

The Seismic Exploration Regulations, 1999

being

Chapter M-16.1 Reg 2 (effective December 15, 1999) as amended by the *Statutes of Saskatchewan, 2014, c.21*; by and Saskatchewan Regulations 72/2017.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-16.1 REG 2
The Mineral Resources Act, 1985

PART I
Title, Interpretation and Application

Title

- 1 These regulations may be cited as *The Seismic Exploration Regulations, 1999*.

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Mineral Resources Act, 1985*;
- (b) **“approved”** means approved by the minister;
- (c) **“Crown land”** means land vested in the Crown in right of Saskatchewan;
- (d) **“energy source”** means a source of energy or power that is used to artificially generate a seismic wave for the purpose of obtaining exploration data;
- (e) **“exploration licence”** means a valid exploration licence issued pursuant to section 6;
- (f) **“explosives permit”** means a valid explosives permit issued pursuant to section 13;
- (g) **“field operations”** means any or all of the following activities carried out for the purposes of seismic exploration:
 - (i) surveying;
 - (ii) drilling;
 - (iii) blasting;
 - (iv) operating vibrator equipment;
 - (v) recording results;
- (h) **“Form”** means a form as set out in Part II of the Appendix;
- (i) **“magazine”** means a container used for the storage of explosives that are to be used in seismic exploration;
- (j) **“notification agency”** means a department or agent of the Crown in right of Saskatchewan or of Canada, a municipality, or any other authority identified by the minister in an approval or revision of a preliminary plan pursuant to subsection 22(2) or 23(3) as an authority to be notified by the holder of the exploration licence of the licence holder’s intention to conduct seismic exploration;

- (k) **“office contact”** means the person identified as the office contact in a preliminary plan submitted pursuant to Part III;
- (l) **“program”** means a program of seismic exploration;
- (m) **“public highway”** means a public highway within the meaning of *The Highways and Transportation Act, 1997*;
- (n) **“public land”** includes all land in Saskatchewan that is:
 - (i) Crown land;
 - (ii) the property of any municipality; or
 - (iii) part of a public highway;
- (o) **“road allowance”** means land vested in the Crown in right of Saskatchewan that was at any time intended for use by the general public for the passage of vehicles, whether used for that purpose or not;
- (p) **“roadway”** means that part of a public highway designated or intended for use by vehicles;
- (q) **“seismic contractor”** means the person who conducts the field operations;
- (r) **“seismic exploration”** means the use of artificially generated seismic waves for any of the following purposes:
 - (i) searching for minerals, oil or gas;
 - (ii) defining geological formations;
 - (iii) conducting engineering studies for the purpose of obtaining geological data;
- (s) **“shot energy source”** means an explosive charge in a shot hole that is used to generate a seismic wave for the purpose of obtaining exploration data;
- (t) **“shot hole”** means a hole drilled for the purpose of detonating an explosive charge in connection with seismic exploration;
- (u) **“structure”** means a building or any other thing constructed, erected, placed or stored above or below the surface of the earth;
- (v) **“surface energy source”** means an energy source that is placed either on or above the surface of the ground and that does not involve the drilling of a shot hole;
- (w) **“survey monument”** means a stake, post, pin, mound, rock or other material marking the corner of a quarter section, a section, or a triangulation point, and includes a monument within the meaning of *The Land Surveys Act, 2000*;
- (x) **“Table”** means a table as set out in Part I of the Appendix.

24 Dec 99 cM-16.1 Reg 2 s2; 7 Jly 2017 SR
72/2017 s3.

Application

- 3 These regulations apply to all seismic exploration in Saskatchewan.

24 Dec 99 cM-16.1 Reg 2 s3.

PART II
Exploration Licences and Explosives Permits

Exploration licence required

- 4** No person shall conduct seismic exploration unless that person:
- (a) holds an exploration licence; or
 - (b) is under the direct supervision and control of a person who holds an exploration licence.

24 Dec 99 cM-16.1 Reg 2 s4.

Application for exploration licence

- 5** Every person who wishes to obtain an exploration licence must apply to the minister on an approved form.

7 Jly 2017 SR 72/2017 s4.

Issuance of exploration licence

- 6(1)** On receipt of an application pursuant to section 5, the minister may:
- (a) issue the exploration licence and assign a number to the exploration licence; or
 - (b) refuse to issue the exploration licence.
- (2) Before issuing or refusing to issue an exploration licence, the minister may request any additional information that the minister considers necessary to consider the application.

24 Dec 99 cM-16.1 Reg 2 s6; 7 Jly 2017 SR
72/2017 s5.

Expiry date of exploration licence

- 7** An exploration licence is effective from the date it is issued and expires five years from that date.

24 Dec 99 cM-16.1 Reg 2 s7.

Transfer of exploration licence

- 8(1)** Subject to subsection (2), an exploration licence is not transferable.
- (2) An exploration licence may be transferred to another person if:
- (a) before the transfer, a corporation held the exploration licence;
 - (b) either:
 - (i) the corporation mentioned in clause (a) amalgamates with one or more corporations to form a new corporation; or
 - (ii) all or substantially all of the undertakings, property and assets of the corporation mentioned in clause (a) become vested in any other person; and
 - (c) the minister provides written consent to the transfer.

24 Dec 99 cM-16.1 Reg 2 s8.

General duties of holder of exploration licence

9(1) No holder of an exploration licence shall permit any person to handle, load or detonate explosives in connection with a seismic exploration unless that person meets the requirements set out in section 10.

