrar's records if the Registrar determines that the information submitted under Section 52 is complete, and must notify the licensee of the record.
- (3) Excavation work is not authorized to begin until the registrant has
- (a) received notification in accordance with subsection (2); and
  - (b) security has been posted in accordance with Section 88 of the Act.

**Excavation registration struck from records**

- 54** The Registrar may immediately strike an excavation registration from the Registrar's records if the Registrar determines that the information submitted under Section 52 is a misrepresentation.

**Application for letter of authorization**

- 55** An application for a letter of authorization under Section 62 of the Act must be entered into the electronic registry and contain all of the following:
- (a) the licensee's name and exploration licence number;
  - (b) the number of tonnes of minerals to be extracted and whether the minerals are at surface or underground;
  - (c) the location of the minerals, including the claim, tract, and claim reference map;
  - (d) if the work is not being conducted by the licensee, the telephone number of the licensee's field representative for the person who is conducting the work;
  - (e) the requested dates for the issue and expiry of the letter of authorization;
  - (f) expected date that reclamation will be completed;
  - (g) certification as to the truth and correctness of the information entered;
  - (h) agreement to be bound by the conditions, as outlined on the electronic registry and as required by the Registrar;
  - (i) any consent or surface access rights granted;
  - (j) security as required by clause 88(1)(c) of the Act;



- (k) description of work to be completed and expected outcomes;
- (l) the reclamation plan required by subsection 86(1) of the Act.

**Issuing or refusing letter of authorization**

- 56 (1)** If satisfied with the information submitted by a licensee in an application for a letter of authorization, the Registrar must issue a letter of authorization to the licensee.
- (2)** The Registrar must refuse to issue a letter of authorization if it is determined that any of the following apply:
- (a) the proposed activity is not for the purpose of exploration or testing assessment [*sic*] of the resource or is detrimental to the resource;
  - (b) the applicant has failed to obtain the necessary consent, agreement or surface rights permit referred to in Section 13 or 14;
  - (c) the applicant has failed to post security as required by clause 88(1)(c) of the Act;
  - (d) the applicant has failed to provide a reclamation plan required by subsection 86(1) of the Act.

**Letter of authorization available at work site**

- 57** A copy of the letter of authorization must be available for inspection at the work site named in the letter of authorization.

**Revocation of letter of authorization**

- 58** The Registrar may revoke a letter of authorization if the Registrar determines that the information submitted for an application under Section 55 is a misrepresentation.

**Refilling excavation after bulk sampling**

- 59 (1)** Except as provided in subsection (2), a licensee who holds an excavation registration or a letter of authorization must refill each excavation no later than 30 days after the date that the work is completed or such longer time as may be directed by the Registrar.
- (2)** The Registrar may, subject to certain terms and conditions as determined by the Registrar, direct that an excavation remain unfilled if
- (a) the Registrar receives a written request from a landowner, or tenant, of lands that are subject to an excavation registration or letter of authorization to not refill an excavation; and
  - (b) the Registrar is shown good cause in the written request in clause (a) for not refilling the excavation.

**Mineral Leases****Application for mineral lease**

- 60 (1)** In addition to the reclamation plan required by the Act, an application for a mineral lease filed with the Registrar under clause 64(1)(a) of the Act must contain all of the following:

- (a) the minerals to be leased;
  - (b) the location of the minerals, including the claim, the tracts and the claim reference map;
  - (c) the applicant's name, contact information and exploration licence number.
- (2) The amount of reclamation security required by clause 88(1)(b) of the Act at the time of application for a mineral lease applicant to be posted with the Registrar towards the total security required for a mineral lease is the lesser of the following:
- (a) 5% of the estimated total cost of the reclamation plan for the area subject to the lease;
  - (b) \$100 000.00.

