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# Canada Gazette

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## GOVERNMENT NOTICES

### DEPARTMENT OF THE ENVIRONMENT

#### CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to the provisions of Part 7, Division 3, of the *Canadian Environmental Protection Act, 1999*, Permit No. 4543-2-03405 is approved.

1. *Permittee*: Captain's Cove Marina Ltd., Delta, British Columbia.

2. *Type of Permit*: To load and dispose of waste and other matter for the purpose of disposal at sea.

3. *Term of Permit*: Permit is valid from November 21, 2006, to November 20, 2007.

4. *Loading Site(s)*: Captain's Cove Marina Ltd., Delta, British Columbia, at approximately 49°06.51' N, 123°04.22' W.

5. *Disposal Site(s)*: Point Grey Disposal Site: 49°15.40' N, 123°22.10' W, at a depth of not less than 210 m.

The following position-fixing procedures must be followed to ensure disposal at the designated disposal site:

(i) The vessel must inform the appropriate Marine Communications and Traffic Services (MCTS) Centre upon departure from the loading site that it is heading for a disposal site;

(ii) Upon arrival at the disposal site and prior to disposal, the vessel must again call the appropriate MCTS Centre to confirm its position. Disposal can proceed if the vessel is upon the disposal site. If the vessel is not within the disposal site boundaries, the MCTS Centre will direct it to the site and advise when disposal can proceed; and

[Part I: Notices and proposed regulations](#)[Part II: Official regulations](#)[Part III: Acts of Parliament](#)[Learn more about the Canada Gazette](#)[Publishing information](#)[Publishing requirements](#)[Deadline schedule](#)[Insertion rates](#)[Request for insertion forms](#)[Subscription information](#)[Useful links](#)[Archives \(1998-2005\)](#)

(iii) The vessel must inform the appropriate MCTS Centre when disposal has been completed prior to leaving the disposal site.

6. *Route to Disposal Site(s)*: Direct.

7. *Method of Loading and Disposal*: Loading by clamshell dredge with disposal by bottom dump scow or end dumping.

8. *Rate of Disposal*: As required by normal operations.

9. *Total Quantity to Be Disposed of*: Not to exceed 38 000 m<sup>3</sup>.

10. *Material to Be Disposed of*: Dredged material consisting of silt, sand, rock, wood wastes and other approved material typical to the approved loading site.

11. *Requirements and Restrictions*:

11.1. The Permittee must notify the permit-issuing office prior to any loading or disposal as to the proposed dates on which the loading and disposal will take place.

11.2. The Permittee must ensure that all contractors involved in the loading or disposal activity for which the permit is issued are made aware of any restrictions or conditions identified in the permit and of the possible consequences of any violation of these conditions. A copy of the permit and of the letter of transmittal must be displayed at the loading site and must be carried on all towing vessels and loading platforms or equipment involved in disposal at sea activities.

11.3. The fee prescribed by the *Ocean Dumping Permit Fee Regulations (Site Monitoring)* shall be paid by the Permittee in accordance with those Regulations.

11.4. Contact must be made with the Canadian Coast Guard, Regional Marine Information Centre (RMIC), regarding the issuance of a "Notice to Shipping." The RMIC is located at 2380–555 West Hastings Street, Vancouver, British Columbia V6B 5G3, 604-666-6012 (telephone), 604-666-8453 (fax), [rmic-pacific@pac.dfo-mpo.gc.ca](mailto:rmic-pacific@pac.dfo-mpo.gc.ca) (email).

11.5. Any enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999* shall be permitted to mount an electronic tracking device on any vessel that is engaged in the disposal at sea activities authorized by this permit. The Permittee shall take all reasonable measures to ensure that there is no tampering with the tracking device and no interference with its operation. The tracking device shall be removed only by an enforcement officer or by a person with the written consent of an enforcement officer.

11.6. The Permittee must submit to the Regional Director, Environmental Protection Operations Directorate, Pacific and Yukon Region, within 30 days of the expiry of the permit, a list of all work completed pursuant to the permit, the nature and quantity of material disposed of, the disposal sites and the dates on which the activity occurred.

**DEPARTMENT OF THE ENVIRONMENT**

## CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to the provisions of Part 7, Division 3, of the *Canadian Environmental Protection Act, 1999*, Permit No. 4543-2-03408 is approved.

1. *Permittee*: 568849 BC Ltd., Surrey, British Columbia.

2. *Type of Permit*: To load inert, inorganic geological matter for disposal at sea and to dispose of inert, inorganic geological matter at sea.

3. *Term of Permit*: Permit is valid from November 20, 2006, to November 19, 2007.

4. *Loading Site(s)*:

(a) Various approved sites in the Lower Mainland, at approximately 49°16.50' N, 123°06.50' W; and

(b) Various approved sites on Southern Vancouver Island, at approximately 48°39.00' N, 123°22.00' W.

5. *Disposal Site(s)*:

(a) Point Grey Disposal Site: 49°15.40' N, 123°22.10' W, at a depth of not less than 210 m; and

(b) Victoria Disposal Site: 48°22.30' N, 123°21.80' W, at a depth of not less than 90 m.

The following position-fixing procedures must be followed to ensure disposal at the designated disposal site:

(i) The vessel must inform the appropriate Marine Communications and Traffic Services (MCTS) Centre upon departure from the loading site that it is heading for a disposal site;

(ii) Upon arrival at the disposal site and prior to disposal, the vessel must again call the appropriate MCTS Centre to confirm its position. Disposal can proceed if the vessel is on the disposal site. If the vessel is not within the disposal site boundaries, the MCTS Centre will direct it to the site and advise when disposal can proceed; and

(iii) The vessel will inform the appropriate MCTS Centre when disposal has been

completed prior to leaving the disposal site.

6. *Route to Disposal Site(s)*: Direct.

7. *Method of Loading and Disposal*: Loading with conveyor belts or trucks and disposal by bottom dump scow or end dumping.

8. *Rate of Disposal*: As required by normal operations.

9. *Total Quantity to Be Disposed of*: Not to exceed 50 000 m<sup>3</sup>.

10. *Material to Be Disposed of*: Excavated material comprised of clay, silt, sand, gravel, rock and/or other material typical to the loading site. All wood, topsoil, asphalt and other debris are to be segregated for disposal by methods other than disposal at sea.

11. *Requirements and Restrictions*:

11.1. The Permittee must notify the permit-issuing office in writing and receive written approval for each loading site prior to any loading or disposal. The written notification must include the following information:

- (i) the co-ordinates of the proposed loading site;
- (ii) a site map showing the proposed loading site relative to known landmarks or streets;
- (iii) a figure showing the legal water lots impacted by the proposed dredging or loading activities, giving the spatial delineations of the proposed dredge site within these water lots;
- (iv) all analytical data available for the proposed loading site;
- (v) the nature and quantity of the material to be loaded and disposed of;
- (vi) the proposed dates on which the loading and disposal will take place; and
- (vii) the site history for the proposed loading site.

Additional requirements may be requested by the permit-issuing office.

11.2. The Permittee must ensure that all contractors involved in the loading or disposal activity for which the permit is issued are made aware of any restrictions or conditions identified in the permit and of the possible consequences of any violation of these conditions. A copy of the permit and of the letter of transmittal must be carried on all towing vessels and loading platforms or equipment involved in disposal at sea activities. A copy of the written approval for the appropriate loading site must be displayed with each copy of the permit posted at the excavation/loading sites.

11.3. The fee prescribed by the *Ocean Dumping Permit Fee Regulations (Site Monitoring)* shall be paid by the Permittee in accordance with those Regulations.

11.4. Contact must be made with the Canadian Coast Guard, Regional Marine Information Centre (RMIC), regarding the issuance of a "Notice to Shipping." The RMIC is located at 2380– 555 West Hastings Street, Vancouver, British Columbia V6B 5G3, 604-666-6012 (telephone), 604-666-8453 (fax), [rmic-pacific@pac.dfo-mpo.gc.ca](mailto:rmic-pacific@pac.dfo-mpo.gc.ca) (email).

11.5. Any enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999* shall be permitted to mount an electronic tracking device on any vessel that is engaged in the disposal at sea activities authorized by this permit. The Permittee shall take all reasonable measures to ensure that there is no tampering with the tracking device and no interference with its operation. The tracking device shall be removed only by an enforcement officer or by a person with the written consent of an enforcement officer.

11.6. The Permittee must report to the Regional Director, Environmental Protection Operations Directorate, Pacific and Yukon Region, by the tenth day of each month, the nature and quantity of material disposed of pursuant to the permit, the disposal site and the dates on which the activity occurred.

