PROJECT AGREEMENT FOR THE DIRECT SHIPPING IRON ORE MINE PROJECT IN NEWFOUNDLAND AND LABRADOR AND QUÉBEC

PREAMBLE

WHEREAS the Government of Canada is committed to improving the federal environmental assessment (EA) and regulatory review processes for major resource projects to enable a more effective assessment and mitigation of potential environmental effects, while protecting the health and safety of Canadians and promoting innovation and competitiveness within the Canadian resource industry sectors;

AND WHEREAS the Government of Canada is committed to undertaking a process of early, effective and meaningful engagement and consultation with Canada's Aboriginal peoples concerning contemplated Crown conduct with respect to, among other things, major resource projects that may adversely affect established or potential Aboriginal and treaty rights under s.35 of the *Constitution Act, 1982*;

AND WHEREAS the Government of Canada has created the Major Projects Management Office (MPMO) for the purpose of overseeing and tracking the federal review and Aboriginal engagement and consultation for major resource projects;

AND WHEREAS New Millennium Capital Corporation (the Proponent) has submitted a Project Description in support of its proposal to develop an iron ore mine in western Labrador and north-eastern Québec;

AND WHEREAS the Canadian Transportation Agency (CTA) and Natural Resources Canada (NRCan) have regulatory and statutory duties in relation to the development proposal;

AND WHEREAS CTA and NRCan will conduct a screening pursuant to the *Canadian Environmental Assessment Act* (CEAA);

AND WHEREAS nothing in this Project Agreement (the Agreement) fetters the powers, statutory authorities and functions of federal departments/agencies and their respective Ministers;

AND WHEREAS the Newfoundland and Labrador (NL) Ministry of the Environment and Conservation and the Canadian Environmental Assessment Agency (CEA Agency) have agreed to coordinate the federal and provincial EAs to the extent possible;

NOW THEREFORE the signatories (the Parties) to this Agreement commit to work together to facilitate an effective, accountable, transparent, timely and predictable federal review in relation to the development proposal and to contribute to the discharging of any duty to consult with Aboriginal groups.

1.0 PURPOSE

This Agreement describes the main activities of the federal review and outlines the key roles and responsibilities of the Parties. For further clarity, the Agreement shall be read together with the Annexes, which form part of this Agreement. The federal review includes EA, regulatory review(s) and Aboriginal engagement and consultation activities.

2.0 PROJECT DESCRIPTION

The development proposal consists of a large open pit iron ore mining operation on previously explored, developed and mined iron ore deposits in Western Labrador, approximately 10 kilometres northwest of Schefferville, Québec. The proposed project would have a production capacity of 6,300 to 43,000 tonnes per day with a 3-year operating life. In addition to the mine, the proposal includes ore crushing, screening and washing facilities and other supporting infrastructure, a railcar loading station, re-establishment of a 28 kilometre (km) rail line from Schefferville to the Timmins area (NL), an explosives factory and magazine, and an electricity transmission line from Schefferville Substation to a new substation at Timmins 1, access roads and waste rock piles.

The Proponent has indicated that it may proceed with a second phase of the development proposal at a later date which includes additional iron ore deposits in Québec. Once the Proponent submits additional information to support the second phase of the proposal, a determination regarding federal EA requirements will be made at that time.

The Project for the purposes of the federal review may be different from the development proposal, as described in section 4.0.

3.0 ROLES AND RESPONSIBILITIES

Based on the information provided by the Proponent, the following federal departments and agencies have identified an interest in the Project, and will participate in the federal review as follows:

- CTA has regulatory and statutory responsibilities under the *Canada Transportation Act* (CT Act) and, pursuant to the CEAA, is a Responsible Authority (RA);

- NRCan has regulatory and statutory responsibilities under the *Explosives Act* and, pursuant to the CEAA, is an RA. NRCan may be in possession of specialist or expert information or knowledge with respect to the Project and, on request, shall make available that information or knowledge to RAs;

- Fisheries and Oceans Canada (DFO), Environment Canada (EC) and Health Canada (HC) are federal authorities (FAs) pursuant to the CEAA and may be in possession of specialist or expert information or knowledge with respect to the Project (expert FAs) and, upon request, shall make available that information or knowledge to the RAs;