**Additional prescribed documentation filed with application**

- 61 (1)** The documentation required to be provided with an application for a mineral lease under clause 64(1)(b) of the Act is a report filed with the Registrar that includes all of the following:
- (a) a general location map of the claim area showing all claim boundaries, surface rights ownership and boundaries, nearby roads, buildings, powerlines, watercourses, topography and other surface features in the vicinity of the deposit;
  - (b) resource information, including all of the following:
    - (i) a map showing the location of all drill holes, trenches, test pits and sample locations,
    - (ii) a geological map showing the known location of the deposit and its relationship to the host geological units,
    - (iii) geological cross-sections and longitudinal sections through the deposit,
    - (iv) unless the Registrar determines it to be unnecessary, a table of mineral resources and mineral reserves, including
      - (A) grades and quantities of mineral resources, categorized as indicated, inferred and measured according to the CIM Definition Standards,
      - (B) grades and quantities of mineral reserves, categorized as probable and proven [*sic*] according to the CIM Definition Standards,
      - (C) a description of the method of calculating the mineral resources and mineral reserves, and
      - (D) a statement of the cut-off grade used and reason for its use,
    - (v) a feasibility study, that includes

- (A) adequate information on mining, processing, metallurgical, economic or other factors to demonstrate that economic extraction is justified, and
  - (B) diluting materials and allowances for losses during mining of the mineral reserve;
  - (c) mining information, including all of the following:
    - (i) a general map showing the surface facilities buildings, water diversions, settling and treatment ponds and ore, waste storage and tailing areas,
    - (ii) strip ratio for a surface mine,
    - (iii) recovery factor,
    - (iv) a description of the proposed mining methods and schedules for all surface and underground development work;
  - (d) mineral processing information, including all of the following:
    - (i) a description of the processing method,
    - (ii) a flow sheet for the process showing metallurgical balances;
  - (e) a copy of a survey plan of the boundaries of the mineral lease, if required by the Registrar.
- (2) In subsection (1), “CIM Definition Standards” means the latest edition of the “Definition Standards for Mineral Resources and Mineral Reserves” published by the Canadian Institute of Mining, Metallurgy and Petroleum (CIM).
- (3) A survey of the boundaries of a mineral lease for the purposes of the survey plan referred to in clause (1)(e) must be conducted by a land surveyor who is a member of the Association of Nova Scotia Land Surveyors.

### **Content of mineral lease**

**62** All of the following is the information to be included in a mineral lease under subsection 67(1) of the Act:

- (a) the names of the parties to the mineral lease;
- (b) the date the mineral lease is issued;
- (c) a statement that the mineral lease is subject to the payment of the rents and royalties as prescribed by the Act;
- (d) a description of the minerals that are the subject of the mineral lease;
- (e) the location and number of hectares, and a description of the claims including the tracts and claim reference maps;

- (f) the term of the mineral lease;
- (g) the renewal term of the mineral lease;
- (h) the rental fee schedule;
- (i) an indemnification clause whereby the lessee indemnifies and saves harmless Her Majesty the Queen in Right of the Province from any and all claims, demands, losses, damages, actions or other suits that may arise out of, or as a result of, any exploration, mining, milling or any other act or omission;
- (j) a clause stating that the lessee must be registered to do business in the Province and must maintain the registration in good standing during the term of the mineral lease;
- (k) a clause stating that time is of the essence;
- (l) a signature block;
- (m) a clause stating that any additional terms and conditions, or modification of terms identified above will be outlined in a Schedule B;
- (n) a clause allowing for any other terms and conditions agreed to or imposed by the Minister.

### **Non-mineral Registrations**

#### **Application for non-mineral registration**

**63** An application for a non-mineral registration under clause 97(a) of the Act must be filed and contain all of the following:

- (a) location of the area;
- (b) claim, tract and claim reference map;
- (c) the applicant's or their agent's name, phone number and e-mail address;
- (d) the applicant's registered office address;
- (e) the prescribed fee.