(2) Every holder of an exploration licence shall take all necessary precautions to ensure that no structure is damaged by the detonation of explosives in connection with a seismic exploration.

24 Dec 99 cM-16.1 Reg 2 s9.

Explosives permit required

10(1) No person shall handle, load or detonate explosives in any seismic exploration unless that person:

(a) holds:

(i) a valid explosives permit issued pursuant to these regulations or a valid permit issued pursuant to *The Sedimentary Basin Geophysical Regulations, 1985*;

(ii) a valid St. John's Ambulance Standard Certificate of First Aid or a valid certificate from an equivalent first aid course established pursuant to Part V of *The Occupational Health and Safety Regulations, 1996*; and

(iii) subject to subsection (2), a valid certificate from an institution where that person successfully completed an approved training course in the handling, loading and detonation of explosives; or

(b) is under the direct supervision and control of a person who meets the requirements mentioned in clause (a).

(2) A person is not required to meet the requirement set out in subclause (1)(a)(iii) in order to handle, load or detonate explosives in any seismic exploration if that person:

(a) holds a valid permit issued pursuant to *The Sedimentary Basin Geophysical Regulations, 1985*; or

(b) in obtaining an explosives permit pursuant these regulations, met the eligibility requirement set out in subclause 12(1)(b)(i).

24 Dec 99 cM-16.1 Reg 2 s10.

Application for explosives permit

11 Every person who wishes to obtain an explosives permit must:

(a) meet the eligibility requirements of section 12; and

(b) apply to the minister on an approved form;

(c) Repealed. 7 Jly 2017 SR 72/2017 s6.

24 Dec 99 cM-16.1 Reg 2 s11; 7 Jly 2017 SR 72/2017 s6.

Eligibility for explosives permit

12(1) To be eligible to apply for an explosives permit, a person must:

- (a) hold either:
 - (i) a valid St. John's Ambulance Standard Certificate of First Aid; or
 - (ii) a valid certificate from an equivalent first aid course established pursuant to Part V of *The Occupational Health and Safety Regulations, 1996*; and
- (b) either:
 - (i) within the five-year period preceding the application, have held a permit issued pursuant to *The Sedimentary Basin Geophysical Regulations, 1985* that was neither cancelled nor suspended; or
 - (ii) meet the following requirements:
 - (A) be 18 years of age or more;
 - (B) have at least six months' experience in the handling, loading and detonation of explosives; and
 - (C) have successfully completed an approved training course in the handling, loading and detonation of explosives and hold a valid certificate from the institution where the training course was completed.

(2) Any explosives permit issued to a person who does not meet the eligibility requirements of this section is void.

24 Dec 99 cM-16.1 Reg 2 s12.

Issuance of explosives permit

13(1) On receipt of an application pursuant to section 11, the minister may:

- (a) issue the explosives permit; or
- (b) refuse to issue the explosives permit.

(2) Before issuing or refusing to issue an explosives permit, the minister may request any additional information that the minister considers necessary to consider the application.

24 Dec 99 cM-16.1 Reg 2 s13; 7 Jly 2017 SR
72/2017 s7.

Expiry date of explosives permit

14 An explosives permit is effective from the date it is issued and expires five years from that date.

24 Dec 99 cM-16.1 Reg 2 s14.

Explosives permit not transferable

15 An explosives permit is not transferable.

24 Dec 99 cM-16.1 Reg 2 s15.

General duties of holder of explosives permit

16 The holder of an explosives permit is responsible for the safety of all persons in the vicinity of or engaged in the handling, loading or detonation of explosives.

24 Dec 99 cM-16.1 Reg 2 s16.

Terms and conditions on licences and permits

17(1) At the time the minister issues an exploration licence or an explosives permit, the minister may impose any terms and conditions on the licence or the permit that the minister considers necessary or appropriate.

(2) The terms and conditions mentioned in subsection (1) may include any of the following requirements:

- (a) special training;
- (b) bonding;
- (c) reporting;
- (d) special inspections;
- (e) approvals to cross pipelines or to use rights of way.

(3) Subject to section 19, at any time after an exploration licence or an explosives permit is issued, the minister may do all or any of the following:

- (a) amend, modify or vary terms and conditions imposed on the licence or permit;
- (b) impose new terms and conditions on the licence or permit;
- (c) repeal terms and conditions on the licence or permit and impose new terms and conditions in their place.

(4) No holder of an exploration licence or an explosives permit shall fail to comply with any term or condition imposed on the exploration licence or the explosives permit.

24 Dec 99 cM-16.1 Reg 2 s17.

Suspension or cancellation

18 Subject to section 19, the minister may amend, suspend or cancel an exploration licence or an explosives permit where, in the opinion of the minister, the holder of the exploration licence or the explosives permit:

- (a) has failed to comply with these regulations or a term or condition of the exploration licence or the explosives permit;
- (b) has acted in a manner that endangered the lives or property of the field staff or the public; or
- (c) has provided false or misleading information to the minister in the holder's application or at any other time.

24 Dec 99 cM-16.1 Reg 2 s18.

Opportunity to be heard

19(1) The minister shall not amend, suspend or cancel an exploration licence or an explosives permit or amend, vary or modify terms or conditions or impose new terms or conditions on an exploration licence or an explosives permit without giving the holder of the licence or permit an opportunity to be heard.