- Indian and Northern Affairs Canada (INAC) has advisory responsibilities to support the Government of Canada's Aboriginal engagement and consultation activities in relation to the Project;

- The CEA Agency has administrative and advisory responsibilities pursuant to the CEAA in support of the EA. The CEA Agency will act as the EA Manager, the Crown Consultation Coordinator (CCC) for the EA in relation to the Project, and will coordinate the federal input into the provincial EA, to the extent possible;

- The MPMO has administrative and advisory responsibilities under the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and the associated Memorandum of Understanding (MOU). The MPMO will provide oversight and advice throughout the entire federal review in relation to the Project to ensure adherence to the service standards and roles and responsibilities of all Parties.

For further information regarding the roles and responsibilities of the Parties, please see applicable Annexes.

4.0 FEDERAL REVIEW PROCESS

As proposed by the RAs, the scope of the Project includes:
- Construction and operation of a railcar loading station and re-establishment of a 28km rail line from Schefferville to the Timmins area; and,
- Construction and operation of an explosives factory and magazine facility.

The RAs will be responsible for each component of the scope that meets their own areas of federal responsibility. The RAs have determined that the type of EA required is a screening.

The CEA Agency and the NL Ministry of Environment and Conservation will coordinate their respective review processes, to ensure that joint steps are undertaken wherever that can appropriately be done. Annex I shows a Gantt chart of the federal review process. Annex II shows the key milestones and service standards for the EA as well as Aboriginal engagement and consultation.

Through the EA process, RAs will confirm any regulatory decisions required in relation to the Project. If no regulatory decisions are required for a department or agency, it will end its participation in the EA as an RA, but may, upon request from an RA, continue to participate as an expert FA should it be in possession of specialist or expert information or knowledge with respect to the Project.

5.0 ABORIGINAL ENGAGEMENT AND CONSULTATION

The Parties are committed to a "Whole of Government" approach to Aboriginal engagement and consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted, and where appropriate accommodated, when the Government of Canada contemplates actions that may adversely affect established or potential Aboriginal and treaty

rights. To the extent possible, and with the CEA Agency responsible for coordination, the Parties will work together toward a coordinated approach for Aboriginal engagement and consultation that is integrated with the federal review.

As the CCC for the Project, the CEA Agency will develop and implement a single process for Aboriginal consultation for the development proposal, encompassing this review and any additional federal reviews, as appropriate.

The proposed Aboriginal engagement and consultation roles and responsibilities are identified in Annex III.

6.0 TIMELINES

The target timelines for the federal review are detailed in the Gantt chart in Annex I, and are as follows:

a) Completion of the EA – 7.5 months from the posting of the Notice of Commencement on the Canadian Environmental Assessment Registry (CEAR) to the posting of the EA Course of Action decisions;
b) If appropriate, issuance of an *Explosives Act* licence – 3 months from the EA Course of Action decisions posted on the CEAR, assuming submission of the application at the time of the EA Course of Action decision; and,
c) If appropriate, issuance of CT Act authorization – within 120 days of submission of an application to the CTA and following the EA Course of Action decision posted on the CEAR, assuming submission of the application at the time of the EA Course of Action decision.

The above timelines have been established on the basis of a number of assumptions, such as activities of participants to the review that are not signatories to this Agreement. Should events unfold in a manner that is different from what has been assumed, the timelines will necessarily be different.

The MPMO Tracker will provide for transparent and publicly accessible monitoring of the progress of the federal review.

7.0 FOLLOW-UP AND MONITORING

The RAs will work with FAs, and the Proponent, to ensure that mitigation measures related to their areas of responsibility that were identified through the EA, and any conditions attached to licences and approvals, are effectively implemented.

For those mitigation measures within federal jurisdiction that were identified through the EA but that are not related to the RAs' regulatory responsibilities, the FAs will provide assistance to ensure the mitigation measures and follow-up programs related to areas within their mandate are adhered to and effectively implemented by the Proponent.

8.0 ADMINISTRATION

Tracking Progress

The milestones, timelines and service standards set out in this Agreement, subject to any amendments, will provide the basis against which the MPMO will monitor the progress of the federal review and report on this progress in the MPMO Tracker.