11.7. The Permittee must submit to the Regional Director, Environmental Protection Operations Directorate, Pacific and Yukon Region, within 30 days of the expiry of the permit, a list of all work completed pursuant to the permit, including the nature and quantity of material disposed of at each loading site, the disposal site and the dates on which the activity occurred.

M. D. NASSICHUCK  
*Environmental Stewardship  
Pacific and Yukon Region*

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**DEPARTMENT OF THE ENVIRONMENT**

**DEPARTMENT OF HEALTH**

**DEPARTMENT OF NATURAL RESOURCES**

**DEPARTMENT OF TRANSPORT**

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

CANADA SHIPPING ACT

ENERGY EFFICIENCY ACT

RAILWAY SAFETY ACT

## MOTOR VEHICLE FUEL CONSUMPTION STANDARDS ACT

*Notice of intent to develop and implement regulations and other measures to reduce air emissions***1. Context**

The Government is taking responsibility to introduce an integrated, nationally consistent approach to reduce emissions of air pollutants and greenhouse gases (hereinafter referred to collectively as air emissions) in order to protect the health and environment of Canadians and avoid falling further behind our trading partners. The Government recognizes that reducing air emissions is a matter of national concern as Canada's performance on air emissions has lagged behind most Organisation for Economic Co-operation and Development (OECD) countries for well over a decade. Canada commits to take measures that reduce these emissions to achieve tangible benefits to the health of Canadians and to Canada's environment. Canada has historically relied on a variety of non-compulsory measures to reduce air emissions. However, these have not proved sufficient to reduce the health and environmental risks across the country. We will not only deliver significant emissions reductions but commit to ensuring, through emissions monitoring and fully transparent, public and accountable reporting, that these emission reductions occur on schedule. Improving air quality by reducing air emissions is essential for the protection of human health and our environment.

**2. Definitions**

For actions under the *Canadian Environmental Protection Act, 1999* (CEPA 1999), "air pollutant" means the following substances:

- (a) Respirable particulate matter less than or equal to 10 microns;
- (b) Ozone, which has the molecular formula  $O_3$ ;
- (c) Nitric oxide, which has the molecular formula  $NO$ ;
- (d) Nitrogen dioxide, which has the molecular formula  $NO_2$ ;
- (e) Sulphur dioxide, which has the molecular formula  $SO_2$ ;
- (f) Volatile organic compounds that participate in atmospheric photochemical reactions, excluding those enumerated in Schedule 3.1 of the proposed *Canada's Clean Air Act*;
- (g) Gaseous ammonia, which has the molecular formula  $NH_3(g)$ ;
- (h) Mercury; and
- (i) Any other substances prescribed under subsection 103.09(1) of the proposed *Canada's Clean Air Act*.

For actions under CEPA 1999, "greenhouse gases" (GHGs) means the following substances:

- (a) Carbon dioxide, which has the molecular formula  $\text{CO}_2$ ;
- (b) Methane, which has the molecular formula  $\text{CH}_4$ ;
- (c) Nitrous oxide, which has the molecular formula  $\text{N}_2\text{O}$ ;
- (d) Hydrofluorocarbons that have the molecular formula  $\text{C}_n\text{H}_x\text{F}_{(2n+2-x)}$  in which  $0 < n < 6$ ;
- (e) The following perfluorocarbons:
  - Those that have the molecular formula  $\text{C}_n\text{F}_{2n+2}$  in which  $0 < n < 7$ , and
  - Octafluorocyclobutane, which has the molecular formula  $\text{C}_4\text{F}_8$ ;
- (f) Sulphur hexafluoride, which has the molecular formula  $\text{SF}_6$ ; and
- (g) Any other substance prescribed under subsection 103.09(1) of the proposed *Canada's Clean Air Act*.

For the purposes of this Notice of Intent, "air emissions" means air pollutants and GHGs.

### 3. Purpose

This Notice sets out the Government's intention to

- develop and implement regulatory measures primarily, but not exclusively under CEPA 1999, and as enabled by amendments set out in the proposed *Canada's Clean Air Act*, addressing the main human-made sources (including industry, transportation and certain products) of air pollutants and GHGs;
- develop and implement regulations and other measures for indoor air;
- develop and implement regulations enabled by the *Energy Efficiency Act* and by proposed amendments to that Act set out in the proposed *Canada's Clean Air Act*, and
- develop and implement regulations enabled primarily by the proposed amendments to the *Motor Vehicle Fuel Consumption Standards Act* set out in the proposed *Canada's Clean Air Act*.

### 4. Rationale for action

There is an urgent need for federal regulation of air pollutants — as a significant threat to

Canadians' health — and greenhouse gases. Canadians are concerned about air quality, including indoor air, and climate change. Air emissions continue to threaten the health of Canadians, degrade the environment and reduce economic productivity. Smog contributes each year to more than 5 900 deaths from stroke, and cardiac and lung disease. In our homes, radon causes at least 1 900 lung cancer deaths per year; other indoor contaminants, such as mould and moisture, are important contributors to asthma and allergies. Acid deposition remains a serious threat to biodiversity, forests and fresh water ecosystems; GHGs contribute to climate change.

The main activity that causes smog and acid rain—fossil fuel combustion—also causes most GHG emissions. Canada has historically relied on a variety of non-compulsory measures to reduce air emissions. However, these have not proved sufficient to reduce the health and environmental risks across the country. Overall, Canada is lagging behind other countries. For example, according to an OECD study, Canada ranks near the bottom of all OECD countries in terms of per capita and total emissions of smog-causing pollutants. While Canada accounts for just 2% of global GHG emissions, its per capita emissions are among the highest in the world and continue to increase.

Implementation of national emissions requirements would not only improve the domestic situation, but would also strengthen our ability to engage effectively in international discussions on air emissions. A variety of domestic and foreign sources influence Canadian air quality and have effects ranging from local to global scales; airborne emissions travel across borders. Although the United States (U.S.) is a major source of air pollution flowing into Canada, it is difficult to negotiate additional reductions in transboundary flow of air pollutants when U.S. industries generally exceed Canadian performance. Aligning the Government's actions with those of other industrialized countries, such as the U.S., will result in coordinated international action to improve environmental performance, while also improving the cost-efficiency for the many companies that trade their goods and services internationally and must meet international standards. Similarly, our ability to influence international GHG negotiations would be strengthened by implementing domestic regulations.

Because air pollutants and GHGs share many common sources, coordinated requirements would allow sources to make capital investment decisions that maximize synergies and cost-efficiencies among options to reduce air pollutants and GHGs. In order to maximize potential health and environmental benefits and minimize the potential for inadvertently increasing some air emissions, the Government's approach will be to take comprehensive action on all air emissions in order to find an optimal solution for mitigation of both issues. An integrated nationally consistent approach will enable industry to contribute to improving air quality and environmental outcomes in an efficient and effective manner.

In recognition of the important roles played by provinces and territories in air management, the federal government will use equivalency provisions of CEPA 1999 to recognize and encourage provincial leadership while ensuring a nationally consistent level of protection for the health of Canadians and the environment.

## **5. Scope of the proposed regulatory actions**

The Government will address all major sources of air emissions.



Transportation:

— The Government intends to continue to develop and implement regulations to reduce smog- and acid rain-forming emissions from on-road and off-road vehicles, engines and fuels in alignment with the standards of the U.S. Environmental Protection Agency (EPA). It also intends to explore opportunities between Environment Canada and the U.S. EPA to facilitate, to the extent possible, the administration of vehicle, engine and fuel regulations.

— The Government intends to regulate the fuel consumption of road motor vehicles under the *Motor Vehicle Fuel Consumption Standards Act* after the expiry of the Memorandum of Understanding (MOU) between the auto industry and the Government of Canada. Regulations would take effect for the 2011 model year.

— The Government will also take action to reduce emissions from other modes of transportation, including rail and marine.

Industrial sectors: The Government intends to propose regulations to reduce air emissions from key industrial sectors including fossil-fuel fired electricity generation, upstream oil and gas, downstream petroleum, base metal smelters, iron and steel, cement, forest products, and chemicals production. Together, these sectors contribute about half of Canada's air pollutant (52%) and GHG (47%) emissions.

Consumer and commercial products: The Government intends to continue the development of regulations for consumer and commercial products, including products that may not themselves contain pollutants but whose use or existence may cause air emissions. The Government also intends to strengthen energy-efficiency standards and labeling requirements for consumer and commercial products.

Indoor air: The Government intends to develop measures for improving indoor air quality. Information gathering authorities will be used to identify indoor air issues that are national in scope and require government action. Measures will include identification and regulation of products that could result in degradation of indoor air quality.