#### **Additional prescribed documentation to be filed with application**

**64** In addition to the reclamation plan required by subsection 86(1) of the Act, all of the following is the documentation required to be provided with an application for a non-mineral registration under clause 97(b) of the Act:

- (a) a report filed with the Registrar that includes all of the following:
  - (i) a general location map of the area showing all claim boundaries, surface rights ownership and boundaries, nearby roads, buildings, powerlines, watercourses, topography and other surface features in the vicinity of the deposit,

- (ii) mining information, including all of the following:
  - (A) a general map showing the location of the existing and proposed mine workings, surface facilities buildings, water diversions, settling and treatment ponds and ore and waste storage and tailings ponds areas,
  - (B) strip ratio and recovery factor,
  - (C) a description of the proposed mining methods and schedules for all surface and underground development work;
- (b) any additional information that the Registrar considers necessary for the purposes of assessing the application.

### **Recording non-mineral registration**

- 65 (1)** Entering a non-mineral registration into the Registrar's records under clause 98(2)(b) of the Act must be done by way of entering all of the following information into the electronic registry:
- (a) the registrant's name and address;
  - (b) the location of the non-mineral deposit, including the claim, tract and claim reference map;
  - (c) any other conditions or terms, as determined by the Registrar.
- (2)** The Registrar must maintain an index of non-mineral registrations in which the Registrar records all of the following for each non-mineral registration:
- (a) the unique number assigned;
  - (b) the name and address of the registrant;
  - (c) the area covered.

### **Activities Restricted in Areas**

#### **Excavating and mining distances from boundary line**

**66** Without the prior approval of the Registrar, a lessee or registrant is not permitted to excavate or mine within the following distances of the boundary line of an area that is subject to a mineral lease or non-mineral registration:

- (a) on land areas, within 10 m;
- (b) on submarine areas, within 25 m.

#### **Regulation restricting activities in area to be recorded on claim reference maps**

**67** A regulation restricting an area from prospecting, mining-related exploration or development or mining made by the Minister under subsection 58(1) of the Act must be recorded by the Registrar on the appropriate claim reference maps for the area.

## Transfers

### Definition of “transfer”

**68** In the Act and these regulations,

“transfer” means to transfer by way of an assignment, agreement, mortgage, debenture or pledge that conveys 1 or more claims from a registered mineral right holder or non-mineral registrant to a new mineral right holder or non-mineral registrant, but does not include any of the following:

- (i) a transfer in which the registered mineral right holder does not change,
- (ii) a transfer in which the non-mineral registrant does not change,
- (iii) an expiration, surrender, forfeiture or termination under the Act.

### Form and notice of transfer

**69 (1)** The requirements to be met under subsection 103(3) of the Act for a transfer of a mineral right or non-mineral registration are that the transfer be filed and contain all of the following:

- (a) the number of the licence, lease or non-mineral registration;
- (b) details of the transfer;
- (c) a copy of the written consent of
  - (i) the Registrar, for a licence, or
  - (ii) the Minister, for a non-mineral registration of a lease;
- (d) date, location, time, instrument and page number recorded by the Registrar.

**(2)** Filing a transfer in accordance with subsection (1) is deemed to be notice of the transfer for the purposes of subsection 104(3) of the Act.

### Summary of agreement resulting in transfer

**70 (1)** A summary of an agreement resulting in a transfer required to be filed by subsection 104(1) of the Act must contain all of the following:

- (a) confirmation of whether the transfer is of a partial interest;
- (b) the number of the mineral right or non-mineral registration;
- (c) the claim, tracts and claim reference map;
- (d) type of agreement;
- (e) the names of the parties to the agreement;

- (f) a description of the general terms and conditions of the agreement;
  - (g) confirmation as to whether the terms and conditions are confidential;
  - (h) the expiry date of the agreement;
  - (i) date and signature of the mineral right holder or registrant.
- (2) The Registrar must maintain an index of agreement summaries filed under subsection 104(1) of the Act in which the Registrar records
- (a) the unique number assigned to the summary; and
  - (b) names of the parties listed in the summary.