(2) Notwithstanding subsection (1), if the minister considers that it is necessary to do so to protect the public interest, the minister may immediately amend, suspend or cancel an exploration licence or an explosives permit or amend, vary or modify terms or conditions or impose new terms or conditions on an exploration licence or an explosives permit without giving the holder of the licence or permit an opportunity to be heard, but shall give the holder of the licence or permit an opportunity to be heard within 15 days after the date on which the minister takes any of those actions.

24 Dec 99 cM-16.1 Reg 2 s19.

PART III**Preliminary Plans, Reports and Notices****Preliminary plan required**

20(1) No holder of an exploration licence shall commence field operations before the minister has approved a preliminary plan of the program submitted by the licence holder in accordance with this Part.

(2) Every holder of an exploration licence who wishes to conduct seismic exploration shall submit a preliminary plan of the program to the minister, in duplicate:

- (a) at least two weeks before commencing field operations; or
- (b) within any shorter period that the minister may allow.

(3) A preliminary plan must be in the form and contain the information prescribed by Form A.

(4) If a holder of an exploration licence intends to conduct seismic exploration for more than one client in the proposed survey location, the holder of the exploration licence must submit, with the preliminary plan, a separate map for each client indicating the work to be done for that client.

24 Dec 99 cM-16.1 Reg 2 s20.

Office contact required

21(1) The holder of the exploration licence submitting the preliminary plan must identify in the plan the name and telephone number of the licence holder's office contact.

(2) Where the holder of the exploration licence submitting the preliminary plan is not the seismic contractor, and where the seismic contractor is not known at the time the preliminary plan is submitted, before the seismic contractor commences field operations, the licence holder who submitted the preliminary plan must provide written notification of the seismic contractor's name, exploration licence number and office contact:

- (a) to the minister; and
- (b) to the office of each municipality in which the seismic exploration is being undertaken.

- (3) The office contact of a seismic contractor must be a person who can provide the following information with respect to the field staff conducting the field operations:
- (a) the name of the person in the field staff responsible for the safe conduct of the field operations;
 - (b) how to contact the field staff;
 - (c) the name of the holder of the explosives permit and number of the explosives permit;
 - (d) the location of the field staff.
- (4) No seismic contractor shall fail to provide the minister with the information set out in subsection (3) within 24 hours after being requested to do so by the minister.

24 Dec 99 cM-16.1 Reg 2 s21.

Approval of preliminary plan

- 22(1)** On receipt of a preliminary plan that complies with this Part, the minister may:
- (a) issue an approval of the preliminary plan;
 - (b) refuse to issue an approval of the preliminary plan; or
 - (c) require the holder of the exploration licence who submitted the preliminary plan to make any revisions that the minister considers appropriate.
- (2) As a condition of issuing an approval of a preliminary plan, the minister may require the holder of the exploration licence, before commencing field operations:
- (a) to notify the authorities identified in the approval of the licence holder's intention to conduct seismic exploration; and
 - (b) to provide written notification of the seismic contractor's name, exploration licence number and office contact in accordance with subsection 21(2).

24 Dec 99 cM-16.1 Reg 2 s22.

Revisions to preliminary plan

- 23(1)** If directed to do so by the minister, a holder of an exploration licence must submit:
- (a) written revisions to a preliminary plan; and
 - (b) a 1:50,000 scale map showing the revisions.
- (2) If a holder of an exploration licence makes revisions to a preliminary plan after it is submitted to the minister and without being directed by the minister to make those revisions, the holder of the exploration licence must immediately submit to the minister for approval the items mentioned in clauses (1)(a) and (b).
- (3) On the revision of a preliminary plan, if directed to do so by the minister, the holder of the exploration licence shall notify the authorities identified by the minister of the licence holder's intention to conduct seismic exploration before commencing field operations or continuing field operations, as the case may be.

24 Dec 99 cM-16.1 Reg 2 s23.

Cancellation of program

24 Every holder of an exploration licence shall immediately provide written notification to the minister and to the office of each municipality in which the seismic exploration was, or was to be, undertaken if the program for seismic exploration, for which a preliminary plan has been approved, is being cancelled.

24 Dec 99 cM-16.1 Reg 2 s24.

Expiry of approvals

25(1) Subject to subsection (2), a preliminary plan that is approved pursuant to this Part ceases to be valid on January 1 of the year following the year in which it was approved.

(2) If, pursuant to a preliminary plan, field operations are started in the year in which the preliminary plan is approved but are not completed in that year, the preliminary plan remains valid until the field operations are completed in the following year.

24 Dec 99 cM-16.1 Reg 2 s25.

Notification of exploration required

26 Before commencing field operations pursuant to the authority of an exploration licence, the holder of the exploration licence must submit:

- (a) to the office of each notification agency identified in the approval of the preliminary plan:
 - (i) a notice of intent to conduct seismic exploration on an approved form; and
 - (ii) a copy of the map or maps accompanying the approved preliminary plan; and
- (b) to the minister a copy of the notice of intent sent to each notification agency in accordance with clause (a) and signed by the notification agency acknowledging receipt of the notice.

24 Dec 99 cM-16.1 Reg 2 s26.

Notice of completion of exploration

27 Within 72 hours after completing field operations, the holder of the exploration licence must:

- (a) submit to the office of each municipality in which the seismic exploration was undertaken a notice on an approved form of the date on which the field operations in the municipality were completed; and
- (b) submit one copy of the notice mentioned in clause (a) to the minister.