**6. Regulations to be introduced in the first 12 months***6.1 Action on air pollutant emissions from on-road and off-road vehicles and engines*

The Minister of the Environment intends to continue harmonizing Canadian emission standards for on-road vehicles and engines and off-road engines with those of the U.S. EPA. Consistent with this goal, the Minister will propose the following regulations in the next 12 months:

- final regulations to further reduce air pollutant emissions from on-road motorcycles;
- amendments to existing regulations further reducing air pollutant emissions from off-road diesel engines and equipment (e.g. those used in construction, mining, forestry, and agriculture);

— new regulations to reduce air pollutant emissions from marine spark-ignition engines and off-road recreational vehicles (e.g. outboards, personal watercraft, snowmobiles and ATVs);

— new regulations requiring on-board diagnostics systems for on-road heavy duty engines (e.g. heavy trucks and buses); and

— new regulations to reduce air pollutant emissions from off-road large spark-ignition engines (e.g. forklifts).

The Minister of the Environment also intends to implement initiatives to ensure a more streamlined and efficient regulatory system. The Minister will initiate discussions with the U.S. EPA on possibilities for a coordinated approach to administering cleaner vehicles, engines and fuels regulations.

### *6.2 Action on air pollutant emissions from consumer and commercial products*

The Ministers of the Environment and of Health intend to propose regulations to reduce volatile organic compound (VOC) emissions from various consumer and commercial products. These proposed regulations will align with generally more stringent U.S. requirements. In the short-term, these include regulations limiting VOC content in architectural, industrial and maintenance coatings, consumer products, and automobile refinishing coatings.

Together, these products (i.e. paints, cosmetics and cleaning products) account for about 18% of total VOC emissions in Canada.

## **7. Other planned actions for transportation sources**

In addition to the regulations to be introduced over the next 12 months (see 6.1), the Ministers intend to take additional actions to address air emissions from other transportation sources as outlined below.

### *7.1 Air pollutant emissions from vehicles, engines and fuels*

The Minister of the Environment intends to propose additional regulations as needed to continue to align Canadian fuel, vehicle and engine air pollutant regulations with U.S. standards.

### *7.2 GHG emissions from road motor vehicles*

The Government intends to regulate the fuel consumption of road motor vehicles after the expiry of the Memorandum of Understanding between the auto industry and the Government of Canada. The Minister of Transport, with the Minister of Natural Resources, will develop regulations that will build on the voluntary commitment the auto industry made collectively in 2005 that calls for a reduction of 5.3MT of GHGs by 2010, through ongoing improvements in fuel consumption performance. These new regulations will be developed and implemented under the *Motor Vehicle Fuel Consumption Standards Act*, as amended by the proposed *Canada's Clean Air Act*, to take effect for

the 2011 model year.

### *7.3 Other transportation modes (ships, rail, aviation)*

The authority to regulate emissions of pollutants from ships, rail and aviation is provided by the *Canada Shipping Act*, the *Railway Safety Act* and the *Aeronautics Act*, respectively.

(a) Ships: The Minister of Transport, with the Minister of the Environment, will support the development of new international standards, established by the International Maritime Organization, for controlling air pollution emissions from ships. The Minister of Transport will ensure their application domestically under the *Canada Shipping Act*. This will include support for a process to designate North American coasts as areas where ships must reduce sulphur emissions.

(b) Rail: The Minister of Transport, with the Minister of the Environment, will support a MOU with the Railway Association of Canada that is consistent with U.S. EPA air pollution standards and ensures that the rail industry continues to improve its GHG emissions performance during the period 2006–2010. The Minister of Transport will develop and implement new regulations, under the *Railway Safety Act*, to take effect following the end of the MOU in 2010.

(c) Aviation: The Minister of Transport will support the development of international standards and recommended practices with the International Civil Aviation Organization for emissions from aviation sources.

## **8. Planned actions on products**

### *8.1 Air pollutant emissions from consumer and commercial products*

In addition to the proposed regulations for VOC content from various products to be introduced over the next 12 months (see 6.2, above), the Ministers of the Environment and of Health intend to propose regulations to reduce VOC emissions from additional consumer and commercial products. This action will include the development of

— regulations limiting VOC content in additional products such as portable fuel containers; and

— new strategies and instruments for reducing VOC emissions from printing, aerospace and automotive manufacturing sectors.

### *8.2 Strengthened energy efficiency standards*

The Minister of Natural Resources intends to introduce amendments to energy efficiency regulations under the *Energy Efficiency Act* which will include

— new performance requirements for 20 currently unregulated products such as commercial clothes washers and commercial boilers; and

— tightened requirements for ten products, such as residential dishwashers and dehumidifiers, for which efficiency standards are already in place.

These measures would be in addition to amendments to the energy efficiency regulations pre-published in the *Canada Gazette*, Part I, on May 6, 2006, covering a variety of items such as beverage vending machines and commercial reach-in refrigeration. The comment period for those amendments has ended and final regulations will be published following Governor in Council approval in the *Canada Gazette*, Part II, after all comments have been appropriately addressed.

The effective implementation of these regulations will be enabled by proposed amendments to the *Energy Efficiency Act*, under the proposed *Canada's Clean Air Act*. These amendments will broaden the scope of the Act so that it might cover additional products and applications and provide a sounder basis for enforcement and labeling provisions.

Other initiatives would be intended to support provincial action on energy efficiency building codes and product standards.

## **9. Planned actions on key industrial sources**

### *9.1 Consultation process and timeframe to develop and implement the proposed regulations*

The Ministers of the Environment and of Health will lead detailed consultations with provinces, territories, aboriginal peoples and other stakeholders beginning in fall 2006, on the development of proposed regulations to reduce industrial air emissions. The consultative process will take a multi-phased approach to ensure that the regulations are developed in an effective manner. Consultations will be accompanied by technical, economic and policy analysis.

In the first phase, the Government will consult on the overall regulatory framework that will guide the development of industrial sector regulations. The principles set out below in 9.2 will govern the consultation, which will address the proposed elements to be considered (see 9.3), including early information and disclosure requirements. The intent is to reach a decision, by spring 2007, on the overall regulatory approach, including proposed short-term targets for air pollutants and GHGs to be reflected in the proposed regulations to come into effect in the 2010–2015 period.

In the second phase, beginning in summer 2007 and likely continuing until the end of 2008, the Government intends to engage in detailed consultations on the proposed regulations that will apply to individual sectors, including defining sectoral obligations and timelines. The intent is to publish the first sectoral regulations in the *Canada Gazette*, Part I, beginning in spring 2008, including the mandatory 60-day comment period.

In the third phase, the proposed regulations for the first sectors will be finalized following the Governor in Council approval and published in the *Canada Gazette*, Part II, no later than fall 2008. All proposed regulations will be finalized following the Governor in Council approval no later than the end of 2010 with the initial provisions coming into force by the end of 2010 and the balance of the provisions coming into force as soon as possible

thereafter.

### *9.2 Principles to guide the development of proposed industry sector regulations*

The following principles will guide the development of the industry sector regulations:

- achieve measurable reductions in air pollution that will produce health and environmental benefits;
- reduce air emissions from all sources with a balance of effort among industry sectors and consumers;
- establish air emissions targets that are consistent with leading environmental standards and are at least as rigorous as those in the U.S.;
- maximize environmental gains through an integrated, multi-pollutant approach;
- incorporate flexible compliance mechanisms, including self-supporting market mechanisms that are not reliant upon tax-payer dollars;
- maintain Canadian competitiveness and reflect the opportunities offered by the capital investment cycle in the regulatory requirements;
- work in partnership and respect shared responsibility among all orders of government;
- promote investment in the development and deployment of new technologies;
- ensure effective and efficient monitoring, reporting and regulatory implementation, including best efforts to minimize overlap and regulatory duplication; and
- provide regulatory certainty for industry.

### *9.3 Proposed elements of the regulatory approach*

The Ministers of the Environment and of Health will develop and implement proposed regulations for key industrial sectors that will address, in a coordinated manner, requirements for all relevant air emissions. Throughout the process, the Ministers may request additional information from sectors to assist with the analysis leading to the development of proposed regulations. The Government will consult with provinces, territories, affected sectors and other stakeholders on the following possible elements:

#### Proposed Element One — Emission Targets and Timelines

The proposed regulations will set realistic emission targets for air emissions designed to reduce air pollutant and GHG emissions across the country. These targets will have timelines that encourage emitters to take into account the coordinated requirements in their capital stock investment decisions.

The Government will establish targets and timelines which measurably reduce the impact of air pollutants on the health of Canadians, particularly the most vulnerable (children, the elderly, and those with pre-existing cardiovascular and respiratory diseases). Current health evidence indicates that in all parts of the country, improvements in air quality would result in health benefits. The targets and timelines would also measurably reduce the impact of air emissions on the environment.

For air pollutants, the Government is committed to emissions targets that are at least as rigorous as those in the U.S. or other environmental performance-leading countries.