### **Caveat and notice of trust**

- 71 (1) A caveat giving notice of a trust required to be filed with the Registrar by subsection 106(4) of the Act must contain all of the following:
- (a) the date the caveat is filed;
  - (b) the name of the mineral right holder or non-mineral registrant;
  - (c) the number of the mineral right or non-mineral registration;
  - (d) the names and addresses of the persons for whom the mineral right or non-mineral registration is held in trust.
- (2) The Registrar must maintain an index of caveats filed under subsection 106(4) of the Act in which the Registrar records
- (a) the unique number assigned to a caveat; and
  - (b) the number of the mineral right or non-mineral registration affected by the caveat.
- (3) The recording of the caveat constitutes notice under subsection 106(4) of the Act.

## **Reclamation**

### **Reclamation security**

- 72 (1) Security required to be posted under Section 88 of the Act to provide for reclamation must be posted with the Registrar.
- (2) The total amount of the reclamation security required for a mineral lease or non-mineral registration is determined based on the sum of all of the following:
- (a) the total of third-party costs estimated for labour, equipment, supplies and services for the purposes of reclaiming the property at a level to represent peak reclamation liability acceptable to the Registrar;

- (b) the cost of post-reclamation monitoring;
  - (c) a contingency amount equal to 20% of the total amounts of clauses (a) and (b);
  - (d) an additional contingency amount equal to 10% of the total amounts of clauses (a) and (b) for the cost of project procurement, engineering and management.
- (3) The amount of reclamation security required for an excavation registration or letter of authorization is the amount accepted by the Registrar on a site-specific basis and must include all of the following amounts:
- (a) third-party costs for labour, equipment, supplies and services for the purposes of reclaiming the property at a level to represent peak reclamation liability in accordance with the reclamation commitments stated in the reclamation work identified;
  - (b) a contingency amount equal to 20% of the amount of clause (a);
  - (c) an additional contingency amount equal to 10% of the amount of clause (a) for the cost of project procurement, engineering and management.
- (4) If the amount of the security determined under subsection (2) or (3) is not acceptable to the Minister, the amount may be adjusted by the Minister.

#### **Reclamation of area**

**73** A person required to complete reclamation of an area disturbed by the activities of a licensee, lessee, registrant or holder of a letter of authorization or excavation registration, must take all actions necessary to do all of the following:

- (a) protect the environment against adverse effects resulting from operations in the area;
- (b) minimize the detrimental impact of operations on adjoining lands;
- (c) minimize hazards to public safety resulting from operations;
- (d) leave the area in a state that is compatible with adjoining land uses and that conforms to
  - (i) any zoning bylaw or development plan applicable to the area, and
  - (ii) the specifications, limits, terms and conditions of any licence, lease, non-mineral registration or surface access rights issued under the Act in respect of the area.

#### **Content of reclamation plan**

**74 (1)** A reclamation plan must include provisions for all of the following:

- (a) the final use for the land after reclamation;
- (b) identification of any existing features of social, environmental or ecological significance that would be affected by the reclamation activities;



- (c) a brief description of the existing and planned mine property, outlining the items to be reclaimed and including the size, area or volume of the infrastructure or disturbances created;
- (d) all equipment, infrastructure, fixed plant material and refuse and any chemical or other hazardous industrial materials that will be disposed of;
- (e) disposition of buildings and foundations, to be done in accordance with the Minister's requirements;
- (f) disposition of petroleum storage tanks on property;
- (g) disposition of potential and known hydrocarbon or metal contamination of soils;
- (h) disposition of potential and known refuse dumps;
- (i) open pits and underground openings, with subsidence mitigation plans;
- (j) overburden or waste rock dumps or stockpiles;
- (k) tailings management;
- (l) bodies of water on site;
- (m) mitigation plan for acid rock drainage;
- (n) surface water management planning;
- (o) geotechnical assessments or dam safety reviews of all slopes, structures or dams;
- (p) design for long-term slopes or open pits to be flooded;
- (q) revegetation plans;
- (r) erosion and siltation control;
- (s) public safety measures;
- (t) post-reclamation monitoring plan;
- (u) community engagement and consultation plan, with periodic community update schedule;
- (v) drawings at an adequate scale to show the property before mining and at the following intervals:
  - (i) during reclamation,
  - (ii) at the point of peak disturbance,

- (iii) at the end of mining,
  - (iv) as reclaimed;
  - (w) schedule for reclamation work, including all planned progressive reclamation activity and post-reclamation monitoring plan;
  - (x) cost estimate for reclamation work and post-reclamation monitoring, inclusive of a contingency and project management and professional fees;
  - (y) any additional information that the Registrar considers necessary for the purposes of ensuring the site is reclaimed.
- (2) A reclamation plan must be prepared under the supervision and seal of an engineer.