24 Dec 99 cM-16.1 Reg 2 s27.

Final reports and maps

28(1) In this section, “**observer’s report**” means any report prepared by an observer for a holder of an exploration licence in connection with field operations and that includes information:

- (a) showing shot hole co-ordinates;
- (b) identifying any shot hole in which a charge did not explode; and
- (c) identifying any unexploded charge left in a shot hole.

(2) Within 60 days after completing field operations, the holder of the exploration licence must submit to the minister a final report in the form and containing the information prescribed in Form B.

(3) If the holder of the exploration licence was conducting field operations for more than one client in the survey location covered by the preliminary plan, the holder of the exploration licence must submit a separate map for each client indicating the work done for that client.

(4) The holder of the exploration licence must retain any observer’s reports prepared in connection with the program for at least two years after completing field operations.

24 Dec 99 cM-16.1 Reg 2 s28.

Identification of vehicles

29(1) All vehicles used in field operations, except supervisory passenger vehicles, must be marked for identification as “SASK. SEISMIC EXPLORATION LICENCE NO.”, followed by the exploration licence number of the holder of the exploration licence.

(2) Letters and numbers used for identification pursuant to subsection (1) must be at least 10 centimetres high and three centimetres wide.

24 Dec 99 cM-16.1 Reg 2 s29.

PART IV

Restrictions on Seismic Exploration**Right of entry required**

30(1) In this section:

- (a) “**Indian band**” means a band within the meaning of the *Indian Act* (Canada) and includes the council of a band;
- (b) “**reserve**” means a reserve within the meaning of the *Indian Act* (Canada).

(2) No holder of an exploration licence shall conduct any seismic exploration on lands without the consent of the owner and any occupant of those lands.

(3) Subsection (2) does not apply to lands that are road allowances unless the road allowance is within a reserve, in which case the consent of the Indian band is required.

24 Dec 99 cM-16.1 Reg 2 s30.

Consent for exploration in certain areas

31 No holder of an exploration licence shall conduct any seismic exploration:

- (a) within the boundaries of an urban municipality or a hamlet unless the holder of the exploration licence has obtained the consent of the municipal authority; or
- (b) in areas of underground mining as designated by the minister unless the minister has granted approval for the exploration.

24 Dec 99 cM-16.1 Reg 2 s31.

Exploration on public land

32(1) No holder of an exploration licence shall conduct any clearing, ditching, grading or trail construction in connection with any seismic exploration on any public land, including any road allowance, without first notifying the appropriate notification agency.

(2) No holder of an exploration licence shall fail to allow the appropriate notification agency to inspect any of the operations mentioned in subsection (1).

(3) If the operations mentioned in subsection (1) are not conducted in a manner and to a standard satisfactory to the appropriate notification agency, the notification agency may direct the holder of the exploration licence who is responsible for those operations to perform the operations to the satisfaction of the notification agency.

(4) The holder of the exploration licence shall pay for any remedial work required by a notification agency pursuant to subsection (3).

24 Dec 99 cM-16.1 Reg 2 s32.

Free passage

33 No holder of an exploration licence who conducts field operations shall:

- (a) impede the free and uninterrupted passage of traffic on any public highway or roadway;
- (b) fail to provide for traffic control and protection where necessary or prescribed; or
- (c) fail to comply at all times with *The Highways and Transportation Act, 1997* and the regulations made pursuant to that Act.

24 Dec 99 cM-16.1 Reg 2 s33.

PART V**Shot Hole and Surface Energy Source Operations****Shot hole distance**

34(1) Subject to subsection (2), without the prior written approval of the owner of the structure, no holder of an exploration licence shall drill a shot hole within the minimum distance from any structure as prescribed in Table 1.

(2) No holder of an exploration licence shall drill a shot hole within the minimum distance from a high pressure oil and gas pipeline, oil or gas well, low pressure distribution line, radio transmitter or microwave tower as prescribed in Table 1.

(3) No holder of an exploration licence shall drill a shot hole within 180 metres of a water spring without the prior written approval of the owner of the land through whose property the spring flows.

24 Dec 99 cM-16.1 Reg 2 s34.

Shot holes near road allowance and roadway

35(1) No holder of an exploration licence shall drill a shot hole within one metre of the boundary of any road allowance.

(2) Shot holes must be drilled within an area on either side of a roadway that is bounded on one side by a line one metre from the boundary of the road allowance and on the other side by a line one metre from the toe of the road grade sideslope.

24 Dec 99 cM-16.1 Reg 2 s35.

Depth of charge

36 Without the prior approval of the minister, no holder of an exploration licence shall place a charge:

- (a) more than 30 metres deep; or
- (b) on or above the surface.

24 Dec 99 cM-16.1 Reg 2 s36.

Maximum size of charge

37 Without the prior written approval of the minister, no holder of an exploration licence who is engaged in seismic exploration shall use a single charge having a strength in excess of two kilograms of explosives.

24 Dec 99 cM-16.1 Reg 2 s37.

Release of gas or water

38(1) If a flow of gas or water is encountered in a shot hole, the holder of the exploration licence under whose authority the seismic exploration is conducted shall:

- (a) immediately cause drilling of the hole to cease;
- (b) cause the hole to be abandoned by plugging the porous horizons of the hole in a manner approved by the minister; and
- (c) within 72 hours after completing the seismic exploration during which the flow was encountered, notify the minister on an approved form indicating:
 - (i) the location, elevation, and depth of the hole;
 - (ii) the depth of the flowing horizon; and
 - (iii) the action taken to control the flow.