#### Short-term (2010–2015)

— For air pollutants: the Government intends to adopt a target-setting approach based on fixed caps.

— For GHGs: the Government intends to adopt a target-setting approach based on emissions intensity, one that will yield a better outcome for the Canadian environment than under the plan previously proposed on July 16, 2005, and show real progress on the environment here in Canada.

#### Medium-term (2020–2025)

— For air pollutants: the Government will continue to employ a fixed cap approach to target-setting.

— For GHGs: the Government will build upon the emissions intensity approach with intensity targets that are ambitious enough to lead to absolute reductions in emissions and thus support the establishment of a fixed cap on emissions during this period.

#### Long-term (2050)

— For air pollutants: the Government will continue to employ a fixed cap approach to target-setting.

— For GHGs: the Government is committed to achieving an absolute reduction in GHG emissions between 45 and 65% from 2003 levels by 2050, and will ask the National Round Table on the Environment and the Economy (NRTEE) for advice on the specific target to be selected and scenarios for how the target could be achieved.

The targets and timelines for each sector will be the subject of ongoing analytical work and consultations.

Engagement with provinces, territories and aboriginal governments, affected industry sectors and other stakeholders will allow for discussion of issues such as

— the form of the targets, including emissions caps, emissions intensity, performance- or technology-based targets;

- the most appropriate historical baseline where applicable;
- the approach to target-setting, e.g. how to establish sector-specific reduction targets, and benchmark to international standards;
- how targets would apply to major new facilities, especially in sectors where technology is evolving rapidly; and
- if and how targets would differentiate between existing and new industrial facilities.

#### Proposed Element Two — Compliance Options

In order to minimize the costs to industry of complying with the proposed regulatory requirements, a number of compliance options will be considered. The objective will be to provide industry with the flexibility to choose the most cost-effective way to meet the emission targets.

Consultations and analysis on compliance options could explore self-supporting market mechanisms that are not reliant upon taxpayer dollars, such as industry-led emissions trading systems (the Government will not purchase credits or otherwise participate in the emissions trading market); opt-in mechanisms that would enable entities not covered by regulation to voluntarily assume emissions targets; incentives that could see companies receive credit for investments in technology, such as CO<sub>2</sub> capture and storage which will lead to significant reductions in the future; mechanisms to recognize credit for early action; or domestic offsets in which verified emissions reductions outside the regulated system are recognized as eligible for compliance in the regulated system.

One key mechanism that will be considered as a means to facilitate industry compliance with the regulatory system will be the establishment of a technology investment fund into which industry and potentially governments could contribute resources to support the development of transformative technologies for emissions reduction.

#### Proposed Element Three — Compliance Assessment, Monitoring and Reporting

The Government will implement a one-window regulatory compliance tool to ensure that industry is on track to meet regulatory obligations.

The Government will require maximum use of continuous emissions monitoring technology to ensure effective compliance and enforcement.

The Government will continue to work with provinces and territories toward a single, harmonized system for mandatory reporting of all air emissions and related information. This system will underpin the proposed regulations and possible related emissions trading regime, and will respond to industry concerns that multiple measurement methodologies and multiple reporting regimes would cause an unnecessary and costly administrative burden.

Analysis on the development of information and disclosure requirements and monitoring and reporting requirements would be undertaken in consultation.

#### *9.4 Equivalency and administration agreements*

The Ministers of the Environment and of Health will seek to enter into equivalency or administration agreements with interested provinces, territories, and aboriginal governments to address shared challenges and avoid regulatory overlap and duplication. Work on these agreements could take place in parallel with the development of federal regulations so that the provincial regime designed to achieve the same outcome would take effect on the same day that the federal regulations would have come into force, thus allowing for a single regulator in any given jurisdiction. Equivalency and administration agreements could also be negotiated after the federal regulations have come into effect.

### **10. Advice from the NRTEE**

In addition, the Government will ask the NRTEE for advice on the following elements:

#### Air pollutants

— National objectives for ambient air for particulate matter and ozone for the periods of 2020–2025 and 2050;

— National emission reduction targets for 2050 for total emissions of sulphur dioxide, nitrogen oxides, gaseous ammonia, volatile organic compounds, particulate matter for the following sectors: oil and gas, electricity, base metals, iron and steel, aluminum, cement, chemicals, forest products, transportation, consumer products, commercial and institutional, residential and agriculture.

#### GHGs

— Medium-term emission reductions targets for 2020–2025 for the sectors named above. The advice should recognize the outlook for Canadian economic growth and the Government's intention to build upon the emissions intensity approach with targets that are ambitious enough to translate effectively into a fixed cap on absolute emissions;

— The national emissions target that should be adopted within the range of a 45 to 65% reduction from 2003 levels by 2050, and scenarios for how this target could be achieved, including the role of technology and capital stock renewal.

In providing this advice, the NRTEE should also examine the medium- and long-term targets and policy approaches under consideration or implementation in other countries.

### **11. Actions on indoor air**

The Minister of Health proposes to develop a priority list of indoor contaminants that will be subject to new information gathering provisions. The list will be developed in consultation with provincial and territorial health departments as well as key stakeholders. The resulting priority list will be used to guide decisions on the development of guidelines and product regulations.



A new radon guideline has been under development for some time. This guideline will be introduced by early 2007 and will be the basis for a national radon strategy.

## 12. Public comment period

Any person may file, within 60 days of publication of this Notice, with the Minister of the Environment, comments with respect to this proposal. All comments must be addressed to the responsible Minister, cite the *Canada Gazette*, Part I, and the date of publication of this Notice and be sent to the Director General, Systems and Priorities Directorate, Environmental Stewardship Branch, Environment Canada, Place Vincent Massey, 351 Saint Joseph Boulevard, Gatineau, Quebec K1A 0H3.

## 13. Contact information

For questions about this Notice or for more information about the regulatory approach, contact the Environmental Stewardship Branch, Environment Canada, Place Vincent Massey, 351 Saint Joseph Boulevard, Gatineau, Quebec K1A 0H3, 819-994-9564 (telephone), [cleanair-airpur@ec.gc.ca](mailto:cleanair-airpur@ec.gc.ca) (email).

[42-1-o]

## DEPARTMENT OF INDUSTRY

### RADIOCOMMUNICATION ACT

*Notice No. DGRB-002-06 — Spectrum licence fees for broadband public safety in the band 4 940-4 990 MHz*

#### 1. Intent

This notice announces Industry Canada's spectrum licence fee proposal for the frequency band 4 940-4 990 MHz and requests further comment on the proposed fee and related service standards.

#### 2. Background

The provision of public safety and national security services relies heavily on advanced communications, and the need for new wireless technologies and radio applications has put significant pressure on government to allot spectrum for these requirements. Accordingly, the Department reserved spectrum in the band 4 940-4 990 MHz to ensure that public safety agencies are given access to dedicated spectrum in order to meet their needs, when it released the technical and licensing policy for this band, *Spectrum Utilization Policy, Technical and Licensing Requirements for Broadband Public Safety in the Band 4 940-4 990 MHz* (DGTP-005-06). That document deals with all licensing issues, except licence fees.

By way of this notice, and in accordance with subsection 4(1) of the *User Fees Act* ([see footnote 1](#)) (the UFA), the Department is providing additional detail with respect to costs

and revenues associated with the service, comparable fees, and a further opportunity for stakeholders to comment on the proposed fee for the band 4 940-4 990 MHz, as well as the related service standards.

### 3. Discussion

The *Radiocommunication Act* grants the Minister of Industry the power to prescribe and fix fees for the use of the radio frequency spectrum. Under this authority, the Department, on behalf of Canadians, manages the spectrum and collects licensing fees for the use of this resource. Unlike some other government fees, the establishment of spectrum licence fees is not on a cost recovery basis but rather the recovery of the fair market value of the licence.

The Department initially proposed in the consultation document DGTP-005-05, *Proposed Spectrum Utilization Policy, Technical and Licensing Requirements for Broadband Public Safety in the Band 4 940-4 990 MHz*, that the fee for spectrum in the 4 940-4 990 MHz band be \$0.004166 ([see footnote 2](#)) per 50 MHz per population (50 MHz/pop) with a minimum fee of \$250.00 ([see footnote 3](#)) for a term of ten years, payable to the Department by March 31 of each year.

In response to the proposed fee, several stakeholders voiced concerns about charging licence fees to public safety agencies. They cited concern that the development and deployment of public safety services, and the interoperability between public safety agencies, may be hindered if licensees were unable to afford the fee. Some suggested that the Department treat this band as it does other public safety bands and implement a similar fee structure, whereas others suggested that the fees should not exceed the cost of managing the band.

