

**PROJECT AGREEMENT FOR THE MIDWEST URANIUM MINING AND MILLING  
PROJECT IN SASKATCHEWAN**

**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 section 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 AREVA Resources Canada Incorporated (the Proponent) has submitted a Project Description in support of its proposal to develop a new uranium mine at the Midwest site and transport the mined ore for milling at their McClean Lake operation in northern Saskatchewan;

AND WHEREAS the Canadian Nuclear Safety Commission (CNSC), Fisheries and Oceans Canada (DFO), Natural Resources Canada (NRCan) and Transport Canada (TC) have regulatory and statutory duties in relation to the development proposal;

AND WHEREAS the Minister of the Environment (the Minister) has determined that the EA in relation to the development proposal should proceed by way of a comprehensive study pursuant to the *Canadian Environmental Assessment Act (CEAA)*;

AND WHEREAS the CNSC is a quasi-judicial administrative tribunal exclusively responsible for measures taken under the *Nuclear Safety and Control Act (NSCA)* and as such, CNSC will ensure that the complete range of evidence required to make fully-informed decisions within its mandate is presented to the Commission;

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

AND WHEREAS the Governments of Canada and Saskatchewan have agreed to coordinate the federal and provincial EAs to the extent possible pursuant to the *Canada-Saskatchewan Agreement on Environmental Assessment Cooperation*;

AND WHEREAS the Canadian Environmental Assessment Agency (CEA Agency) has agreed to delegate the federal environmental assessment coordinator responsibilities to the CNSC in accordance with subsection 12.4(3)(b) of the CEAA;

AND WHEREAS the CEA Agency has notified Saskatchewan that the CNSC will be Canada's contact pursuant to section 20(3) of the *Canada-Saskatchewan Agreement on Environmental Assessment Cooperation*;

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**

As the EA for this Project commenced prior to the commencement of the MPMO Initiative, this Agreement describes the main remaining activities of the federal review process 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 the EA, regulatory review(s), and Aboriginal engagement and consultation activities.

## **2.0 PROJECT DESCRIPTION**

The development proposal consists of the mining and milling of a uranium deposit in northern Saskatchewan. The Project includes: mining uranium ore at the Midwest development by open pit mining methods; hauling ore along a road linking the Midwest development with the existing McClean Lake Operation; and milling uranium ore at the JEB mill.

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:

- CNSC has regulatory and statutory responsibilities under the NSCA and, pursuant to the CEAA, is a responsible authority (RA). The CNSC will act as the EA Manager and as 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;
- DFO has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to the CEAA, is an RA. DFO 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 the RAs;

- TC has regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWPA) and, pursuant to the CEAA, is an RA. TC requires a Navigation Impact Assessment (NIA) to be completed as a component of the EA. To complete the NIA and make its EA decision, TC requires all the information described in the NWPA application form. In order to meet the timelines in this Agreement this information must be submitted no later than the time of submission of the revised Environmental Impact Statement (EIS). TC 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 the RAs;
- 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 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;
- Environment Canada (EC) and Health Canada (HC) are federal authorities (FAs) pursuant to the CEAA and are in possession of specialist or expert information or knowledge with respect to the Project (expert FA) and, on request, shall make available that information or knowledge to the RAs;
- The CEA Agency has administrative and advisory responsibilities pursuant to the CEAA in support of the EA;
- 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) (June 2007). 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 the roles and responsibilities of all Parties.

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

#### **4.0 FEDERAL REVIEW PROCESS**

As agreed to by the RAs, the scope of the Project includes:

The physical works and activities associated with the construction, operation and decommissioning (including closure and reclamation) of:

- The Midwest mine, including all associated facilities and ancillary works;

- The dewatering of Mink Arm;
- Waste rock management facilities located at the Midwest site;
- Dedicated haul road;
- The waste management system that is proposed for transporting waste water from the Midwest site to the water treatment plant located at the JEB Mill on the McClean Lake site;
- The modifications at the JEB Mill at McClean Lake to accommodate the Midwest ore;
- The modifications at JEB Tailings Management Facility, located at McClean Lake, to accommodate the Midwest ore; and,
- All physical works and undertakings associated with the fish habitat compensation plan (FHCP).