(2) The minister may grant an exemption from this section with respect to a shot hole in which a flow of water is encountered if the land owner and the holder of the exploration licence agree to convert the flowing hole to a producing water well.

24 Dec 99 cM-16.1 Reg 2 s38.

Shot hole abandonment

39(1) No holder of an exploration licence shall fail to cause each of the licence holder's shot holes to be abandoned as soon as possible and, in any event, not more than 20 days after they are drilled.

(2) Subsection (1) does not apply where the holder of the exploration licence has received the written approval of the minister to do otherwise.

(3) A shot hole must be abandoned in the manner mentioned in either clause (a) or (b):

(a) by:

(i) filling the hole with drilling mud and material obtained from the hole to a depth of 1.5 metres below the surface;

(ii) inserting to a depth of 50 centimetres below the surface:

(A) an approved metal or plastic cap;

(B) a wooden plug one metre long; or

(C) a cement plug one metre long;

(iii) pulling detonator wires tight and cutting the wires off below ground level;

(iv) filling the hole from the plug to the surface and tamping the fill material; and

(v) spreading any excess drilling mud and material obtained from the hole over the surrounding ground;

(b) by following any method approved by the minister.

(4) The ground surrounding an abandoned shot hole must be restored as nearly as is possible to its original condition.

24 Dec 99 cM-16.1 Reg 2 s39.

Unattended shot holes

40 No holder of an exploration licence shall leave a shot hole unattended unless a temporary plug is placed in the hole.

24 Dec 99 cM-16.1 Reg 2 s40.

Disturbance of set plugs

41 No holder of an exploration licence who, while engaged in seismic exploration, disturbs the plug of an abandoned shot hole by detonating an explosive charge or in any other manner shall fail to restore the plug in accordance with section 39.

24 Dec 99 cM-16.1 Reg 2 s41.

Surface energy sources

42(1) No holder of an exploration licence shall use any surface energy source of an explosive nature for seismic exploration unless it has been approved by the minister, who may impose conditions on its use.

(2) Subject to subsection (3), without the prior written approval of the owner of the structure, no holder of an exploration licence shall use a surface energy source within the minimum distance from any structure as prescribed in Table 1.

(3) No holder of an exploration licence shall use a surface energy source within the minimum distance from a high pressure oil and gas pipeline, oil or gas well, low pressure distribution line, radio transmitter or microwave tower as prescribed in Table 1.

(4) No holder of an exploration licence shall use vibrator equipment within 100 metres of a water spring, or surface explosives within 180 metres of a water spring, without the prior written approval of the owner of the land through whose property the spring flows.

(5) Every holder of an exploration licence shall ensure that the magnitude of the seismic wave of any surface energy source does not cause damage to any structure.

24 Dec 99 cM-16.1 Reg 2 s42.

PART VI**Restoration of Damaged Property****Restoration of public land**

43(1) Any holder of an exploration licence who conducts seismic exploration on public land, including any road allowance, shall, within 72 hours after completing the program, remove from the land all debris, man-made refuse, equipment and other materials remaining as a result of the seismic exploration.

(2) Any holder of an exploration licence who conducts seismic exploration on a road allowance shall cut all trees, bushes, shrubs and other young forest growth disturbed in the course of the seismic exploration in a manner so that the cuttings lie flat along the edge of the road allowance, unless otherwise directed by the appropriate notification agency.

(3) If a holder of an exploration licence fails to do any of the things mentioned in subsection (1) or (2), the minister may cause the work to be done and may recover the costs of the work in accordance with section 47.

24 Dec 99 cM-16.1 Reg 2 s43.

Damage caused to a public highway or roadway

44(1) No holder of an exploration licence engaged in seismic exploration on a public highway or roadway shall fail to do the things required by subsection (2) if the seismic exploration:

- (a) disturbs the soil of the public highway or roadway;
- (b) obstructs normal drainage to the public highway or roadway;
- (c) causes other damage to the public highway or roadway.

(2) In the circumstances mentioned in subsection (1), the holder of the exploration licence shall:

(a) immediately notify the appropriate notification agency of the location, nature and extent of the disturbance, obstruction or damage; and

(b) within 72 hours after being instructed to do so, carry out at the licence holder's own expense any repairs that the appropriate notification agency may require.

(3) If a holder of an exploration licence fails to carry out any repairs pursuant to clause (2)(b), the minister may cause the repairs to be done and may recover the costs of the repairs in accordance with section 47.

24 Dec 99 cM-16.1 Reg 2 s44.

Damage to land and structures

45(1) If damage to any land or structure is caused by the operations conducted during any seismic exploration, the holder of the exploration licence shall:

(a) immediately take all action necessary to prevent further damage;

(b) notify the owner of the land or structure of the location, nature and extent of the damage; and

(c) repair the damage at the holder's expense.

(2) If a holder of an exploration licence fails to repair any damage to Crown land or to any structure on Crown land to the satisfaction of the member of the Executive Council to whom the administration of the Crown land is assigned, the minister may cause the damage to be inspected and repaired and may recover the costs of the inspection and repair in accordance with section 47.

24 Dec 99 cM-16.1 Reg 2 s45.

Damaged survey monuments

46(1) If a holder of an exploration licence conducting seismic exploration finds any survey monument to be damaged or disturbed, he or she shall immediately report that fact to the minister.