The following are examples of situations where the MPMO may pause the timelines of the federal review:

a) the federal review is delayed at the request of the Proponent and/or another jurisdiction;
b) the CEA Agency and/or RAs have indicated that the Proponent is required to provide additional information necessary for the completion of the federal review, or that the information provided is insufficient;
c) the federal review cannot proceed as a result of circumstances related to Aboriginal engagement and consultation; or
d) litigation or other court action prevents the completion or continuation of the federal review.

Issues Resolution

The Parties will use their best efforts to resolve any differences of opinion in the interpretation or application of this Agreement in an effective and timely manner.

Issues relating to the federal review for the Project will be resolved through direct discussions and collaboration between the involved Parties, supported by the MPMO.

Should issues remain outstanding, they will be referred to the appropriate senior level committee established through the MPMO Initiative.

Post-Project Evaluation

The Parties will participate in an informal evaluation of the effectiveness of the federal review in relation to the Project within 90 days of the completion of the regulatory review. The level of effort and format of the evaluation will be appropriate to the scale of the issues encountered.

Amendments

The Parties may recommend to the MPMO whether a change to the federal review or to the project warrants an amendment to the Agreement. Where there is agreement that an amendment is warranted, and where such amendment is considered significant, the MPMO, on behalf of the Parties, will provide the proposed amendment to the Major Projects Deputy Ministers for consideration.

Unless otherwise determined by the MPMO in collaboration with the Parties, amendment of the Agreement shall not cause the federal review to stop with respect to any Agreement-related activities that might be ongoing at the time when the need for amendment is identified.

9.0 PROJECT AGREEMENT

The Parties hereto have signed the Project Agreement, in counterpart, on the dates indicated below.

Original Signed by _____ 19-10-09
Cassie Doyle Date
Deputy Minister
Natural Resources Canada

Original Signed by _____ 25-10-09
Peter Sylvester Date
President
Canadian Environmental Assessment Agency

Original Signed by _____ 21-10-09
Geoffrey Hare Date
Chair and Chief Executive Officer
Canadian Transportation Agency

Original Signed by _____ 26-10-09
Claire Dansereau Date
Deputy Minister
Fisheries and Oceans Canada

Original Signed by _____ 30-10-09
Ian Shugart Date
Deputy Minister
Environment Canada

Original Signed by _____ 26-10-09
Michael Wernick Date
Deputy Minister
Indian and Northern Affairs Canada