#### **Submitting and updating reclamation plans**

- 75 (1) Under subsection 86(2) of the Act, all lessees and registrants who, under the previous Act, have not filed a reclamation plan on or before the date the Act comes into force, must submit a reclamation plan within the time line specified by the Registrar.
- (2) All lessees and registrants who, under the previous Act, have not filed a revised reclamation plan within the last 3 years of the coming into force of the Act shall submit a revised reclamation plan within the time line specified by the Registrar. [*sic*]
- (3) A revised reclamation plan must be submitted to the Registrar upon a change to a mine operation development that results, or will result, in a departure from the reclamation plan currently on file.
- (4) Lessees and registrants must submit a revised reclamation plan every 3 years.
- (5) A revised reclamation plan must be submitted no later than 6 months before the scheduled end of production under the lease or non-mineral registration.

#### **Information required from lessee or registrant regarding mine closure**

- 76 (1) In addition to the information required by subsection 83(5) of the Act, a summary report required to be filed before the intended permanent closure of a mine must contain all of the following information:
- (a) the lessee's or registrant's name and head office address;
  - (b) a list of the lessee's or registrant's senior company staff;
  - (c) maps, drawings and reports that include all of the following:
    - (i) an existing site map showing the current location of the mine workings, surface facilities, settling and treatment ponds and ore and waste storage areas,
    - (ii) a summary of any remaining ore reserves or mineralized material in the area of the mine categorized as proven, probable or possible, and details of the cut-off grade, specific gravities, strip ratios and other factors used to calculate the reserves,

- (iii) details of the quantity and grade of all material stored in waste dumps and tailings dams,
  - (iv) a description of the latest mining methods,
  - (v) for underground operations, the most recently prepared geological and engineering drawings and a description of roof support,
  - (vi) a map showing the location of all drill holes, trenches, test pits and sample locations not previously reported;
- (d) a milling report that contains
- (i) a description of the current processing method, flowsheet and metallurgical balances, and a list of all process equipment used, and
  - (ii) a summary of the results of all metallurgical studies;
- (e) the engineering drawings and description for the reclamation of the mine, mill, waste dumps, tailings ponds and other areas disturbed by the project and the procedures for post-production monitoring.
- (2) No later than 1 month after the date that a mine is permanently closed, the lessee, registrant or legal representative must file a supplementary summary report that contains all of the following:
- (a) engineering drawings of the mine workings at the time of closure on a scale acceptable to the Registrar;
  - (b) production statistics as described in subsection 90(2), from the date of the last summary report filed with the Registrar to the date of the closure.

### **Post-production monitoring period**

**77** A lessee or registrant must continue post-production monitoring until reclamation is completed to the satisfaction of the Minister.

### **Completing reclamation**

**78** Reclamation of an area must be completed by the following times:

- (a) for reclamation under a mineral lease or non-mineral registration, 1 of the following times after production ceases:
  - (i) the time set out in the reclamation plan,
  - (ii) a period of time acceptable to the Minister;
- (b) for reclamation under an excavation registration or letter of authorization, no later than 30 days after the date that the work plan is completed, or a longer period determined by the Minister.