(2) If a survey monument is destroyed, moved or damaged as a result of any seismic exploration, the holder of the exploration licence shall immediately report the destruction, movement or damage to the minister.

(3) On receipt of a report pursuant to subsection (2), the minister shall cause the damage to be inspected and the survey monument to be restored and may recover the costs of the inspection and restoration in accordance with section 47.

24 Dec 99 cM-16.1 Reg 2 s46.

Recovery of costs

47 Where the minister causes work to be done pursuant to section 43, 44, 45 or 46:

- (a) the costs of the work are a debt due and owing to the Crown in right of Saskatchewan by the holder of the exploration licence on whom the duty to do the work is imposed pursuant to these regulations and who fails to do the work; and
- (b) the Crown in right of Saskatchewan may recover the costs mentioned in clause (a) in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

24 Dec 99 cM-16.1 Reg 2 s47.

PART VII**Handling, Loading and Detonation of Explosives****Application of Part**

48 This Part applies to the handling, loading and detonation of explosives in the course of seismic exploration only.

24 Dec 99 cM-16.1 Reg 2 s48.

Older explosives first

49 No person drawing explosives from a magazine shall fail to remove and use the older explosives first.

24 Dec 99 cM-16.1 Reg 2 s49.

Smoking and other prohibited activities

50(1) No person shall smoke when handling, loading or detonating explosives.

(2) No person in the vicinity of explosives shall smoke during the period when the explosives are being handled, loaded or detonated or at any time when a magazine is open.

(3) No person shall place explosives near an open flame, fire or heated stove.

(4) No person shall warm an explosive in any manner except as specified by the manufacturer of the explosive.

24 Dec 99 cM-16.1 Reg 2 s50.

Protective headwear

51 No person engaged in the handling, loading or detonation of explosives shall fail to wear industrial protective headwear in accordance with *The Occupational Health and Safety Regulations, 1996*.

24 Dec 99 cM-16.1 Reg 2 s51.

Deteriorated explosives prohibited

- 52(1)** No person shall use an explosive unless, immediately before its use:
- (a) it is drawn from the case in which it was received from its manufacturer; and
 - (b) the case is plainly marked with the name of the manufacturer, the descriptive name of the explosive and its date of manufacture.
- (2) No person shall use an explosive that has evidence of deterioration, including:
- (a) a cartridge with evidence of damage or with a smell or substance coming from it; or
 - (b) a soft or mushy cartridge that has an oily or greasy appearance and surface texture.
- (3) An explosive that has evidence of deterioration must be promptly destroyed by approved methods.
- (4) No person shall burn explosives except by the direct order of the holder of the exploration licence.

24 Dec 99 cM-16.1 Reg 2 s52.

Priming of cartridges

- 53(1)** No person shall prime cartridges except at or near the place of use.
- (2) When a charge is primed, all other explosives at or near the shot-point must be kept inside the explosives compartment of the transporting vehicle and the compartment must be kept closed until the primed charge is detonated or otherwise rendered harmless.
- (3) No person shall prepare a second charge until the one before it is loaded to depth.
- (4) No person shall remove a shunt from the cap leg wire until the charge is in the shot hole in position to be detonated.
- (5) Every person using explosives shall slowly unravel cap leg wires while the charge is being lowered into the shot hole and shall not unravel them by throwing or dragging the explosives along the ground.

24 Dec 99 cM-16.1 Reg 2 s53.

Loading of shot holes

- 54(1)** No person using poles for the loading of shot holes shall fail to ensure that:
- (a) the poles are of wood; and
 - (b) the pole fitting is of a non-sparking material.
- (2) No person shall stand over or look directly into the open shot hole while the hole is being loaded with explosives.

24 Dec 99 cM-16.1 Reg 2 s54.

Tamping explosives

55 No person shall tamp explosives with undue force.

24 Dec 99 cM-16.1 Reg 2 s55.

Carrying explosives in pockets prohibited

56 No person shall carry detonators or explosives in the pockets of work clothing.

24 Dec 99 cM-16.1 Reg 2 s56.

Blasting near structures and inhabited areas

57(1) When conducting blasting in the vicinity of structures or inhabited areas, no holder of an explosives permit shall fail to take adequate precautions against possible injury to persons and property by:

- (a) limiting the explosive charge to an absolute minimum;
- (b) using protective mats over the shot hole;
- (c) closing the approaches and thoroughfares to the shot-point; and
- (d) taking other reasonable precautions that are required at the time or approved by the minister.

(2) No holder of an explosives permit shall fail to ensure that all persons are protected from the danger of falling or flying rocks, mud, and other debris.

24 Dec 99 cM-16.1 Reg 2 s57.

Explosives left in shot holes

58(1) No person shall leave explosives unattended in a shot hole unless that person has taken appropriate measures to prevent unauthorized detonation.

(2) If an explosive charge fails to discharge, the holder of an explosives permit shall:

- (a) immediately attempt to detonate it by another shot; or
- (b) if it is impossible or unsafe to carry out the detonation, bury the charge and any wires remaining attached to the charge in the shot hole and plug the shot hole in accordance with section 39.

(3) If a shot hole containing an unexploded charge within 4.5 metres of the surface of the land is abandoned, the holder of the explosives permit responsible for the shot hole must report the location of the shot hole to the minister within 10 days after the abandonment, giving the size and depth of the unexploded charge and the condition in which the shot hole was left.