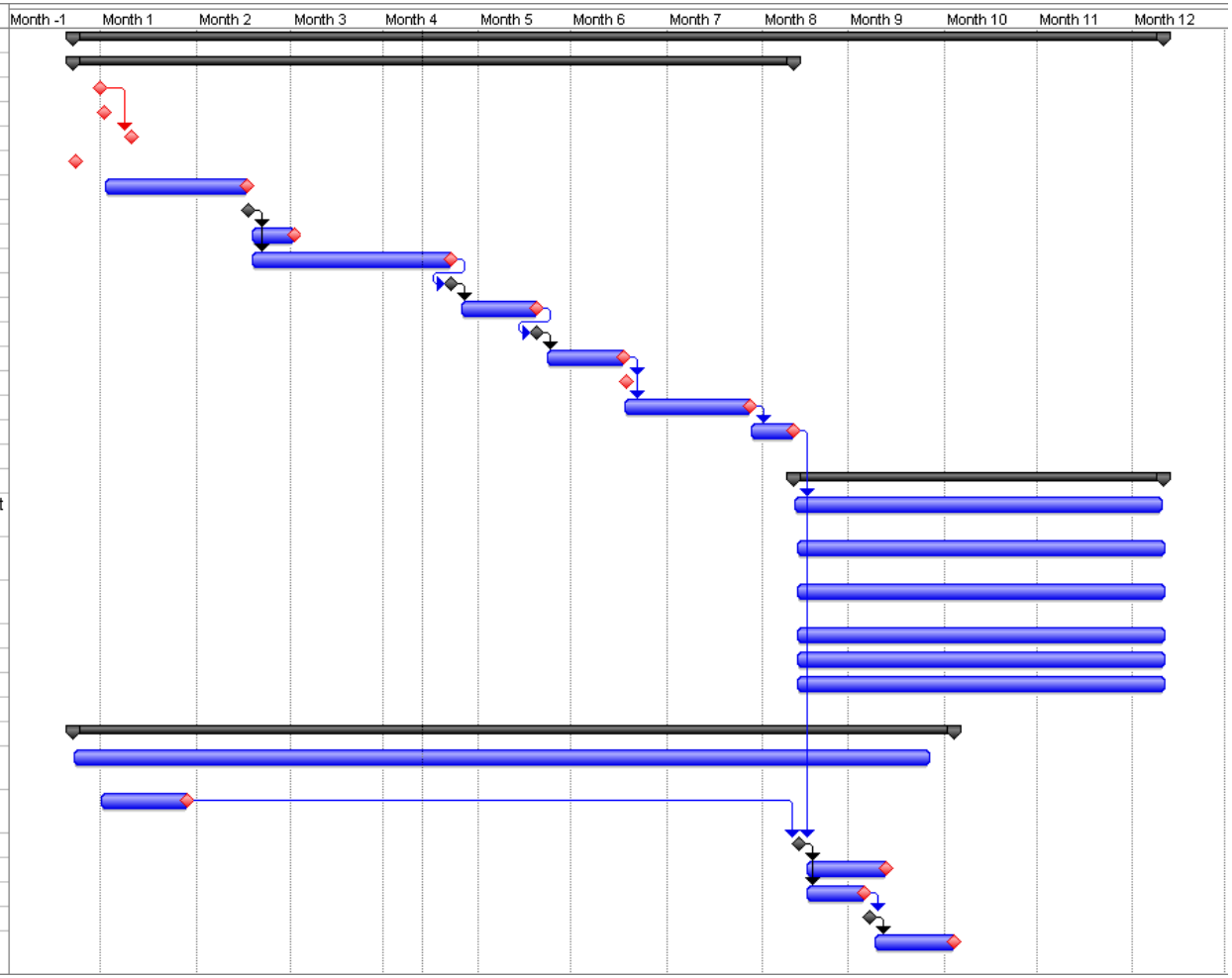
Annexes

Annex I	Gantt Chart: Target Timelines for the Federal Review of the Project
Annex II	Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Engagement and Consultation
Annex III	Aboriginal Engagement and Consultation Approach Roles and Responsibilities
Annex IV	Canadian Transportation Agency: Roles, Responsibilities, Key Milestones and Service Standards
Annex V	Natural Resources Canada: Roles, Responsibilities, Key Milestones and Service Standards
Annex VI	Other Departments and Agencies: Roles and Responsibilities

Annex I

Gantt Chart: Target Timelines for the Federal Review of the Project

ID	Task Name
1	**Direct Shipping Iron Ore Mine Project**
2	**Service Standards for EA and Aboriginal Consultation**
3	Post the Notice of Commencement on the CEAR
4	Post the Scope of the Project on the CEAR
5	Notify Aboriginal Groups that a federal EA is required
6	Provide the Scoping Document to the Proponent
7	Provide the Scoping Document to Aboriginal Groups
8	Submit the Draft EIS and Supplemental Federal Screening Information
9	Commence Aboriginal Engagement on the Draft EIS
10	Provide Comments to the Proponent on the Draft EIS
11	Submit the Revised EIS
12	Provide Comments to the Proponent on the Revised EIS
13	Submit the Final EIS
14	Prepare the Draft Screening Report
15	Commence Aboriginal Engagement on the Draft Screening Report
16	Prepare the Final Screening Report
17	Post Notice of EA Decision(s) on the CEAR
18	
19	**Regulatory Review for Canadian Transportation Agency**
20	Submission for authorization for rail construction and operation pursuant to S.98(2)
21	Proponent publishes notice of project and provides consultation period for interested parties to comment
22	CTA determines whether application information is adequate and complete and requests additional information if necessary
23	Interested parties forward comments to the CTA and to the Proponent
24	Proponent responds to comments from interested parties
25	Possible authorization pursuant to S. 98(2) of the CTA (if required)
26	
27	**Regulatory Review for Natural Resources Canada**
28	Submission of the Project Description & information on explosives factory and magazine to NRCan
29	Determination whether a Licence under the Explosives Act paragraph 7(1)(a) is required
30	Submission of an application for an Explosives Act Licence
31	Review of the application and issuance of Explosives Act Licence; OR
32	Review of application and request clarification or additional information
33	Resubmission of a complete application for an Explosives Act Licence
34	Review supplier's revised application and issuance of Explosives Act Licence