### Fees and Royalties

#### Fees

79 Fees payable under the Act are as follows:

Description	Fee
Issuance of exploration licence (term 1 - licence age 1 and 2 years), per claim	\$10.00
Regrouping of coterminous exploration licences (s. 56 of Act), per regroup	\$20.00
Renewal of exploration licence, per claim	
each renewal, 1 to 4 (licence age 3 to 10 years)	\$20.00
each renewal, 5 to 7 (licence age 11 to 16 years)	\$40.00
each renewal, 8 to 12 (licence age 17 to 26 years)	\$160.00
each renewal, 13 and after (licence age 27 years and older)	\$320.00
Lease rental, per claim, per year	\$120.00
Issuance of non-mineral registration, per claim	\$120.00
Assignment or transfer of exploration licence	\$20.00
Assignment or transfer of mineral lease or non-mineral registration and registration of document affecting title	\$100.00
Registration of document affecting title of mineral right or non-mineral registration (excluding transfers)	\$20.00
Search of document relating to mineral right or non-mineral registration, per document	\$40.00
Copy of exploration licence, lease or non-mineral registration, or paper affecting title, per page	\$1.50
Registration as prospector	\$10.00
Miscellaneous services not listed above, per hour	\$150.00

#### Generally accepted accounting principles

- 80 (1) Royalties must be calculated in accordance with generally accepted accounting principles and the calculations must be certified by a public accountant licensed under the *Public Accountants Act*.
- (2) Operators reporting gross income, net revenues and net income must use generally accepted accounting principles.

**Royalties payable**

**81** The royalty payable for output is the rate less any rebate, as set out in the following table:

Mineral	Rate	Rebate
Anhydrite	\$0.14 per short ton	(none)
Barite	\$0.17 per short ton	\$0.05 per ton on all barite processed to the extent of pulverization to 200 mesh or finer
Celestite	2% of the net value of concentrates produced	1% of the net value where concentrates are processed in the Province
Coal	\$1.15 per short ton	(none)
Dolomite	2% of the net value at the mine	1% of the net value where end use is in the Province
Gold	1% of the net value received by the producer	(none)
Limestone	2% of the net value at the mine	1% of the net value where the end use is in the Province
Salt	\$0.22 per short ton	(none)
Silica	\$0.12 per short ton	(none)
Silver	1% of the net value received by the producer	(none)

**Amount of royalty**

- 82** (1) Unless otherwise provided in Section 81 and subsection (2), an operator must pay an annual royalty of the greater of the following:
- (a) 2% of the net revenue from mining;
  - (b) 15% of all net income from mining.
- (2) If ~~the~~ a review of the royalty determines that the cost of processing will exceed the amount of the royalty otherwise payable, upon written notice from the Mine Assessor, the royalty payable by the operator is 2% of net revenue.

**Calculation of gross income**

**83** An operator's gross income must be calculated during a fiscal year using the following:

- (a) when output is sold, the consistent use in any fiscal year of the market price of the output at 1 of the following times:
  - (i) the time of sale,
  - (ii) the time of shipment;

- (b) when output is transferred from or consumed at a mining operation, the market price of the output at the time of the transfer or consumption.

**Calculation of net revenue**

**84** An operator's net revenue for a fiscal year is the gross income calculated under Section 83 less all of the following:

- (a) marketing costs;
- (b) shipping costs;
- (c) smelting costs;
- (d) refining costs;
- (e) packaging costs;
- (f) associated and related costs, if paid or borne by an operator.

**Calculation of net income**

**85 (1)** An operator's net income is the net revenue calculated under Section 84 less the reasonable operating expenses of a mining operation when paid for or borne by the operator.

**(2)** Reasonable operating expenses of a mining operation in subsection (1) may include any of the following:

- (a) allowance for depreciation;
- (b) allowance for processing;
- (c) actual costs of restoration, reclamation or rehabilitation of the mine incurred during the year, and for this purpose costs of reclamation completed after a mining operation has ceased may be considered as prior years['] operating expenses and applied in reverse order to prior fiscal years' royalty returns to reduce royalties payable to not less than 2% of net revenue for each fiscal year applied;
- (d) primary crushing and processing costs;
- (e) actual working expenses of the mine both underground and above ground, including salaries and wages of all necessary employees employed at the mine and the salaries and office expenses for necessary office work done at the mine;
- (f) head office costs that relate directly to a mining operation;
- (g) cost of insuring the equipment, buildings and the stock in storage;
- (h) municipal taxes paid by the operator or payments made to essential municipal or public services in lieu of municipal taxes;