24 Dec 99 cM-16.1 Reg 2 s58.

Exploder at shot-point

59 While at the shot-point, no holder of an explosives permit shall fail to keep the exploder under direct supervision and control at all times.

24 Dec 99 cM-16.1 Reg 2 s59.

Abandoning shot-point

60 Before abandoning a shot-point, the holder of an explosives permit shall remove or carry away all:

- (a) portions of charges that have been blown from the shot hole;
- (b) wrappings of containers used in the handling of explosives; and
- (c) other waste from the blasting.

24 Dec 99 cM-16.1 Reg 2 s60.

Testing circuits

61 A holder of an explosives permit shall not test any circuits except with a functioning device designed for that purpose.

24 Dec 99 cM-16.1 Reg 2 s61.

Breaking connections after detonation

62(1) Immediately after detonation, whether the charge has exploded or not and before anyone inspects the shot hole or the firing line, the holder of an explosives permit shall ensure that the connection between the exploder and the firing line has been broken and that the line has been short circuited.

(2) The holder of an explosives permit shall ensure that the exploder remains disconnected from the firing line until the next charge is in position to be detonated.

24 Dec 99 cM-16.1 Reg 2 s62.

Blasting near power lines

63(1) No holder of an explosives permit shall fail to comply with this section when blasting within 60 metres of a power line.

(2) The holder of the explosives permit shall use non-electric detonators when blasting within 60 metres of a power line.

(3) If a metallic shot line is used when blasting within 60 metres of a power line, the holder of the explosives permit shall ensure that the metallic shot line is of a length that will prevent contact with the power line.

24 Dec 99 cM-16.1 Reg 2 s63.

Blasting near transmitters

64(1) No person shall conduct blasting within the minimum distance from a radio transmitter or microwave tower as prescribed in Table 1.

(2) When operating with a radio transmitter on the shooting truck, the holder of the exploration licence shall ensure that the power switch of the transmitter is in the "OFF" position at all times while there are detonators outside their magazines or above the ground.

24 Dec 99 cM-16.1 Reg 2 s64.

Blasting in electrical storms prohibited

65 No person shall conduct blasting during an electrical storm.

24 Dec 99 cM-16.1 Reg 2 s65.

Anchoring of cap wires

66 No person shall anchor cap wires to a fence.

24 Dec 99 cM-16.1 Reg 2 s66.

Opening cases and cutting explosives

67(1) Cases of explosives must be opened with non-sparking tools.

(2) Explosives must be cut with non-sparking tools.

24 Dec 99 cM-16.1 Reg 2 s67.

Other provisions to prevail

68 Nothing in this Part is to be construed as superseding or authorizing the contravention of the *Explosives Act* (Canada), the regulations pursuant to that Act, the *Transportation of Dangerous Goods Act, 1992* (Canada) or the regulations pursuant to that Act.

24 Dec 99 cM-16.1 Reg 2 s68.

PART VIII Offences and Penalties

Duty of holder of exploration licence and holder of explosives permit

69(1) No holder of an exploration licence shall fail to ensure that any seismic exploration, including any explosions, being conducted under the licence holder's authority is conducted in accordance with these regulations.

(2) No holder of an explosives permit shall fail to ensure that any explosions used in connection with seismic exploration under the permit holder's authority are conducted in accordance with these regulations.

24 Dec 99 cM-16.1 Reg 2 s69.

Offence and penalty

70(1) Every person who contravenes any provision of these regulations is guilty of an offence and liable on summary conviction:

(a) in the case of an individual, to a fine not exceeding \$100 and, in the case of a continuing offence, not exceeding \$25 for each day or part of a day during which the offence continues;

(b) in the case of a corporation, a fine not exceeding \$1,000 and, in the case of a continuing offence, not exceeding \$100 for each day or part of a day during which the offence continues.

(2) If a corporation commits an offence pursuant to these regulations, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the corporation has been prosecuted or convicted.

24 Dec 99 cM-16.1 Reg 2 s70.

PART IX

Repeal, Transitional and Coming into Force

R.R.S. c.M-16.1 Reg 1 repealed

71 *The Seismic Exploration Regulations* are repealed.

24 Dec 99 cM-16.1 Reg 2 s71.

Transitional – licences, etc.

72(1) Every licence, crew certificate or permit issued pursuant to *The Sedimentary Basin Geophysical Exploration Regulations, 1985* that is not cancelled or suspended on the day before these regulations come into force is valid until the earlier of:

- (a) the date on which the licence, crew certificate or permit, as the case may be, expires; and
- (b) the date on which the licence, crew certificate or permit, as the case may be, is cancelled or suspended pursuant to these regulations.

(2) For the purposes of clause (1)(b), a crew certificate issued pursuant to *The Sedimentary Basin Geophysical Exploration Regulations, 1985* may be cancelled or suspended in the same manner as an exploration licence or an explosives permit may be cancelled or suspended pursuant to these regulations, and sections 18 and 19 of these regulations apply with respect to the crew certificate, with any necessary modification.

24 Dec 99 cM-16.1 Reg 2 s72.

Transitional – preliminary plans

73 A person who, on the day before these regulations come into force, is conducting a program of seismic exploration pursuant to a preliminary plan that has been approved by the minister pursuant to *The Sedimentary Basin Geophysical Exploration Regulations, 1985* may continue the program pursuant to that preliminary plan and must submit a final plan in accordance with these regulations.