Annex II

Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Engagement and Consultation

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
Post the Notice of Commencement (NoC) on the Canadian Environmental Assessment Registry (CEAR)	NRCan	CEA Agency, RAs	Completed –August 31, 2009
Post the Scope of the Project on the CEAR	NRCan	CEA Agency, RAs, expert FAs	Completed – August 31, 2009
Notify Aboriginal Groups that a federal EA is required	CEA Agency		Completed – September 11, 2009
Provide the Scoping Document to the Proponent	CEA Agency	RAs	Completed – August 20, 2009
Provide the Scoping Document to Aboriginal Groups	CEA Agency	RAs	Completed – October 16, 2009
Submit the Draft EIS and Supplemental Federal Screening Information	Proponent	RAs	To be determined by the Proponent
Commence Aboriginal Engagement on the Draft EIS	CEA Agency	RAs, expert FAs	Within 2 weeks from the submission of the Draft EIS
Provide Comments to the Proponent on the Draft EIS	RAs	CEA Agency, expert FAs	Within 10 weeks from the submission of the Draft EIS
Submit the Revised EIS	Proponent		To be determined by the Proponent
Provide Comments to the Proponent on the Revised EIS	RAs	CEA Agency, expert FAs	Within 4 weeks from the submission of the Revised EIS
Submit the Final EIS	Proponent		To be determined by the Proponent
Prepare the Draft Screening Report (DSR)	CEA Agency, RAs	Expert FAs	Within 4 weeks from the submission of the Final EIS
Commence Aboriginal Engagement on the DSR	CEA Agency	RAs, Expert FAs	Upon finalizing the Draft Screening Report
Prepare the Final Screening Report	CEA Agency	RAs, Expert FAs	Within 6 weeks from the completion of the Draft Screening Report
Post Notice of the EA Decision(s) on the CEAR	RAs		Within 2 weeks from the completion of the Final Screening Report
Submit Applications for Federal Licences and Regulatory Approvals to NRCan and CTA	Proponent	RAs	Immediately following the EA Decision

Annex III

Aboriginal Engagement and Consultation Approach Roles and Responsibilities

1.0 Context

The Government of Canada consults with Aboriginal people for reasons of good governance, sound policy development and decision-making as well as for legal reasons. Canada has statutory, contractual and common law obligations to consult with Aboriginal groups. The common law duty to consult with Aboriginal groups applies when the Crown contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. These rights are recognized and affirmed in s.35 of the *Constitution Act, 1982.*

The Government of Canada will take a "Whole of Government" approach to Aboriginal consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted, and where appropriate accommodated, when it contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. This approach is mandated by both the *Cabinet Directive* on *Improving the Performance of the Regulatory System for Major Resource Projects* and the associated Memorandum of Understanding (MOU) (June, 2007). The *Directive* states that Parties will work together towards a coordinated approach for Aboriginal consultation that is integrated with the EA, to the extent possible. The approach for federal consultation of Aboriginal groups for major resource projects was created in accordance with *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult* (INAC/Department of Justice; February 2008).

2.0 Identifying Aboriginal Groups

The CEA Agency, in conjunction with RAs and the MPMO, will identify Aboriginal groups for engagement and will determine the appropriate level of engagement and consultation for identified groups. Aboriginal groups engaged may change over time based on information received during the course of the assessment and the feedback from Aboriginal groups, as may the level of engagement and consultation activities undertaken by the Crown.

3.0 The Federal Crown Consultation Process

The "Whole of Government" approach for Aboriginal engagement and consultation activities will be implemented throughout the entire federal review. Best efforts will be made to ensure that the timeframe for consultation activities coincides with key milestones and processes. It is important to acknowledge that timeframes for consultation activities may diverge from pre-established federal review timeframes, based on consultation requirements. Should modifications to timeframes be required due to the consultation process, revisions will be discussed by all Parties.