Notwithstanding these suggestions, Industry Canada continues to believe that the proposed fee reflects fair market value for this spectrum and will encourage its efficient use. Further, under the *Radiocommunication Act*, all users, including governments, are required to pay licence fees on the same basis as other users of spectrum. This came into effect in March 1987 with the passing of Bill C-3, a bill to amend the *Radio Act*, ([see footnote 4](#)) through which Parliament eliminated the preferential licence fees granted to users of the spectrum in the federal, provincial and municipal governments, including public safety entities.

#### 3.1 Cost elements

To determine the cost of implementing this service, Industry Canada has estimated the amount of time required to develop and implement this initiative over the first three years. Prior to launching any new service or issuing any licences, significant resources are expended to consult with stakeholders and to develop the utilization policy and technical and licensing requirements.

The initial costs are highlighted in Table 1, under Year 1. Like most policy processes, the time to develop and implement new services can be quite lengthy. However, as with most programs, the operating costs are expected to decrease with time.

Table 1: Projected Cost Elements to Licence Broadband Public Safety in the Band 4 940-

## 4 990 MHz

Year	Year 1	Year 2	Year 3
Salary	\$335,000	\$164,000	\$211,000
Non-salary	\$78,000	\$40,000	\$52,000
<b>Projected Costs</b>	<b>\$413,000</b>	<b>\$204,000</b>	<b>\$263,000</b>

## 3.2 Revenue elements

This frequency band and the anticipated associated equipment are still in development. As such, the Department anticipates a gradual roll-out of networks and systems. Applicants will only need a licence for the area where the network is deployed, and only for the jurisdictional area, or the portion of that area, where they anticipate operating. Licence fees will increase only as networks are expanded to provide services to an increased population. This approach to licensing will provide licensees with some control over their licensing costs while ensuring they only pay fees that reflect the area for which they are authorized.

As Table 2 demonstrates, over the initial three-year period, the Department anticipates that revenues will be low because this will be a new service and the equipment anticipated for use is not yet proven. As well, the price for new equipment is high because it has not yet benefited from economies of scale.

Table 2: Projected Revenue Elements from Licensing Spectrum for Broadband Public Safety in the Band 4 940-4 990 MHz

Year	Year 1	Year 2	Year 3
Projected Revenue	\$1,500	\$33,000	\$66,000

Stakeholders have indicated a clear interest in developing these frequencies for broadband public safety services. The Department anticipates that these parties will monitor the development of this band with a view to deploy services in time. Many public safety entities already have systems in place for public safety communications; however, as new equipment for this band is proven and existing systems are replaced, it is expected that public safety entities will make increasing use of the frequency band 4 940-4 990 MHz.

The following table provides examples of spectrum licence fees for different service areas.

Table 3: Examples of Licence Fees for Selected Canadian Service Areas

Service Area	Population( <a href="#">see footnote 5</a> )	Spectrum Fee (\$0.004166/50 MHz/pop)
National	30 007 094	\$125,010

Province of Quebec	7 237 479	\$30,151
Greater Toronto Area	4 682 897	\$19,509
Montréal	3 426 350	\$14,274
Vancouver	1 986 965	\$8,278
Calgary	951 395	\$3,964
Halifax	359 183	\$1,496
Charlottetown	58 358	\$250 ( <a href="#">see footnote 6</a> ) (minimum fee)

#### 4. Fee comparisons

In developing the proposed fee and to establish the value of this spectrum, fees within Canada and three other countries were considered: the United States, the United Kingdom, and Australia. It is important to note that a direct comparison between the proposed fee for band 4 940-4 990 MHz, other Canadian fees and those of the other administrations is possible only in theory owing to differences in service applications and because of different principles in how the spectrum is managed and how fees are charged for its use.

##### 4.1 United States

The United States, like Canada, intends to issue shared-use spectrum licences in the frequency band 4 940-4 990 MHz for use by public safety entities. Unlike Canada, where spectrum fees reflect market value, in the United States fees for non-auctioned spectrum are limited to reflect only the cost recovery for the management of the spectrum. Furthermore, the United States does not charge application or regulatory fees to public safety entities. ([see footnote 7](#)) As such, a comparison is only possible by examining the neighbouring spectrum at 3 650-3 700 MHz, where the United States charges approximately US\$200 per year to recover management costs. This is consistent with the Department's proposed minimum licence fee of \$250 for low population areas.

##### 4.2 United Kingdom

In the United Kingdom, spectrum in the range of 4 400-5 000 MHz is licensed for exclusive use by the Ministry of Defence. The military pays for the spectrum at £3,900 per one national megahertz based on administrative incentive pricing, ([see footnote 8](#)) an amount similar to what the private sector would pay. In theory, for a United Kingdom 50 MHz national spectrum licence in this band, for a population of 60 million, the military would pay £0.00325 per 50 MHz/pop, or roughly £195,000 per year. Based on an exchange rate of CAN\$2.09 per £1.00, a United Kingdom spectrum licence would cost CAN\$0.0067925 per 50 MHz/pop, whereas in Canada the proposed fee is CAN\$0.004166 per 50 MHz/pop.

##### 4.3 Australia

Spectrum in the band 4 940-4 990 MHz is licensed to the Australian Department of Defence, which pays fees to access the spectrum as part of the general Defence Bill.

More generally, state, territorial and Commonwealth public sector agencies pay spectrum licence fees comparable to those paid by commercial licensees. Only entities providing public safety services that are staffed principally by volunteers such as rural fire fighting, search and rescue, coastguard, surf life saving services and rural ambulance services are exempt from fee payment. ([see footnote 9](#))

In Australia, a national 50 MHz spectrum licence, in similar spectrum, for a population of 20.3 million, would cost approximately AUS\$100,000 per year, or AUS\$0.004926 per 50 MHz/pop. It is important to note that Australian fees do not vary as the number of licensees rises. Based on an exchange rate of CAN\$0.85 per AUS\$1.00, an Australian 50 MHz spectrum licence would cost CAN\$0.004187 per 50 MHz/pop, which is similar to the proposed fee of CAN\$0.004166 per 50 MHz/pop for this band in Canada.

#### 4.4 Canada

As outlined in the consultation announced in *Canada Gazette* notice DGTP-005-05, in establishing a value for licences in the band 4 940-4 990 MHz, the Department has considered fees charged for other frequency bands in Canada.

The Department charges annual fees for Personal Communications Service (PCS) and Cellular licences based on a fee of \$0.03512361/MHz/pop. The PCS spectrum, like the band 4 940-4 990 MHz, has a variety of uses. PCS spectrum licensees have exclusive access to the spectrum and service area indicated on their licence. This spectrum has a significant value for commercial service offerings. Applying the PCS/Cellular annual fee for a 50 MHz national spectrum licence in the band 4 940-4 990 MHz would result in a fee of \$52 million per year, per licence. However, spectrum in the band 4 940-4 990 MHz will be issued on a non-exclusive basis meaning that users will be required to share this spectrum and hence it does not have the same commercial value as the PCS/Cellular spectrum. As such, the Department believes that the fee for this spectrum should be significantly lower than the PCS/Cellular fee.

Currently the Multipoint Communications Systems (MCS) licence fee is \$0.008 per household per 6 MHz for generally exclusive access to this spectrum. MCS licensees are limited to fixed applications, whereas the 4 940-4 990 MHz licensees will be permitted greater flexibility. The annual fee for an MCS 50 MHz national licence would cost \$676,000.

Local Multipoint Communications Systems (LMCS) spectrum licences were awarded through a comparative review process in 1996. The annual fees established at that time were \$0.50 per household for 500 MHz, which would result in a licence fee of \$520,000 if applied to a 50 MHz national licence. Similar to MCS, these licensees are restricted to fixed services and generally have exclusive access to the spectrum.

More recently, the Department made spectrum available for licensing in the band 2 300 MHz for Wireless Communication Services (WCS) and the band 3 500 MHz for Fixed Wireless Access (FWA), through an auction process resulting in market-based fees, a good indicator of the value of similar spectrum. An analysis of the successful bids establishes that an average fee paid for these licences equates to approximately \$2.0 million for a national 50 MHz licence.

As previously stated, the proposed fee is \$0.004166 per 50 MHz for spectrum in the band

4 940-4 990 MHz, subject to a minimum fee of \$250.00. While no fee or service exists for which a direct comparison can be made, the proposed fee is significantly less than the cost of spectrum in other frequency bands due largely to the non-exclusive nature of the licensing. As such, Industry Canada believes this fee reflects fair economic rent that will encourage efficient spectrum use.

## 5. Service standards

In response to the consultation document DGTP-005-05, stakeholders concurred with the Department's proposed four-week service standard. As in the past, priority will be given to emergency services when necessary. The Department welcomes any ideas or proposals for ways to improve this service.