24 Dec 99 cM-16.1 Reg 2 s73.

Coming into force

74 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

24 Dec 99 cM-16.1 Reg 2 s74.

Appendix**PART I****Tables****TABLE 1***[Sections 34, 42 and 64]***Minimum Distances to Structures in Seismic Explorations
(in Metres)**

<u>Explosives</u>	<u>Shot Hole</u>	<u>Vibrator</u>	Surface
1. Residence, barn, irrigation headworks, dam, cemetery, or a building or structure with a concrete base	180	50	180
2. Water well	180	100	180
3. Residential driveway, gateway or buried water pipeline	10	10	12
4. Survey monument, buried telephone or telecommunication line	2	2	6
5. High pressure oil or gas pipeline (measured from the centre line of the pipeline) or an oil or gas well	32	15	32
6. Low pressure distribution line (measured from the centre line of the pipeline)	3	3	3
7. Irrigation canal more than four metres wide	10	10	10
8. Fibre optic cable	50	50	50
9. Radio transmitter			
(a) for commercial AM broadcast transmitters (frequency 0.535 to 1.605 MHz)	<u>Transmitter Power (Watts)</u>		
	Up to 4,000	230	180
	5,000	260	180
	10,000	400	180
	25,000	600	180
	50,000	850	180
	100,000	1,200	180
	500,000	2,700	180

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(b) other transmitters (any power)	1,600	180	1,600
(c) guy wires (all transmitters)	100	100	100
10. Microwave tower			
guy wires	100	100	100
tower	180	180	180

In this Table, "high pressure oil or gas pipeline" means a pipeline for the transmission of oil or gas and having a peak operating pressure of 690 kilopascals or more.

TABLE 2
[Clauses 5(b) and 11(c)]

Fees

Repealed. 7 Jly 2017 SR 72/2017 s8.

PART II

Forms and Information

FORM A

[Subsection 20(3)]

Preliminary Plans

1. The holder of the exploration licence shall ensure that a preliminary plan contains the following information:
 - (a) the name of the licence holder submitting the preliminary plan;
 - (b) the licence holder's exploration licence number;
 - (c) the name and telephone number of the office contact required pursuant to section 21;
 - (d) the program name;
 - (e) the expected commencement and completion dates of the program;
 - (f) the projected number of line kilometres;
 - (g) the location of the program with references to sections, townships, ranges and meridians;
 - (h) the method of seismic exploration to be used;
 - (i) the location of, and the justification for, any shot holes:
 - (i) to be drilled in water covered areas; or
 - (ii) to be drilled at distances that are within the minimums prescribed in Table 1;
 - (j) the location of, and the justification for:
 - (i) any charge to be placed:
 - (A) more than 30 metres deep; or
 - (B) on or above the surface; and
 - (ii) any single charge to be used having a strength in excess of two kilograms of explosives.
2. The holder of the exploration licence shall submit with the preliminary plan a 1:50,000 scale map clearly indicating:
 - (a) the location of the proposed seismic exploration with references to sections, townships, ranges and meridians;
 - (b) the proposed survey lines and their line numbers;
 - (c) a map legend including the program name, the licence holder's name and the licence holder's exploration licence number;
 - (d) the location of any shot holes:
 - (i) to be drilled in water covered areas; or
 - (ii) to be drilled at distances that are within the minimums prescribed in Table 1; and

- (e) the location of:
 - (i) any charge to be placed:
 - (A) more than 30 metres deep; or
 - (B) on or above the surface; and
 - (ii) any single charge to be used having a strength in excess of two kilograms of explosives.

FORM B
[*Subsection 28(2)*]

Final Reports

1. The holder of the exploration licence shall include the following information in a final report:
 - (a) the name of the licence holder submitting the final report;
 - (b) the licence holder's exploration licence number;
 - (c) the program number assigned by the minister to the preliminary plan;
 - (d) the program name;
 - (e) the name of the client for whom the program was conducted;
 - (f) the date the program was commenced;
 - (g) the date the program was completed;
 - (h) the location of the program with references to sections, townships, ranges and meridians;
 - (i) the actual number of line kilometres for both source and receiver lines;
 - (j) the method of seismic exploration used;
 - (k) the vibrator spacing or the shot hole spacing, charge size and depth;
 - (l) the steps taken to reduce blowouts of charges placed less than three metres deep.
2. The holder of the exploration licence shall submit with the final report a 1:50,000 scale map clearly indicating:
 - (a) the location of the seismic exploration with references to sections, townships, ranges and meridians;
 - (b) the actual survey lines and their line numbers;
 - (c) a map legend including the program name, the licence holder's name, the licence holder's exploration licence number and the client's name;
 - (d) the location of any shot holes:
 - (i) drilled in water covered areas; or
 - (ii) drilled at distances that are within the minimums prescribed in Table 1; and

- (e) the location of:
 - (i) any charge placed:
 - (A) more than 30 metres deep; or
 - (B) on or above the surface; and
 - (ii) any single charge used having a strength in excess of two kilograms of explosives.
- 3.** The holder of the exploration licence shall submit with the final report one copy in tabular format showing the ground elevation and location, with reference to UTM's (universal transverse Mercators), longitude, latitude and distances in metres to section corners, of the following used in conducting the seismic exploration:
- (a) all shot holes;
 - (b) all surface energy sources;
 - (c) all recording stations;
 - (d) all unexploded shot holes.

24 Dec 99 cM-16.1 Reg 2.