The RAs will work with the expert FAs to jointly meet their responsibilities under the CEAA. The Minister has determined that the type of EA required is a comprehensive study.

The CNSC and the Government of Saskatchewan, Ministry of Environment (SK MOE) will coordinate their respective review processes, to ensure that joint steps are undertaken wherever that can appropriately be done pursuant to the Canada-Saskatchewan Agreement on EA Cooperation.

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. Annex IX depicts the Canada-Saskatchewan Cooperative EA Process.

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 CNSC responsible for coordination, the Parties will work together toward a coordinated approach for Aboriginal engagement and consultation that is integrated with the federal review.

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

## **6.0 TIMELINES**

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

- a) Estimated completion of the EA – 15 months from the filing of the revised draft EIS by the Proponent to the posting of EA course of action decisions;
- b) If appropriate, issuance of *Fisheries Act* authorizations – 3 months from the EA course of action decisions posted on the Canadian Environmental Assessment Registry (CEAR) assuming submission of all applications no later than the time of submission of the revised EIS;
- c) If appropriate, issuance of NWPA approvals – 3 months from the EA course of action decisions posted on the CEAR assuming submission of all applications no later than the time of submission of the revised EIS. Submission of draft Treasury Board Submission documents for an NWPA section 23 exemption are contingent on the issuance of all NWPA s.5 approvals;
- d) If appropriate, issuance of *Explosives Act* licence – 3 months from the EA course of action decisions posted on the CEAR assuming submission of an application no later than the time of submission of the revised EIS, or within 30 days of submission of a complete application if the application is received after the EA course of action decisions;
- e) If appropriate, issue an Order in Council (OIC) exemption under section 23 of the NWPA – within 11.5 months from the EA course of action decisions posted on the CEAR; and
- f) If appropriate, issuance of NSCA authorizations - 12 months from the EA course of action decisions posted on the CEAR, assuming submission of all applications no later than the time of the EA course of action decisions posted on the CEAR.

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 have responsibilities under the CEAA in relation to ensuring the implementation of mitigation measures and the design and implementation of a follow-up program. The RAs will work with the expert FAs, the Proponent and the province, to satisfy those responsibilities. Expert FAs will provide any assistance requested by the RAs in ensuring the implementation of a mitigation measure or aspect of the follow-up program on which the expert FA and RAs have agreed.

## **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 Minister of the Environment or the 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 following the issue of the RAs' EA course of action decisions. 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.

<u>Original signed by</u> Cassie Doyle Deputy Minister Natural Resources Canada	<u>13-11-09</u> Date
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<u>Original signed by</u> Peter Sylvester President Canadian Environmental Assessment Agency	<u>18-11-09</u> Date
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<u>Original signed by</u> Michael Binder President Canadian Nuclear Safety Commission	<u>20-11-09</u> Date
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<u>Original signed by</u> Claire Dansereau Deputy Minister Fisheries and Oceans Canada	<u>19-11-09</u> Date
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<u>Original signed by</u> Yaprak Baltacioğlu Deputy Minister Transport Canada	<u>20-11-09</u> Date
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<u>Original signed by</u> Michael Wernick Deputy Minister Indian and Northern Affairs	<u>18-11-09</u> Date
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<u>Original signed by</u> Ian Shugart Deputy Minister Environment Canada	<u>28-11-09</u> Date
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## **Annexes**

Annex I – Gantt Chart - Target Timelines for the Federal Review for 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 and Roles and Responsibilities

Annex IV – Canadian Nuclear Safety Commission: Roles, Responsibilities, Key Milestones, and Service Standards

Annex V – Fisheries and Oceans Canada: Roles, Responsibilities, Key Milestones, and Service Standards

Annex VI – Transport Canada: Roles, Responsibilities, Key Milestones, and Service Standards

