

# Chapter 4.5 Completing Road Activity Details

## 4.5 Road Activity Tab

Applicants applying for an energy resource road permit must complete the road application tab in the Application Management System. The road tab is made up of three components: road overview, road details, and road land details.

This section includes an overview of road permitting, guidance regarding road planning and design, details related to road-specific application requirements and detailed instructions for completing the data fields within the road tab.

### Please Note:

This manual is written as a whole and available to industry in sections to allow permit holders to access activity chapters. It is prudent of the permit holder to review the manual in its entirety and be aware of the content in other sections of the manual.

### 4.5.1 Roads Defined

As of September 01, 2023 the Oil and Gas Road Regulation was replaced with the Energy Resource Road Regulation.

Energy resource roads are prescribed as an energy resource activity in ERAA and are defined within the Energy Resource Road Regulation (ERRR) as: .

(1) (a) A road or portion of a road that is constructed or maintained to facilitate the carrying out of a primary activity;

(b) A road or portion of a road that was constructed before June 3, 2013 [the coming into force of the Energy Resource Road Regulation] under the Land Act, the Petroleum and Natural Gas Act, or the Pipeline Act.

(2) Subsection (1) does not apply to a road that

- (a) has been deactivated, or
- (b) is required to be maintained under an enactment other than
  - (i) this regulation, and
  - (ii) an Act referred to in subsection (1) (b).

Approved energy resource applications receive a permit under Section 25 of ERAA to carry out construction and operations pertinent to the activity. The permit expires where construction activities have not started within two (2) years of permit issuance, unless a permit extension has been granted. Unless expired, the permit remains active until cancelled, suspended or declared spent, according to the provisions of ERAA.

The ERRR prescribes the rights and obligations of permit holders related to design, construction, maintenance, use and deactivation of energy resource roads.

## Road Types

Applicants must apply for a specific type of energy resource road. The appropriate road type must be selected in the road details component of the road tab in the Application Management System. Road types are defined further in the Regulator glossary and include:

- Long-term, all-weather road is a roadbed surfaced with gravel.
- Short-term, low-grade road is constructed during non-frozen ground conditions with a minimal grade and adequate drainage control. Low-grade access may be constructed during frozen ground conditions.
- Snow and/or ice road is construction and suspension activities carried out during frozen ground conditions with minimal soil disturbance.
- Existing traditional winter access is construction and suspension activities carried out during frozen ground conditions with minimal soil disturbance.

## 4.5.2 Creating a New Road Application

### New Road Application

A new energy resource road permit is required for any new road to be constructed and operated, for a non-status road to be maintained or modified by an energy resource operator, or to acquire an energy resource road permit for a road currently regulated under another statutory authority (Transfer of Jurisdiction).

Roads can be applied for individually or with other energy resource activities as part of a multi-activity project application. The system generates data input requirements for additional activities specified within the spatial data upload.

### Road Amendment

A road permit amendment is required to:

- Carry out activities not authorized by, or which are alterations to the original permit.
- Modify an ERAA permitted road, except modifications allowed under the terms of the permit or the Energy Resource Road Regulation.

### Please Note:

An ERAA road permit is required prior to carrying out maintenance activities on non-status roads. Several non-status roads can be included in one road permit application by identifying each road as a separate segment in the application. Permit holders will be required to submit a Historical submission for existing permitted roads that have not been transitioned to an ERAA road permit or have not been reconciled prior to submitting an amendment.

## Transfer of Jurisdiction (MOF/Regulator)

To apply for an ERAA road permit on an existing road authorized by MOF applicants should include the following additional attachments:

- Documentation indicating the current road tenure holders' willingness to relinquish the road in favor of an energy resource operator.
- Confirmation from MOF of willingness to close the road permit upon the Regulator's approval of an energy resource road permit.

It is the responsibility of the current road tenure holder to provide a disclosure of new information relevant to the road to the proposed energy resource operator.

The Regulator will not transfer a road permit issued by MOF to an energy resource operator; but will work with MOF to enable the issuance of an ERAA road permit.

Roads that may be the subject of a transfer of jurisdiction can be applied for as a standalone ERAA Road permit, or included as part of a multi activity ERAA application if applicable.