Where accommodation is required, the Crown, coordinated by the CEA Agency, will monitor and determine whether identified mitigation measures reasonably address concerns regarding potential adverse impacts on established or potential Aboriginal and treaty rights. The Crown may also examine the role of third parties in addressing adverse impacts on established or potential Aboriginal and treaty rights. The Crown will work with Aboriginal groups and attempt

to identify options or solutions that balance the interests of those Aboriginal groups with other societal interests.

4.0 Roles and Responsibilities of Parties

The CEA Agency will act as the Crown Consultation Coordinator (CCC) for the federal review in relation to the Project to satisfy the Crown's obligations. The role of the CCC is described below. Key Aboriginal engagement and consultation milestones are included in Annex II.

Roles and responsibilities of each Party are:

The CEA Agency will

- Act as the CCC for the federal review of the Project, coordinate and facilitate the Crown's engagement and consultation activities before and during the EA, and ensure a smooth transition to the regulatory review if required. As the CCC, the Agency will:
    - Identify and engage Aboriginal groups, in cooperation with RAs as appropriate;
    - Prepare an Aboriginal consultation work plan in collaboration with other Parties;
    - Ensure that consultation activities required for the Project are integrated with the EA process, as a means to discharge the Crown's duty to consult;
    - Ensure that a consultation process is in place for the regulatory review through the transfer of the CCC role to an RA;
    - Develop and implement a single process for Aboriginal consultation for the Proponent's development proposal, encompassing this review and any additional federal reviews, as appropriate;
    - Track and refer project specific issues raised by Aboriginal groups to the appropriate entities (e.g., RAs, the Proponent, Province, etc.);
    - Track and refer non-project specific issues (e.g. land claims, treaty rights) to appropriate entities (e.g., INAC, Province, etc.);
    - Address project specific issues in the context of the federal review;
    - Facilitate multi-party consultation activities where necessary;
    - Represent the Crown and lead Crown consultation activities, together with RAs and FAs that are requested to participate;
    - Compile and update the Record of Crown Consultation Activities (housed at MPMO) conducted during the federal review, and then transfer responsibility for managing the Record to the MPMO at the end of the review;
    - Consult on the Screening Report;
    - Evaluate the scope, nature and sufficiency of the Crown's consultation efforts, with input from the Department of Justice, INAC and RAs; and
    - Issue final letter, on behalf of the Government of Canada, to Aboriginal groups on how concerns were addressed.

The Major Projects Management Office will:

- Provide oversight to ensure the overall consistency, accountability and transparency of the Aboriginal Crown engagement and consultation effort, for the entire federal review;
- House and maintain the official Record of Crown Consultation Activities for the Project; and
- Incorporate information relating to consultation activities into the MPMO Tracker.

Responsible Authorities will:

- Participate in coordinated consultation activities throughout the entire federal review (including pre-assessment, assessment, and post–assessment phases), as appropriate/ required;
- Represent the Crown alongside the CCC, the Province, the Proponent and other Parties to address Aboriginal issues, as appropriate/required;
- Contribute to the "Whole of Government" approach by participating in consultation activities in areas relevant/appropriate to their mandates and areas of statutory and policy responsibility;
- Report on engagement and consultation activities to the CEA Agency and the MPMO in accordance with the established records-management process; and
- Support issues analysis work, where required.

Federal Authorities and Expert Departments will:

- Participate in any of the above activities upon request of the CCC and/or RAs, as appropriate.

The Department of Justice (DOJ) and Indian and Northern Affairs Canada (INAC) will:

- Provide legal services, information and advice to the CEA Agency, MPMO and RAs as appropriate and required throughout the federal review; and
- Assist in the evaluation of the scope, nature, and sufficiency of the Crown's consultation efforts.