## 6. Submitting comments

The release of this *Canada Gazette* notice provides a further opportunity for comment on the proposed fee and follows the publication of SP 4940, *Spectrum Utilization Policy, Technical and Licensing Requirements for Broadband Public Safety in the Band 4 940-4 990 MHz* (DGTP-005-06) document.

Stakeholders will have a period of 30 days following the publication of this licence fee proposal to bring any concerns, suggestions or proposals with regard to the proposed fee, and the related service standards, to the attention of the Department. Respondents are requested to submit their comments electronically to the attention of the Department, no later than 30 days following the publication date of this notice, to [spectrum\\_pubs@ic.gc.ca](mailto:spectrum_pubs@ic.gc.ca).

Written submissions should be addressed to the Manager, Emerging Networks, Radiocommunications and Broadcasting Regulatory Branch, 300 Slater Street, 15th Floor, Ottawa, Ontario K1A 0C8.

All submissions should cite the *Canada Gazette*, Part I, publication date, the title, and the notice reference number (DGRB-002-06).

## Obtaining copies

Copies of this notice and documents referred to herein are available electronically on the Spectrum Management and Telecommunications Web site at <http://strategis.gc.ca/spectrum>.

Official versions of *Canada Gazette* notices can be viewed on the *Canada Gazette* Web site at <http://canadagazette.gc.ca/publication-e.html>. Printed copies of the notices can be ordered by calling the sales counter of Canadian Government Publishing at 613-941-5995 or 1-800-635-7943.

October 13, 2006

JAN SKORA  
*Director General*

**DEPARTMENT OF INDUSTRY**

## TELECOMMUNICATIONS ACT

*Notice No. DGTP-010-2006 — Petition to the Governor in Council*

Notice is hereby given that a petition from Federally Regulated Employers — Transportation and Communications (FETCO) has been received by the Governor in Council (GIC) under section 12 of the *Telecommunications Act* with respect to the following decision issued by the Canadian Radio-television and Telecommunications Commission (CRTC): Telecom Decision CRTC 2006-27, *Aliant Telecom Inc. — Application to exclude certain quality of service results from the retail quality of service rate adjustment plan*. In Telecom Decision CRTC 2006-27, the CRTC decided that Aliant would be partially responsible for degraded telephone service quality during a 2004 strike on the basis that the work stoppage was not an event beyond the control of the company.

The petitioners request that the GIC vary the decision to exclude the quality of service results for the strike-related period from the calculation of any retail rate adjustment plan. The request is based on several reasons set out in the petition, including the submission that by attributing "fault" for a work stoppage to the employer, the CRTC's decision will adversely impact on established labour relations practices.

Submissions regarding this petition should be filed within 30 days of the *Canada Gazette* publication date. They should be addressed to the Clerk of the Privy Council and Secretary to the Cabinet, Langevin Block, 80 Wellington Street, Ottawa, Ontario K1A 0A3.

A copy of all submissions should also be sent to the Director General, Telecommunications Policy Branch, preferably in electronic format (WordPerfect, Microsoft Word, Adobe PDF or ASCII TXT) to the following email address: [telecom@ic.gc.ca](mailto:telecom@ic.gc.ca). Written copies can be sent to the Director General, Telecommunications Policy Branch, 300 Slater Street, 16th Floor, Ottawa, Ontario K1A 0C8.

All submissions should cite the *Canada Gazette* publication date, title, and notice reference number (DGTP-010-2006).

**Obtaining copies**

Copies of all relevant petitions and submissions received in response may be obtained electronically on the Spectrum Management and Telecommunications Web site at <http://strategis.gc.ca/spectrum> under "Gazette Notices and Petitions." It is the responsibility of interested parties to check the public record from time to time to keep abreast of submissions received.

Official printed copies of *Canada Gazette* notices can be obtained from the *Canada Gazette* Web site at <http://canadagazette.gc.ca> or by calling the sales counter of Canadian Government Publishing at 613-941-5995 or 1-800-635-7943.

October 4, 2006

LEONARD ST-AUBIN  
*Acting Director General  
Telecommunications Policy*

[42-1-o]

## DEPARTMENT OF INDUSTRY

### TELECOMMUNICATIONS ACT

*Notice No. SMSE-009-06 — CS-03, Parts I and VII, Issue 9, Amendment 3*

Notice is hereby given that Industry Canada is releasing Amendment 3 to Issue 9 of Compliance Specification 03 (CS-03), Parts I and VII. These amendments include the following changes:

#### Changes to CS-03, Part I

- Modification to the overall sequence of equipment testing;
- Removal of the technical specifications for the metallic channel interface;
- Removal of the technical specifications for the electronic business set interface;
- Requirement added to the transition to the off-hook state;
- Addition of hazardous voltage limitations for local area data channel (LADC) interfaces;
- Addition of telephone line surge — Type B;
- Addition of DC conditions to off-premises stations (OPS) lines;
- Addition of call duration requirements and test methods;
- Addition of OPS interface for PBX with DID — ring trip requirements;
- Addition of requirements for manual programming of memory dialling numbers;
- Modifications to Table A; and
- Removal of Tables B and C for TE intended for connection to metallic channels and electronic business set interface.

#### Changes to CS-03, Part VII

- Modifications to Table A;
- Modification to the overall sequence of equipment testing;
- Addition of equivalent PSD for maximum output for digital substrate TE; and
- Addition of limitations on terminal equipment connected to PSDS.

Amendment 3 to Issue 9 of CS-03, Parts I and VII, will come into effect upon publication of this notice.



Interested parties should submit their comments within 75 days of the date of publication of this notice. Shortly after the close of the comment period, all comments received will be posted on Industry Canada's Spectrum Management and Telecommunications Web site at <http://strategis.gc.ca/spectrum>.

#### Submitting comments

Respondents are requested to provide their comments in electronic format (WordPerfect, Microsoft Word, Adobe PDF or ASCII TXT) along with a note specifying the software, version number and operating system used to the following email address: [telecom.reg@ic.gc.ca](mailto:telecom.reg@ic.gc.ca).

Written submissions should be addressed to the Chairman of the Terminal Attachment Program Advisory Committee (TAPAC), Industry Canada, 300 Slater Street, Ottawa, Ontario K1A 0C8.

All submissions should cite the *Canada Gazette*, Part I, the publication date, the title, and the notice reference number (SMSE-009-06).

#### Obtaining copies

Copies of this notice and of the document referred to are available electronically on the Spectrum Management and Telecommunications Web site at <http://strategis.gc.ca/spectrum>.

Official versions of *Canada Gazette* notices can be viewed on the *Canada Gazette* Web site at <http://canadagazette.gc.ca/publication-e.html>. Printed copies of the notices can be ordered by calling the sales counter of Canadian Government Publishing at 613-941-5995 or 1-800-635-7943.

October 6, 2006

R. W. MCCAUGHERN  
*Director General*  
*Spectrum Engineering Branch*

[42-1-o]

## **NOTICE OF VACANCIES**

### FIRST NATIONS FINANCIAL MANAGEMENT BOARD

#### *Directors (part-time positions)*

The First Nations Financial Management Board (FMB) is a newly established shared governance corporation created as a centre of excellence for First Nations financial management and accountability to advance First Nations economic development. The Board facilitates First Nations access to long-term borrowing by providing financial

management advisory, monitoring, review, certification and audit services, and intervention, when required. The Board plays an important role in assisting First Nations to establish and maintain effective and efficient financial management systems and performance, and provides advice and guidance on their fiscal and financial dealings with other governments and financial institutions.

The head office of the FMB is located on the reserve lands of the Squamish First Nation in the province of British Columbia. In order to establish FMB and provide the oversight and guidance to enable the Board to fulfill its mission and provide strong corporate governance, the Government of Canada and the FMB are seeking men and women, from across Canada, including members of First Nations, who are committed to the strengthening of First Nations financial management and who possess the necessary professional and business skills, experience and/or capacity to enable the Board to fulfill its mandate.

Successful candidates must possess a degree from a recognized university in a relevant field of study or a combination of equivalent education, job-related training and experience. A minimum of five years experience in dealing with financial management issues acquired through active participation in organizations at the local, regional or national levels, preferably in First Nations governments is required. A minimum of three years experience in participating in a decision making body dealing with financial management matters at the policy and/or operational levels is necessary. Furthermore, a minimum of three years experience dealing with the financial, legal and economic issues associated with business development, borrowing, debt financing or capital markets also is necessary. Directors must have previous experience in representing the interests and concerns of a community of interest in a decision making body.