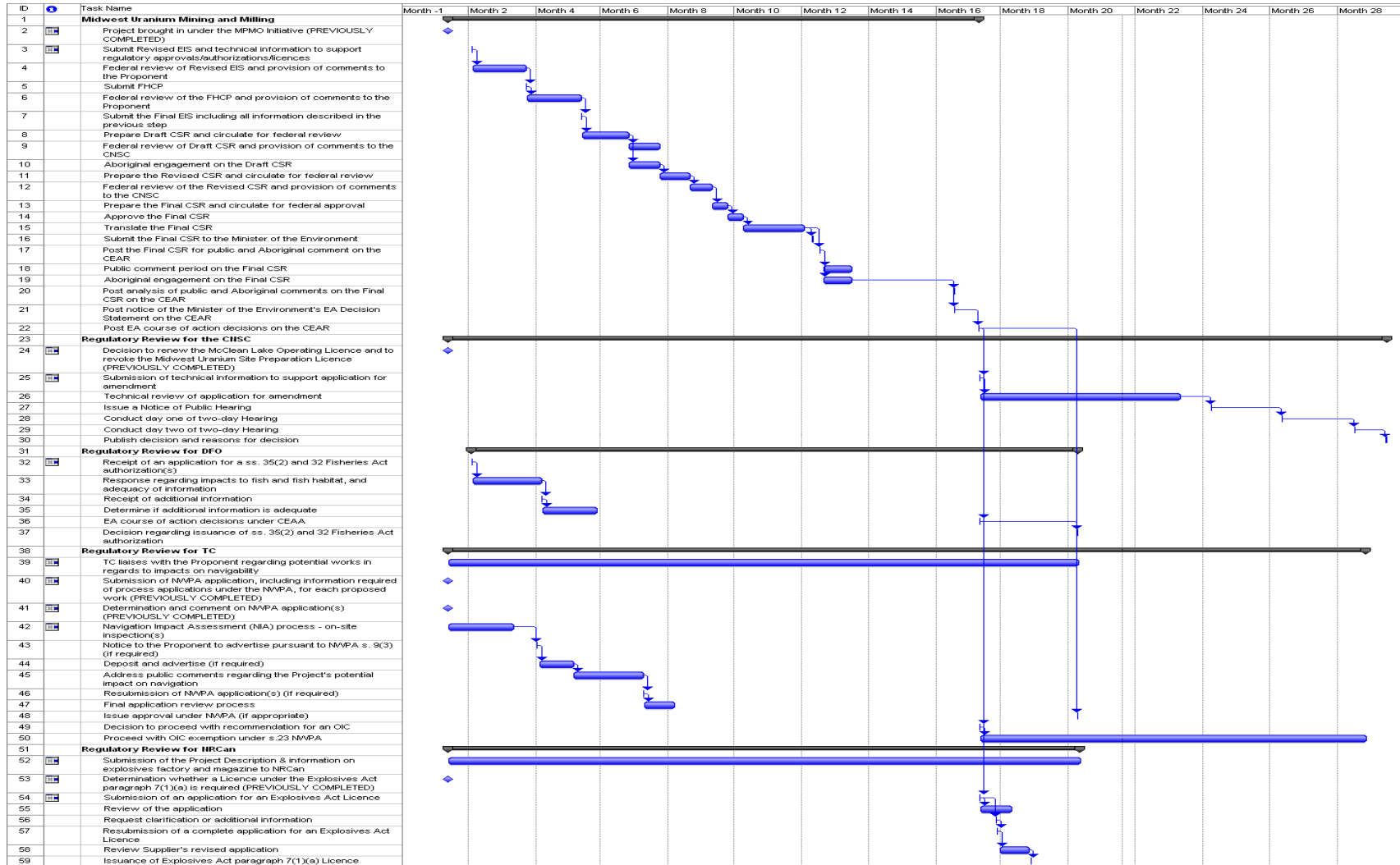
Annex VII – Natural Resources Canada: Roles, Responsibilities, Key Milestones, and Service Standards

Annex VIII – Other Government Departments and Agencies: Roles and Responsibilities

Annex IX – Canada – Saskatchewan Cooperative EA Process

# Annex I

## Gantt Chart - Target Timelines for the Federal Review of the Project



\* Submission of draft Treasury Board Submission documents for an NWPA section 23 exemption are contingent on the issuance of all NWPA s.5 approvals.