The Regulator will forward a copy of the ERAA road permit to MOF in order to terminate the MOF road permit. During this interim period, there may be spatial overlap of the MOF permit and ERAA permit while the digital inventory gets updated.

## Historical Submission: Road

The historical road submission is intended to define the process to transition existing permitted energy resource roads to an ERAA road permit and to collect or update missing information required for road reconciliation.

The historical road submission is selected from the create "application type" menu as "historical submission". Scenarios where a historical road submission is appropriate are:

- When an existing permitted road has not been transitioned to an ERAA road permit.
- The road information has not been reconciled.
- The road information is inaccurate or missing segment data and/or stream crossing information.

An existing permitted road must be reconciled and hold a valid ERAA road permit before the permit holder may apply to amend or modify the road.

**Please Note:**

If a permit holder wishes to submit a historical submission for a road that has been reconciled and holds a valid ERAA road permit, the applicant must provide a rationale explaining why the submission is required.

### 4.5.3 Road Planning & Design

This section provides typical planning and design requirements, guidelines and considerations when planning and designing a road for an energy resource activity application. The standards and guidelines presented here form a substantial basis for assembling an application. The Regulator reviews the road application relative to the engineering and technical information provided in the Application Management System; therefore, applicants should review this section for an indication of any application requirements or attachments required in relation to the required components.

#### Regulatory Requirements

Roads must meet the design and operational requirements outlined in the [Energy Resource Activities Act](#) (ERAA), the [Energy Resource Road Regulation](#) (ERRR), the [Pipeline Crossings Regulation](#) (PCR), and the [Environmental Protection and Management Regulation](#) (EPMR).

Part 3 of ERRR outlines requirements related to road construction, including:

- Supervision of design, construction and maintenance by a qualified person, clearing widths, bridges and culverts, record keeping requirements, hazard warnings and post-construction reporting.

The Water Sustainability Act regulates authorization to make changes in or about a stream. A federal Fisheries Act review may also be required by DFO. ERRR regulates construction of bridges and/or culverts as part of a road to facilitate a crossing. Permit holders must be aware of and abide by Canadian Standard Association and Canadian Highway Bridge design codes for bridges or culverts.

If an exemption is requested from regulatory requirements, an exemption request must be prepared at the time of application and include:

- Specific regulatory provision requiring an exemption.
- Rationale for exemption (explanation of why an exemption is required).
- Proposed plan showing mitigation strategies to avoid, reduce, or mitigate potential impacts.

If exemptions are approved prior to the application, this approval must be attached to the application.

A permit (either an ERAA road permit or an AOGA access permit) is **NOT** required if utilizing an existing road for a limited duration or one time use. This also includes well permit holders who need to access a wellsite for the purpose of abandoning the well.

In addition:

- An ERAA road permit is NOT required when:
  - An energy resource operator is not actively maintaining, or causing maintenance to be required by the use of the existing road, nor causing harm or damage to the environment with the use of the road. Exceptions to requiring a permit may also apply where roads are temporarily being maintained during winter seasons. (ie. in the case of snow plowing, a road permit may not be required, however, a Section 11 WSA authorization may be required if stream crossing are identified).
  - An energy resource operator is maintaining a road on private land that existed prior to January 27, 2011, as per Section 118.1 [ERAA](#).
- An ERAA road permit is required for:
  - **New roads** (new construction on Crown or private land)
  - An existing non-status road on Crown land that is being maintained and is being used to carry out a primary energy resource activity such as:
    - Maintenance to road grade beyond snow plowing.
    - Road being maintained and there is a permanent bridge installation or major culvert required.
    - Road being maintained for active production.
    - Road being maintained and is a 'mainline' high traffic or higher speed road that needs signage / road frequency – will need to determine/investigate responsible party prior taking action

seeking to assign.

- A road on private land that is being maintained and existed after January 27, 2011.
- An existing road that requires a [modification](#) that includes the addition of a (permanent structure) bridge and/or a [major culvert](#).
  - A temporary clearspan bridge is not considered a permanent structure; but an amendment to the Regulator would still be required as this would be considered a change to their permit.

A formal exemption can be granted under Section 28 of the ERRR by the Executive Director, Permit Adjudication or the Vice-President, Applications.