In order to achieve FMB's objectives and carry out its mandate, Directors must have sound understanding of the legislation related to the establishment of the First Nations Fiscal and Statistical Institutions and of the diversity of First Nation governments, associations, socio-economic conditions and cultural values. Additionally, knowledge of the objectives, principles and practices of economic and social development in First Nations is essential in order to lead the setting of the Board's priorities. Solid knowledge of the principles and practices of financial management, borrowing and debt financing in the private and/or public sectors is required.

Directors must possess solid knowledge of First Nation real property taxation, land tenure or land planning, and development or leasing, in addition to good management practices in finance, human resources and corporate service functions within a public sector environment.

The ability to analyse, interpret and make decisions on large volumes of complex and conflicting information across a broad range of disciplines and bodies of knowledge is required. Qualified candidates must possess the ability to assess and provide advice and guidance with respect to a number of socio-economic variables to arrive at decisions that are financially prudent and supportive of First Nation financial management capacity. High ethical standards, integrity and sound interpersonal skills are necessary. Directors must have the ability to handle differences of opinion in an open, respectful and constructive manner, as well as the ability to communicate effectively, both orally and in writing.

Proficiency in both official languages would be an asset.

Directors must be prepared to travel frequently throughout Canada.

The Government is committed to ensuring that its appointments are representative of Canada's regions and official languages, as well as of women, Aboriginal peoples, disabled persons and visible minorities.

The selected candidate will be subject to the principles set out in Part I of the *Conflict of Interest and Post-Employment Code for Public Office Holders*. To obtain copies of the Code, visit the Office of the Ethics Commissioner's Web site at [www.parl.gc.ca/oec/en/public\\_office\\_holders/conflict\\_of\\_interest/](http://www.parl.gc.ca/oec/en/public_office_holders/conflict_of_interest/).

This notice has been placed in the *Canada Gazette* to assist the Governor in Council in identifying qualified candidates for this position. It is not, however, intended to be the sole means of recruitment. Applications forwarded through the Internet will not be considered for reasons of confidentiality.

Interested candidates should forward their curriculum vitae by November 24, 2006, to the First Nations Financial Management Board Appointment, Office of the Minister of Indian Affairs and Northern Development, 10 Wellington Street, 21st Floor, Gatineau, Quebec K1A 0H4.

Additional information can be found on the First Nations Fiscal Initiative Web site at [www.fnfi.ca](http://www.fnfi.ca).

Bilingual notices of vacancies will be produced in an alternative format (audio cassette, diskette, braille, large print, etc.) upon request. For further information, please contact Canadian Government Publishing, Public Works and Government Services Canada, Ottawa, Canada K1A 0S5, 613-941-5995 or 1-800-635-7943.

[42-1-o]

## **NOTICE OF VACANCIES**

### **FIRST NATIONS STATISTICAL INSTITUTE**

#### *Chairperson and Directors (part-time positions)*

The First Nations Statistical Institute (FNSI) is a newly created federal Crown corporation established to define, develop and implement strategies, approaches, methodologies and programs for the gathering, analysis, dissemination and publication of current and relevant statistical information for use by a broad range of stakeholders that include First Nations peoples, communities, governments and organizations, provincial and territorial governments and the general public. The head office of FNSI is to be located on the reserve lands of the Nipissing First Nation in the province of Ontario.

In order to establish FNSI and provide the oversight and guidance to enable the Institute to fulfill its mission and provide strong corporate governance, the Government of Canada and FNSI are seeking men and women, from across Canada, including members of First

Nations, representing a broad range of professional and business skills who are knowledgeable of the opportunities and challenges facing First Nations in strengthening their economic and social development.

#### Chairperson (part-time position)

The Chairperson is primarily responsible for the effective operations of the Board. Working closely with the Chief Statistician, the Chairperson is responsible for leading the Board's overall stewardship of the Institute's resources, providing for FNSI's long-term interests, safeguarding the Institute's assets and being prudent and professional in fulfilling the required duties.

The qualified candidate must possess a degree from a recognized university in a relevant field of study or a combination of relevant education, job-related training and experience. A minimum of ten years of leadership experience acquired through holding progressively senior positions in regional and national levels in First Nation governments or organizations is required. In addition, experience as a member of a board or decision-making body, preferably as a chairperson, is necessary. The successful candidate will possess previous experience in dealing with government, preferably with senior government, as well as experience in leading organizations through start-up, mergers or other major transition phases. The Chairperson must possess previous experience in creating partnerships, working collaboratively with First Nations, First Nation organizations, boards, committees, councils and other bodies.

In order to achieve FNSI's objectives and carry out its mandate, the Chairperson must possess in-depth understanding of the legislation related to the establishment of the First Nations Fiscal and Statistical Institutions and the diversity of First Nation governments, associations, socio-economic conditions and traditional First Nation cultural values. Furthermore, in-depth understanding of the objectives, principles and practices of economic and social development in First Nations is necessary. Sound understanding of the policies, practices, processes, governance structure, and operations of an oversight board of directors of a Crown corporation, as well as knowledge of a broad range of management practices, including risk management, financial management and human resource management, are essential. Sound understanding of the policies and practices prevalent in the federal public service with respect to the privacy, confidentiality and access to statistical information would be preferred.

The Chairperson will possess excellent leadership, managerial and motivational skills. The ability to frame issues within their broader context and appropriate to the needs of the directors, anticipate emerging issues and develop strategies to enable the Board to seize the opportunities or solve problems is essential. The qualified candidate will possess high ethical standards, integrity and superior interpersonal skills, as well as the ability to develop effective working relationships and trust with the Minister and Minister's Office, the Deputy Minister and the Crown corporation's partners and stakeholders, and act as an effective liaison between the Minister and the Crown corporation. The ability to build consensus among independent thinkers and to lead discussions of complex matters to a conclusion in the context of Board meetings, as well as the ability to communicate effectively, both in writing and orally, are essential.

Proficiency in both official languages would be an asset.

The Chairperson must be prepared to travel frequently throughout Canada. Given the mandate of the organization and the important role it will play in relation to First Nations, preference will be given to a member of a First Nation in filling this position.

#### Directors (part-time positions)

Directors must possess a degree from a recognized university in a relevant field of study or a combination of equivalent education, job-related training and experience. A minimum of seven years experience participating on a board, team, committee or working group within a national, provincial, territorial, regional or local government at the policy or operational level is necessary. Directors must possess previous experience in representing the interests and concerns of a community of interest, together with experience in strategic planning and addressing multiple priorities and multiple agendas. Experience in dealing with financial, statistical or commercial policy and/or operational issues in the public or private sectors would be an asset. Furthermore, experience in creating partnerships, working collaboratively and effectively with a broad range of communities of interest in First Nations, federal, provincial, territorial or local governments or with boards, committees, councils or other similar bodies would also be an asset.

Sound understanding of the legislation related to the establishment of the First Nations Fiscal and Statistical Institutions and of the diversity of First Nation governments, associations, socio-economic conditions and cultural values, is required. Sound understanding of the objectives, principles and practices of economic and social development in First Nations in order provide advice in setting priorities is also required. Directors must possess sound interpersonal skills, high ethical standards and integrity, as well as knowledge of good management practices in finance, human resources, and corporate service functions with a public sector environment. Some understanding of the policies and practices prevalent in the federal public service with respect to privacy, confidentiality and access to statistical information would be an asset.

Directors must possess the ability to participate in discussions of the Board in an open and constructive manner, as well as the ability to analyze, interpret and make decisions on large volumes of complex and conflicting information across a broad range of disciplines and bodies of knowledge. The ability to communicate effectively, both orally and in writing, is important.

Proficiency in both official languages would be an asset.

Directors must be prepared to travel frequently throughout Canada.

The Government is committed to ensuring that its appointments are representative of Canada's regions and official languages, as well as of women, Aboriginal peoples, disabled persons and visible minorities.

The selected candidate will be subject to the principles set out in Part I of the *Conflict of Interest and Post-Employment Code for Public Office Holders*. To obtain copies of the Code, visit the Office of the Ethics Commissioner's Web site at [www.parl.gc.ca/oec/en/public\\_office\\_holders/conflict\\_of\\_interest/](http://www.parl.gc.ca/oec/en/public_office_holders/conflict_of_interest/).

This notice has been placed in the *Canada Gazette* to assist the Governor in Council in

identifying qualified candidates for this position. It is not, however, intended to be the sole means of recruitment. Applications forwarded through the Internet will not be considered for reasons of confidentiality.

Interested candidates should forward their curriculum vitae by November 24, 2006, to the First Nations Statistical Institute Appointment, Office of the Minister of Indian Affairs and Northern Development, 10 Wellington Street, 21st Floor, Gatineau, Quebec K1A 0H4.

Additional information can be found on the First Nations Fiscal Initiative Web site at [www.fnfi.ca](http://www.fnfi.ca).