## 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
<b>Project brought in under the MPMO Initiative</b>	MPMO	CEA Agency, RAs & expert FAs	February 26, 2009
<b>Submit:</b> <ol style="list-style-type: none"> <li>1. revised EIS and technical information to support regulatory approvals/authorizations/licences</li> <li>2. FHCP</li> </ol>	Proponent		To be determined by the Proponent
<b>Federal review and provision of comments to the Proponent for the:</b>  <ol style="list-style-type: none"> <li>1. revised EIS</li> <li>2. FHCP</li> </ol>	CEA Agency	RAs & Expert FAs	<ol style="list-style-type: none"> <li>1. Within 7 weeks from submission</li> <li>2. Within 7 weeks from submission</li> </ol> <p>Note: if documents are submitted together, 10 weeks will be needed from submission</p>
<b>Submit the Final EIS including all information described in the previous step</b>	Proponent		To be determined by the Proponent
<b>Prepare Draft CSR and circulate for federal review</b>	CNSC	RAs & expert FAs	Within 6 weeks from the submission of the Final EIS
<b>Federal review of Draft CSR and provision of comments to the CNSC</b>	RAs	Expert FAs & CEA Agency	Within 4 weeks from the circulation of the Draft CSR
<b>Aboriginal engagement on the Draft CSR</b>	CNSC	RAs & Expert FAs	Concurrent with federal review of the Draft CSR
<b>Prepare the Revised CSR and circulate for federal review</b>	CNSC	RAs & expert FAs	Within 4 weeks from the submission of comments on the Draft CSR

<b>Description/Activity</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
<b>Federal review of the Revised CSR and provision of comments to the CNSC</b>	RAs	CEA Agency & Expert FAs	Within 3 weeks from the circulation of the Revised CSR
<b>Prepare the Final CSR and circulate for federal approval</b>	CNSC	RAs & expert FAs	Within 2 weeks from the provision of federal comments on the Revised CSR
<b>Approve the Final CSR</b>	RAs	CEA Agency & Expert FAs	Within 2 weeks from receiving the Final CSR
<b>Translate the Final CSR</b>	CNSC	RAs	Within 8 weeks from the approval of the Final CSR
<b>Submit the Final CSR to the Minister of the Environment</b>	RAs	CEA Agency	Within 1 week from receiving the translated Final CSR
<b>Post the Final CSR for public and Aboriginal comment on the CEAR</b>	CEA Agency		Within 2 weeks from receiving the translated Final CSR
<b>Public comment period on the Final CSR</b>	CEA Agency	RAs & expert FAs	4 weeks, starting from the posting of the Final CSR
<b>Aboriginal engagement on the Final CSR</b>	CNSC	RAs & expert FAs	4 weeks, starting from the posting of the Final CSR
<b>Post analysis of public and Aboriginal comments on the Final CSR on the CEAR</b>	CEA Agency	RAs & expert FAs	Concurrent with the posting of the Minister of the Environment's EA Decision Statement
<b>Post notice of the Minister of the Environment's EA Decision Statement on the CEAR</b>	CEA Agency		Within 13 weeks from the close of the comment period on the Final CSR
<b>Post EA course of action decisions on the CEAR</b>	RAs	CEA Agency	Within 3 weeks from the Minister's EA Decision

## **Annex III**

### **Aboriginal Engagement and Consultation Approach and 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 section 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 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/DOJ; February 2008).

