



Memorandum

Date: March 2, 2021

To: Stephen J. Mills
Deputy Minister of the Executive Council Office

From: Paul Moore
Deputy Minister of Energy, Mines and Resources

Re: **Response to the Special Committee on Civil Emergency Legislation**

The Department of Energy, Mines and Resources (EMR) has completed a preliminary review of questions posed by the Special Committee on Civil Emergency Legislation in correspondence dated January 18, 2020 to Deputy Minister Paul Moore.

Our departmental response is provided to the Executive Council Office as the coordinator for responses from departments with the intent to inform a single response reflecting all departmental perspectives and feedback to the questions within the timeline requested of March 8, 2021.

The response below covers EMR's experience with the *Civil Emergency Measures Act* (CEMA) to date and actions taken under CEMA to support EMR's operations during the extended state of emergency due to the COVID-19 pandemic.

1. How was the Department of Energy, Mines and Resources hindered or helped by Yukon's *Civil Emergency Measures Act* when attempting to maintain the safety and wellness of Yukoners during an emergency?

CEMA Section 3 enabled the Minister of Energy, Mines and Resources to appoint Natural Resource Officers to act as CEMA Enforcement Officers. CEMA Enforcement Officers enforced border restrictions by conducting CEMA border check stops and community CEMA investigations and providing support for Yukon First Nations and communities.

In 2020, EMR staff dedicated over 6300 hours to enforcing measures for the health and safety of Yukoners. The resources committed to supporting CEMA activities meant a reduction in capacity to carry out compliance, monitoring and inspection activities typically carried out by EMR Natural Resource Officers.

2. Have Ministerial Orders relating to the Department of Energy, Mines and Resources been used under Yukon's Civil Emergency Measures Act, and if so, how?

Yes, EMR used CEMA Ministerial Order 2020/24 to issue two Deputy Minister Orders.

Pursuant to section 3(1) of Ministerial Order 2020/24, two Deputy Minister Directions were issued to extend regulatory timelines for Chance Oil and Gas Limited. Section 3(1) of Ministerial Order 2020/24 enables a Deputy Minister to issue an order to extend a regulatory deadline for an activity regulated by their respective Department.

The first Deputy Minister Order extended the timeline under section 30 of the *Oil and Gas Geoscience and Exploration Regulations* that requires a report respecting a geological operation within 12 months after the date of completion or termination of a geological operation. The deadline was extended from July 22, 2020 to September 25, 2020 related to a lack of resources such as laboratories for sample analysis and necessary personnel resources due to COVID-19.

The second Deputy Minister Order extended the timeline under subsection 91(5)(a) of the *Oil and Gas Drilling and Production Regulation* that requires a suspended well to be inspected every 12 months. This deadline was extended from August 31, 2020 until September 25, 2020 to accommodate delays caused by travel restrictions within Canada due to COVID-19 affecting the pace of work for the Licensee.

3. Are there any aspects of the current legislation that may have prevented the Department of Energy, Mines and Resources from reacting as it would have liked during an emergency?

CEMA is broad by design. The intended breadth of the legislation provides structural challenges in implementation within specific scenarios.

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As an example, EMR Land Management Branch identified that deferred payments on land purchase agreements continued to accrue interest during the deferral period. CEMA did not provide for a deferral of accruing interest. This consideration may be expanded to other areas or agreements involving accruing interest on a payment.

4. From the Department of Energy, Mines and Resources' perspective, are there currently any gaps in the legislation?

The Department of EMR has not identified any legislative gaps in CEMA.

5. Does the Department of Energy, Mines and Resources have any suggestions for improvements to Yukon's Civil Emergency Measures Act? Please provide details and examples.

The Department of EMR found that CEMA supported the department's ability to safely respond to the pandemic and resume operations.

I welcome any further discussion you may wish to have on these topics.

A handwritten signature in black ink that reads "Paul Moore". The signature is written in a cursive style with a long horizontal stroke at the end.

Paul Moore