- (i) prescribed expenditures on assessment work conducted in the Province incurred during the fiscal year, if the expenditure is paid or incurred by the operator;
- (j) cost of workers' compensation and other contributions to the health and welfare of employees working at the mine;
- (k) cost of utilities;
- (l) cost of food or provisions for employees;
- (m) cost of fuel and explosives and other supplies used in a mining operation;
- (n) cost of safeguarding and protecting the mine;
- (o) cost of repair and maintenance with respect to movable and immovable property used at the mine;
- (p) cost of shafts, excavation, drifts, trenches, borings or other means of development in the area under lease, including the mine;
- (q) donations made in the Province for educational or charitable purposes that have been approved by the Mine Assessor.

**Prohibited reductions to gross income**

**86** A reduction of gross income must not be made in respect of any of the following:

- (a) operating expenses and allowances attributable to output held in inventory;
- (b) cost of plant, machinery, equipment or buildings;
- (c) capital invested;
- (d) interest on dividends upon being paid;
- (e) reduction in the value of any asset, including a mineral right, because the minerals are exhausted;
- (f) payments made with respect to acquiring surface rights or acquiring a mineral right;
- (g) costs of incorporation, or organization or reorganization of the corporation;
- (h) expenses related to manufacturing and industrial enterprises;
- (i) royalties payable under the Act and these regulations;
- (j) taxes on profit or capital;
- (k) reserves and provisions, other than as specifically permitted under the Act;

- (l) the portion of expenses or assets recovered by the operator;
- (m) deductions allowed in computing a previous year's profit;
- (n) lease payments;
- (o) direct costs incurred by the operator in secondary crushing, grinding, concentrating, smelting, refining, packaging or otherwise processing any output other than output derived from a mining operation in the Province controlled by the operator;
- (p) any other sum expended, except to the extent that it is expended by the operator for the purpose of realizing or producing a profit from mining.

**Information in operator's records of account**

**87** All of the following is the information required to be shown in an operator's records of accounts under subsection 120(1) of the Act:

- (a) each of the deductions and allowances used in the determination of
  - (i) net revenue, and
  - (ii) net income;
- (b) the return from the smelter, refinery or mill;
- (c) the return of the amount derived from the sale of output.

**Interest on royalties**

**88** [The] interest rate for unpaid royalties under subsection 114(2) of the Act is the rate at which the Province borrows funds.

**Notice of appeal of assessment of royalties**

**89** The notice of appeal of an assessment of royalties required by Section 121 of the Act must be served on the Minister and must contain all of the following:

- (a) information identifying the decision under appeal;
- (b) a summary of the decision;
- (c) the grounds for appeal;
- (d) confirmation of service;
- (e) signature of the appellant.



## Reports

### Annual report for mineral leases and non-mineral registrations

- 90 (1)** The annual report required by Section 70 of the Act for a lessee or registrant must be filed by the lessee or registrant and contain all of the following:
- (a) the calendar year to which the report applies;
  - (b) the mine's name, type, location and address;
  - (c) the number of the mineral lease or non-mineral registration;
  - (d) all of the following information for the lessee or registrant:
    - (i) company address,
    - (ii) contact information,
    - (iii) parent company name and address,
    - (iv) commodity produced,
    - (v) company officials,
    - (vi) senior operating staff,
    - (vii) contractors employed during the year;
  - (e) drawings containing the following information, at appropriate scales, referenced to latitude and longitude, UTM coordinates or mine grid; and where available, files of the drawings in AutoCAD or DXF format:
    - (i) a general map or maps showing the outline and elevations of the existing mine workings, major surface features (roads, railroads, topography), surface facilities, watercourses and diversions, settling and treatment ponds, ore, waste and tailings storage areas, lease or non-mineral registration boundaries and property boundaries,
    - (ii) plans showing all of the mine workings within the lease or non-mineral registration, and which clearly identify those workings, or areas of the mine, which were developed or worked during the year,
    - (iii) plans showing all areas where extraction was carried out during the year. All areas where ore or waste was mined during the reporting period must be clearly identified,
    - (iv) plans clearly identifying the areas where reclamation work was conducted during the year,
    - (v) plans clearly identifying the areas where tailings, topsoil and waste materials, including overburden and waste rock, were placed, stored or stockpiled during the year,