Annex IV

Canadian Transportation Agency
Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate;
- Review and comment on the EA work plan and Aboriginal Consultation work plan;
- Review and comment on the scoping document;
- Review and comment on the EIS and participate in the analysis of comments on the EIS;
- Consult affected/potentially affected Aboriginal groups on the EIS as appropriate;
- Review and provide input into the Screening Report;
- Provide expert advice on railway associated noise and vibration issues, as determined by CTA, to ensure its EA responsibilities are met to the extent possible;
- Take a course of action decision following the Final Screening Report and application under s.98 of the *Canada Transportation Act* (CT Act);
- Provide input into the follow-up and monitoring programs relative to CTA's areas of regulatory responsibilities and areas of interest, as required; and
- Work with other RAs and FAs to ensure implementation of mitigation measures, and where appropriate, accommodation of adverse impacts on potential or established s. 35 rights, and those aspects of the follow-up program, related to CTA's areas of regulatory responsibilities and areas of interest, as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Undertake any required activities, including consulting with affected/potentially affected Aboriginal groups as appropriate, related to CTA's regulatory responsibilities under the CT Act as required, to support CTA's regulatory decisions; and
- Conduct site inspections to support its regulatory decisions, as required.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Submission for CTA authorization	The Proponent applies to the CTA for an authorization for rail construction and operation under S. 98(2) of the CT Act.	Proponent	Dependent upon the Proponent.
Publication of notice and consultation period	The Proponent publishes notice of the Project and provides consultation period for interested parties to comment.	Proponent	Simultaneously with application to the CTA.
Determination of	If any information is not filed or	CTA	To be determined

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
adequacy of application	is deficient in any way, the CTA may request additional information and advise the applicant that the application is not complete and cannot be processed until the necessary information is filed.		by the CTA.
Interested parties forward comments to the CTA and to the Proponent	A respondent may oppose an application within 30 days after receiving it, by filing with the CTA a clear and concise written answer that includes an admission or denial of any facts alleged in the application and any documents that are relevant in explaining or supporting the answer. A person who has an interest in an application other than the applicant, the respondent or an interested person, may intervene to support or oppose the application.	Interested Parties	Dependent upon Interested Parties.
Proponent responds to comments from interested parties	An applicant may, within 10 days after receiving a copy of an answer or intervention, file with the Agency and serve on the other parties to the proceeding a written reply to the answer or intervention.	Proponent	Within the period the CTA directs.
Possible authorization	Issue authorization under s.98(2) (if required). Authorization is contingent on an EA course of action decision that would allow the issuance of the authorization.		Within 120 days of submission for authorization, contingent on EA course of action decision.

Annex V

Natural Resources Canada
Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities, as appropriate;
- Review and comment on the EA work plan and Aboriginal Consultation work plan;
- Review and comment on the scoping document;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS on NRCan related issues;
- Review and provide input into the Screening Report, as required;
- Participate in the assessment as a federal authority with respect to NRCan's mandate under the *Explosives Act*, as well as with respect to specific areas of expertise including geoscience, explosives and minerals and metals science, as determined by NRCan or another RA;
- Consult with affected/potentially affected Aboriginal groups on the EIS, as appropriate;
- Take a course of action decision following the Final Screening Report and application under paragraph 7(1)(a) of the *Explosives Act*;
- Provide input into the follow-up and monitoring programs relative to NRCan's areas of regulatory responsibilities and areas of interest, as required; and
- Work with other RAs and FAs to ensure implementation of mitigation measures, and where appropriate, accommodation of adverse impacts on potential or established s.35 rights, and those aspects of the follow-up program, related to NRCan's areas of regulatory responsibilities and areas of interest, as required.

Regulatory

- Participate in meetings with other federal/provincial authorities, as appropriate;
- Undertake any required activities, including consulting with affected/potentially affected Aboriginal groups as appropriate, related to NRCan's regulatory responsibilities under the *Explosives Act,* as required, to support NRCan's regulatory decisions; and
- Conduct site inspections to support its regulatory decisions, as required.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Submission of the Project Description and information on explosives factory and magazine to NRCan	NRCan liaises with the Proponent regarding explosives factories and magazines.	Proponent	Ongoing