#### **2.0 Identifying Aboriginal Groups**

The CNSC, 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 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 remaining steps in the EA and subsequent regulatory review processes as the federal review of the Project commenced prior to the commencement of the MPMO Initiative. 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 CNSC with support from the Crown Oversight Committee, 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 CNSC will act as the 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 CNSC 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 CNSC 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 are integrated with the EA process to the extent possible, including provision of opportunities to Aboriginal groups to review EA documents, as part of the Crown's consultation efforts;
  - Ensure that a consultation process is in place for the regulatory review through the transfer of the CCC role to an RA;
  - Track and refer project specific issues raised by Aboriginal groups to the appropriate entities (e.g., RAs, the Proponent, the province, etc.);
  - Track and refer non-project specific issues (e.g., land claims, treaty rights) to appropriate entities (e.g., INAC, the province, etc.);
  - Ensure RAs consider 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, manage and house the Record of Crown Consultation Activities conducted during the federal review and provide copies to the MPMO, as appropriate;
  - Advise the CEA Agency on consultation activities to be considered for support under the Aboriginal Funding Envelope of the CEA Agency's Participant Funding Program;
  - Lead the evaluation of the scope, nature, and sufficiency of the Crown's consultation efforts, with input from the Department of Justice (DOJ), INAC and RAs; and
  - Coordinate the response, with input from INAC and RAs, 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 CNSC and the MPMO in accordance with the established records-management process;
- Provide input into the response to Aboriginal Groups on how concerns were addressed; 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 and Indian and Northern Affairs Canada will:**

- Provide legal services (DOJ), information and advice to the CNSC, 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.

**CNSC's Legal Services will:**

- Provide legal services, information and advice to the CNSC as appropriate and required.

## Annex IV

### Canadian Nuclear Safety Commission Roles, Responsibilities, Key Milestones and Service Standards

#### EA and Licensing

- Participate in meetings with other federal/provincial authorities, as appropriate;
- Draft and approve the EA work plan and Aboriginal consultation plan;
- Coordinate the federal input and federal Crown Consultation activities for the EA in relation to the Project;
- Coordinate federal input into the provincial EA, to the extent possible;
- Coordinate intergovernmental cooperation including consultations with Aboriginal communities;
- Manage CEARIS;
- Coordinate the federal review of the EIS;
- Lead the writing of and coordinate the preparation of the scoping document and CSR.
- Consult with affected/potentially affected Aboriginal groups, as appropriate;
- Take EA course of action decisions following the Minister of the Environment's EA decision; and,
- Work with other RAs, expert FAs, the Proponent and the province to ensure implementation of mitigation measures and the design and implementation of a follow-up program, and where appropriate, accommodation of adverse impacts on potential or established s. 35 rights, as required.