## AOGA – Temporary Access

Temporary access means a trail, shoe-fly or a means of accessing a related activity that is required during the construction of that related ERAA activity. Temporary access cannot be constructed to the standards identified within Part 3 of [ERRR](#), otherwise the applicant should be advised to apply for an ERAA road permit.

## CER Related Road Right of Way

A 'Road' applied for as an CER Related Road Right of Way, must be related to an CER project as per Section 9 of the [ERAA](#) under a specified enactment.

### Guidance

- Issuance of a permit is authorized under a specified enactment as defined in ERAA.
- Section 8 of ERAA defines the Regulator's responsibilities under specified enactments.
- The [ERRR](#) applies by policy.

## CER Ancillary – Access

Access means a trail, shoe-fly or a means of accessing a related activity that is required during the construction of the related CER activity.

### Guidance

- Ancillary access is temporary.
- Issuance of a permit is authorized under a specified enactment as defined in

ERAA.

- Section 8 of ERAA defines the Regulator's responsibilities under specified enactments.

## Guidance Requirements

In addition to this Energy Resource Activity Application Manual, roads should meet guidance recommendations in the following Regulator documents:

- [Oil and Gas Activity Operations Manual](#).
- [Environmental Protection and Management Guideline](#).

## Planning Road Rights-of-Way

Provide a rationale for the proposed right-of-way location chosen and overall details for the road including to and from locations, right-of-way length and maximum width. Proposed road rights-of-way must also be identified on the project construction plan. If there is a road nearby that can provide access, provide a rationale for why new construction is needed.

## Planning Construction Corridors

Provide an additional mapped area around the proposed road right-of-way providing for construction corridor. Construction corridors allow the flexibility to construct the road and accommodate any related activities.

## Planning for Stream Crossings

Stream crossings required for road construction can be applied for as part of a road permit application and approved under ERAA, and / or the WSA. A review under the federal Fisheries Act may also be required by DFO for any changes in or about a stream..

Stream crossing authorizations issued with a road permit are valid for the life of the road, except as otherwise limited in the permit or the Energy Resource Road Regulation.

Road modifications requiring the installation or replacement of a bridge or major culvert associated with the road require an amendment to the road permit and an



application for Changes In and About a Stream under Section 11 of the WSA and detailed in Section 4.8 of this manual.

### Planning for Borrow Pits

Borrow pits are applied for as part of an Associated Activity application as detailed in Section 4.6 of this manual.

## 4.5.4 Road Specific Considerations for a Road Activity

### Forest Service Roads

If the proposed road enters or affects a Forest Service Road right-of-way, or Ministry of Transportation and Infrastructure (MOTI) right-of-way, consent to carry out the approved activities must be obtained from the applicable agency before the project begins.

A road use permit (RUP) is required to use Forest Service Roads to carry out energy resource activities. Where a RUP is not already held, one can be obtained by submitting a RUP application via the [Natural Resource Online Services \(NROS\)](#) portal. For additional information on forest road administration, please refer to the [Guidance documents for oil and gas activities](#).

### Road Use Requirements Applicable to all Energy Resource Permit Holders

Permit holders must review and comply with ERRR:

- Part 3: outlines requirements related to road maintenance including: general and technical road maintenance, bridge maintenance, and limited maintenance related to temporary stoppage in road use.
- Part 4: outlines requirements related to streams and stream crossings.
- Part 5: sets out road use and operation provisions and requirements including: right of access, limited application of the Motor Vehicle Act to energy resource roads, speed restrictions, use and requirements related

to traffic control devices, storage and disposal, temporary closures, temporary restriction of access, removal of objects, and the use of energy resource roads maintained by a road permit holder.

- Part 6: prescribes requirements for road permit holders in relation to road deactivation.

## **Use of Energy Resource Roads Maintained by a Road Permit Holder**

Section 21 of the ERRR establishes requirements related to use, notification and contribution to maintenance costs associated with using an energy resource road maintained by a road permit holder:

- Providing Notice of Use to the road permit holder at least 14 days before the intended use will begin.

Upon receiving a notice of intended road use the road permit holder must provide to the permit holder providing the notice, an estimate of costs along with supporting data and records in relation to maintenance or any modifications necessary to accommodate the intended use of the permit holder, or to repair any damage caused by the user.