Bilingual notices of vacancies will be produced in an alternative format (audio cassette, diskette, braille, large print, etc.) upon request. For further information, please contact Canadian Government Publishing, Public Works and Government Services Canada, Ottawa, Canada K1A 0S5, 613-941-5995 or 1-800-635-7943.

[42-1-o]

## **NOTICE OF VACANCIES**

### **FIRST NATIONS TAX COMMISSION**

#### *Deputy Chief Commissioner and Commissioners (part-time positions)*

The First Nations Tax Commission (FNTC) is a shared governance corporation created to foster and promote First Nation real property tax regimes that are fair, equitable and that provide maximum benefit for First Nations and their taxpayers, to effect the timely approval of First Nation local revenue laws and create standards and procedures for those laws and to resolve complaints through informal and formal means.

The office locations of the FNTC are in Kamloops, British Columbia, and in the National Capital Region.

In order to establish the FNTC and provide the leadership and guidance to enable the Commission to fulfill its mission and provide strong corporate governance, the Government of Canada and the Commission are seeking men and women from across Canada, including members of First Nations, who are committed to strengthening First Nation real property tax regimes and who possess the necessary professional and business skills, experience and/or capacity to enable the Commission to fulfill its mandate.

#### *Deputy Chief Commissioner (part-time position)*

The Deputy Chief Commissioner is primarily responsible for providing support to the Chief Commissioner in the operation of the Commission and the stewardship of the Commission's resources and will perform the duties of the Chief Commissioner when needed.

The qualified candidate must possess a degree from a recognized university in a relevant

field of study or a combination of equivalent education, job-related training and experience. A minimum of seven years, leadership experience in dealing with First Nation real property tax issues, acquired through senior positions at the regional or national levels in First Nation public or private sector environments, is required. Previous experience in leading or participating on independent decision-making bodies within First Nation organizations, or federal, provincial, territorial or local government, is necessary. The successful candidate will possess experience dealing with the financial, legal and economic issues associated with First Nation real property tax regimes, land development and debt financing. The position requires previous experience in creating partnerships, working collaboratively across organizational boundaries, and working effectively with First Nation governments or organizations, federal, provincial or territorial governments or boards, committees, councils or other like bodies. In addition, the successful candidate will have experience in policy development, priority setting, strategic planning and managing multiple priorities and multiple agendas.

To achieve the FNTC's objectives and carry out its mandate, the qualified candidate must possess a solid understanding of the legislation related to the establishment of the First Nations Financial and Statistical Institutions, as well as the objectives, principles and practices of economic development in First Nations in order to lead the setting of priorities for the Commission. The position also requires sound knowledge of the principles and practices of First Nation real property taxation to lead the development of standards for First Nation real property tax regimes, as well as sound knowledge of First Nations land tenure, land planning and development, leasing, and the interests and concerns of taxpayers on First Nation land. The qualified candidate will possess knowledge of the policies, principles and practices for the governance and management of an independent decision-making body.

The ability to engage, inspire and motivate people and to build support across the Commission and among taxpayers and First Nations is essential, as is the ability to assimilate, interpret and make decisions on large volumes of complex and conflicting information across a broad range of disciplines and bodies of knowledge. The successful candidate must have the ability to assess and provide advice and guidance with respect to a number of socio-economic variables to arrive at decisions that balance First Nation financial needs and the capacity of taxpayers to support those needs. The ability to analyse risk and develop strategies and plans to mitigate the risk identified, as well as manage differences of opinions in an open, respectful and constructive manner, is necessary. Sound judgement, high ethical standards, integrity and superior interpersonal skills are essential. The Deputy Chief Commissioner must possess the ability to communicate effectively, both in writing and orally.

Proficiency in both official languages would be an asset.

The Deputy Chief Commissioner must be prepared to travel frequently throughout Canada. Given the mandate of the organization and the important role it will play in relation to First Nations, preference will be given to a member of a First Nation in filing this position.

Commissioners (part-time positions)

Qualified candidates must possess a degree from a recognized university in a relevant field of study or a combination of equivalent education, job-related training and experience. A minimum of five years experience in dealing with First Nation real property

tax issues, as well as experience participating on independent decision-making bodies within public or private sector environments, are necessary. The position requires previous experience in dealing with financial, legal and economic issues associated with First Nation real property tax regimes, land development and debt financing, as well as experience representing the interests and concerns of a community of interest. Successful candidates will have experience in creating partnerships, working collaboratively across organizational boundaries, and working effectively with First Nation governments and organizations, or Boards, councils and other bodies.

Sound understanding of the legislation related to the establishment of the First Nations Fiscal and Statistical Institutions, as well as knowledge of the principles and practices of First Nation real property taxation in order to participate in the development of standards for First Nation real property tax regimes, are essential. The position requires sound understanding of the objectives, principles and practices of economic development in First Nations in order to participate in the setting of priorities for the Commission. The qualified candidates must possess sound knowledge of First Nation land tenure, land planning, development or leasing, and the interests and concerns of taxpayers on First Nation lands. Sound understanding of the policies, principles and practices for the governance and management of an independent decision-making body is also required.

The ability to assimilate, interpret and make decisions on a large volume of complex and conflicting information across a broad range of disciplines and bodies of knowledge is essential. The position requires the ability to assess and provide advice and guidance with respect to a number of economic variables to arrive at decisions that balance First Nation financial needs and the capacity of taxpayers to support those needs. The ability to handle differences of opinion in an open, respectful and constructive manner is essential. Qualified candidates must adhere to high ethical standards and integrity, and possess sound judgement and interpersonal skills. The ability to communicate effectively, both orally and in writing, is necessary.

Proficiency in both official languages would be an asset. Commissioners must be prepared to travel frequently throughout Canada.

The Government is committed to ensuring that its appointments are representative of Canada's regions and official languages, as well as of women, Aboriginal peoples, disabled persons and visible minorities.

The selected candidate will be subject to the principles set out in Part I of the *Conflict of Interest and Post-Employment Code for Public Office Holders*. To obtain copies of the Code, visit the Office of the Ethics Commissioner's Web site at [www.parl.gc.ca/oec/en/public\\_office\\_holders/conflict\\_of\\_interest/](http://www.parl.gc.ca/oec/en/public_office_holders/conflict_of_interest/).

This notice has been placed in the *Canada Gazette* to assist the Governor in Council in identifying qualified candidates for this position. It is not, however, intended to be the sole means of recruitment. Applications forwarded through the Internet will not be considered for reasons of confidentiality.

Interested candidates should forward their curriculum vitae by November 24, 2006, to the First Nations Tax Commission Appointment, Office of the Minister of Indian Affairs and Northern Development, 10 Wellington Street, 21st Floor, Gatineau, Quebec K1A 0H4.



Additional information can be found on the First Nations Fiscal Initiative Web site at [www.fnfi.ca](http://www.fnfi.ca).

Bilingual notices of vacancies will be produced in an alternative format (audio cassette, diskette, braille, large print, etc.) upon request. For further information, please contact Canadian Government Publishing, Public Works and Government Services Canada, Ottawa, Canada K1A 0S5, 613-941-5995 or 1-800-635-7943.

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#### [Footnote 1](#)

The *User Fees Act* received Royal Assent on March 31, 2004.

#### [Footnote 2](#)

The proposed fee discussed in DGTP-005-05 consultation document was rounded from \$0.004166 to \$0.0042. For the purpose of this fee proposal, DGRB-002-06, the proposed fee of \$0.004166 is used.

#### [Footnote 3](#)

The Department has proposed a minimum licence fee of \$250.00. This fee reflects the cost recovery of the general administrative costs for the Department to issue and renew spectrum licences in this band.

#### [Footnote 4](#)

Published in the *Canada Gazette*, Part II, Vol. 121, No. 8.

#### [Footnote 5](#)

2001 Census population data can be found on the Statistics Canada Web site at [www12.statcan.ca/english/census01/home/Index.cfm](http://www12.statcan.ca/english/census01/home/Index.cfm).

#### [Footnote 6](#)

Based on the proposed fee level of \$0.004166 per 50 MHz/pop, the minimum fee of \$250.00 would apply to spectrum authorizations for service areas of 60 000 or less, such as Charlottetown, Cornwall, Granby, Medicine Hat and Vernon.

#### [Footnote 7](#)

*Communications Act* of 1934 (amended 1996). United States of America. Section 8 [47 U.S.C. 158] Application Fee: Sub-section (d)(1).

[Footnote 8](#)

Radiocommunications Authority (United Kingdom), *Spectrum Pricing: Third Stage Update and Consultation*, paragraph 4.13, December 2000.

[Footnote 9](#)

Radiocommunications (Taxes Collection) Regulations, Regulation 5: Exemption from tax. Commonwealth of Australia.

**NOTICE:**

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.

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