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Determination whether a Licence under the *Explosives Act* paragraph 7(1)(a) is required	NRCan reviews the Proponent's answers on the explosives questionnaire.	NRCan	Completed
Submission of application for an *Explosives Act* Licence	The Supplier compiles information and submits an application to NRCan for a Licence under *Explosives Act* paragraph 7(1)(a) for an explosives factory and magazine.	Explosives Supplier selected by the Proponent	Start timing. NB. The Proponent (or its contractor) may submit its application after the EA decision.
Review of the application	NRCan reviews the Proponent's application to ensure that all of the required information is included.	NRCan	If the application is complete, require 30 days to review and process application and issue the *Explosives Act* Licence. If the application is incomplete, federal clock stops.
Request clarification or additional information	If there are aspects of the application that are unclear, or if additional information is required, NRCan will request clarification or additional information from the Explosives supplier.	NRCan	Within 15 days of receipt of application.
Re-submission of a complete Application for an *Explosives Act* Licence	Explosives supplier re-submits a completed application for an *Explosives Act* Licence.	Supplier	Dependent on the Proponent.
Review supplier's revised application	NRCan continues its review of the application, which includes clarifications or additional information requested.	NRCan	Within 30 days from receipt of the revised application.
Issuance of *Explosives Act* paragraph 7(1)(a) Licence	Once a determination under the CEAA has been rendered and a Notice of Decision has been posted on the CEAR, NRCan can issue a Licence under	NRCan	Within 30 days if no additional clarification or information was required in the initial application;

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	Explosives Act paragraph 7(1)(a) for an explosives factory or magazine. Licences may include Terms and Conditions as appropriate relating to mitigation measures or follow-up requirements identified during the EA review phase of the Project.		OR Within 45 days if additional clarification or information was requested.

Annex VI

Other Departments and Agencies
Roles and Responsibilities

	ROLES / RESPONSIBILITIES
Canadian Environmental Assessment Agency	• Provide advice in regard to the CEAA*;* • Coordinate the federal input and federal Crown Consultation activities for the EA in relation to the Project; • Coordinate federal input into the provincial EAs, to the extent possible; • Coordinate intergovernmental cooperation including consultations with Aboriginal communities; • Work in cooperation with RAs and FAs, the Province and the Proponent to identify and evaluate tools such as MOUs with the Province and letters of agreement with the Proponent to ensure mitigation measures and follow-up programs are implemented; • Manage the CEAR; and • Lead and coordinate the preparation of the scoping document and the Screening Report.
DFO	Upon request from an RA, DFO as an expert FA will perform and fulfill the following roles and responsibilities: • Review and submit comments on the EA work plan and the Aboriginal Consultation work plan, as appropriate; • Participate in federal project review committee meetings for provision of relevant expertise that is available; • Provide technical, scientific and regulatory advice regarding matters related to its mandate under the *Fisheries Act* and aquatic species under the *Species at Risk Act*. Advice will be provided within timelines requested by an RA; and • Provide support to the design and implementation of the follow-up program and/or mitigation measures that arise from FA recommendations made, and as agreed to with the RAs.
EC	Upon request from an RA, EC as an expert FA will perform and fulfill the following roles and responsibilities: • Review and submit comments on the EA work plan and the Aboriginal Consultation work plan, as appropriate; • Participate in federal project review committee meetings for provision of relevant expertise that is available; • Provide technical, scientific and regulatory advice regarding matters related to its mandate under the *Canadian Environmental Protection Act*, *Migratory Birds Convention Act*, *Species at Risk Act* and *Fisheries Act* and associated regulations and other science information held by way of mandate conferred by the Parliament of Canada. Advice will be provided within timelines requested by an RA; and • Provide support to the design and implementation of the follow-up program and/or mitigation measures that arise from FA recommendations made, and as

	ROLES / RESPONSIBILITIES
	agreed to with the RAs.
HC	Upon request from an RA, HC as an expert FA will perform and fulfill the following roles and responsibilities: • Review and submit comments on the EA work plan and the Aboriginal Consultation work plan, as appropriate; • Participate in federal project review committee meetings for provision of relevant expertise that is available; • Provide advice regarding the potential human health implications of the Project when requested by an RA. Advice will be provided within timelines requested by an RA; and • Provide support to the design and implementation of the follow-up program and/or mitigation measures that arise from FA recommendations made, and as agreed to with the RAs.
INAC	• Provide advice in regard to Aboriginal engagement and consultation.
MPMO	• Coordinate the development and approval of the Project Agreement; • House and maintain the official *Record of Crown Consultation Activities* for the Project; • Monitor and report on the progress of the Project through the federal review; • Take proactive steps to identify opportunities to streamline the regulatory process to meet government timelines and identify bottlenecks that could cause delay; and • Incorporate information received from the CEA Agency, FA(s) RA(s), and Proponent on the EA and regulatory milestones into the MPMO Tracker.