- (vi) plans showing the location of any diamond drill holes or other exploration and development work performed within the lease or non-mineral registration boundaries during the year,
  - (vii) geological plans and cross-sections showing the geology [of] the resource areas developed or mined during the year and a new and additional geological plans or cross-sections prepared during the year within the lease or non-mineral registration boundaries,
  - (viii) plans clearly identifying any changes to surface rights ownership and boundaries during the year,
  - (ix) plans clearly identifying the ore and waste production, development work and reclamation work planned for the coming year;
- (f) a summary report describing the annual activities and significant events affecting the operations, as set out in subsection (2).
- (2)** The summary report required by clause (1)(f) must include all of the following:
- (a) quantity and analyses of the ore mined;
  - (b) the quantity and analyses of the ore processed, and the recovery factor;
  - (c) the source or sources of the ore processed;
  - (d) the quantity and specifications (grade or quality) of the mineral product, gypsum or limestone produced;
  - (e) the quantity and specifications of mineral product, gypsum or limestone shipped and their destinations;
  - (f) the inventories of any ore, mineral products, gypsum and limestone in their possession at the end of the year;
  - (g) the value of the mineral, gypsum or limestone production and a description of the basis of the determination;
  - (h) the value of the mineral, gypsum or limestone sold and a description of the basis of the determination;
  - (i) a summary of the markets for the production from the lease or non-mineral registration, and a discussion of any significant changes in those markets;
  - (j) the value, and brief summary, of any capital expenditures made during the year;
  - (k) the value, and brief summary, of exploration expenditures during the year;
  - (l) the value, and brief summary, of reclamation expenditures during the year;

- (m) a summary of the operating schedule and the operating periods for the year, including the reasons for any periods when production was suspended;
- (n) for leases, a summary of the resources and reserves as of December 31 of the year;
- (o) a summary of any changes to the method of working or area of working as outlined in the previously submitted plans and, for leases, a discussion of any exploration programs or mining conditions that led to changes in the ore reserves and resources;
- (p) a summary of any exploration drilling, including the number of drill holes, their locations, size, lengths, dips, azimuths, significant intersections and grades;
- (q) a summary of the reclamation work and monitoring carried out;
- (r) a description of any changes to the reclamation plan or the final reclamation design for the lease or non-mineral registration;
- (s) the quantity, categorized by type, of non-ore materials excavated and placed, stored or stockpiled, including topsoil, soil overburden and waste rock;
- (t) the quantity and analyses of tailings and other waste products generated by the mill or processing plant together with a description of how the tailings or other waste products were managed and disposed of;
- (u) the total area disturbed by the mining operation and not fully reclaimed at the end of the reporting period, in hectares or square metres;
- (v) the number of employees at the operation, including any contractor or contract employees working full-time at the mine, and all of the following information about the employees:
  - (i) years of employment for each employee,
  - (ii) the minimum number, the maximum number and the average number of employees at the operation over the course of the year, categorized by
    - (A) salary or hourly, and
    - (B) contracted or employed directly;
- (w) the area fully reclaimed during the period, in hectares or square metres;
- (x) for underground operations, the lineal metres of mine development during the year, categorized as drift, crosscut or raise;
- (y) a summary of any changes in property ownership in the lease or non-mineral registration area during the year;
- (z) a summary of the production, development work and reclamation work planned for the coming year.



**Schedule A—Claim Reference Map, Mineral Tract and Claim Divisions**  
(Sections 4, 5, and 6 of the *Mineral Resources Regulations*)