#### Post-EA Licensing

- Perform the assessment of the Proponent's subsequent licence application (i.e. construction, operation, decommissioning and abandonment) within a framework of accepted Project Management Practices;
- Communicate with the Proponent regarding completeness of future licence applications;
- Ensure implementation of mitigation measures and the monitoring, compliance and follow-up programs through appropriate licences;
- Provide public access to the licensing project file for future licence applications; and,
- Conduct site inspections to support 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
<b>Decision to renew the McClean Lake Operating Licence and to revoke the Midwest Uranium Site Preparation Licence</b>	The Commission decided to renew the McClean Lake Operating Licence. The Commission also revoked the Midwest Uranium Site Preparation Licence and included it in McClean Lake Licence.	CNSC	Completed 30 June 2009.
<b>Submission of technical information to support application for amendment</b>	Submission of technical information to support the application to amend the McClean Lake Operating Licence to construct the Project.	Proponent	Determined by the Proponent.
<b>Technical review of application for amendment</b>	The intent of the technical review is to determine the adequacy of the Licence Amendment Application.	CNSC	To be completed within 6 months of receipt of technical information to support application for amendment.
<b>Issue a Notice of Public Hearing</b>	Should the EA decisions be that the Project is not likely to cause significant adverse environmental effects, the panel of the Commission will conduct hearings on the application for amendment, in accordance with the NSCA and its Rules of Procedure - the first step is to issue a Notice of Public Hearing.	CNSC	Within 30 days after the completion of the technical review, and EA course of action decisions.
<b>Conduct day one of two-day Hearing</b>	On Hearing Day 1 of a two-day public hearing, the applicant and CNSC staff present written and oral submissions to the Commission and respond to questions from the Commission.	CNSC	Minimum 60 days after the Notice of Public Hearing is released.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<b>Conduct day two of two-day Hearing</b>	On Hearing Day 2 registered intervenors have a further opportunity to make their views known to the Commission and to respond to any related questions from the Commission Members. The applicant and CNSC staff must also attend Hearing Day 2 and be prepared to respond to further questioning by the Commission.	CNSC	Minimum 60 days after the conclusion of the Day One Hearing.
<b>Publish decision and reasons for decision</b>	The CNSC Commission publishes its final decision, complete with rationale.	CNSC	6 weeks from conclusion of the hearing.
<b>Submission of technical information to support application for amendment</b>	Submission of technical information to support the application to amend the McClean Lake Operating Licence to operate the Project.	Proponent	Determined by the Proponent.
<b>Consider application for amendment</b>	The Commission conducts hearings on the application to amend the McClean Lake Operating Licence, in accordance with the NSCA and its Rules of Procedure, and makes a decision on the application.	CNSC	Within 12 months from receipt of application for amendment.
<b>Submission of an application for a Licence to Decommission Under the NSCA</b>	Submission of technical information to support the application for a Licence to Decommission.	Proponent	Determined by the Proponent.
<b>Consider the application for a Licence to Decommission</b>	The Commission conducts hearings on the application for a Licence to Decommission, in accordance with the NSCA and its Rules of Procedure.	CNSC	To be determined.
<b>Submission of an application for a Licence to Abandon under the NSCA</b>	Submission of technical information to support application for a Licence to Abandon.	Proponent	Determined by the Proponent.
<b>Consider the application for a Licence to Abandon</b>	The Commission conducts hearings on the application for a Licence to Abandon, in accordance with the NSCA and its Rules of Procedure.	CNSC	To be determined.

## Annex V

### Fisheries and Oceans Canada Roles, Responsibilities, Key Milestones and Service Standards

#### EA

- Participate in meetings with other federal/provincial authorities, as appropriate;
- Review, comment on and approve the EA work plan and Aboriginal engagement and consultation work plan;
- Review and comment on the EIS and participate in the analysis of comments on the EIS on DFO-related issues;
- Provide expert advice with respect to DFO's mandate under the *Fisheries Act* and aquatic species under the *Species at Risk Act*;
- Afford TC an opportunity to review proposed mitigation measures with respect to potential impact on navigation;
- Review, provide input into and approve the CSR, as required;
- Consult with affected/potentially affected Aboriginal groups on the EIS and CSR, as appropriate;
- Participate in public participation activities, where appropriate;
- Take EA course of action decisions following the Minister of the Environment's EA decision;
- Provide input into the follow-up and monitoring programs relative to DFO's areas of regulatory responsibilities and areas of interests, as required; and,
- Work with other RAs, expert FAs, the Proponent and the province to ensure implementation of mitigation measures and the design and implementation of a follow-up program, and where appropriate, accommodation of adverse impacts on potential or established section 35 rights, as required.

#### Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period;
- Afford TC an opportunity to review any necessary compensation agreements with respect to TC's legislative mandate prior to the issuance of authorizations;
- Undertake any required activities related to DFO's areas of interest under the *Fisheries Act* and aquatic species under the *Species at Risk Act* as required to support DFO's regulatory decisions; and,
- Conduct site visits to support 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
<b>Receipt of an application for ss. 35(2) and 32 Fisheries Act authorization(s)</b>	DFO receives application from the Proponent for authorization of impacts to fish and fish habitat under ss. 35(2) and 32 of the <i>Fisheries Act</i> complete with adequate plans, maps, reports and data to support the review. This may include a FHCP to support the <i>Fisheries Act</i> review.	Proponent	Dependent on timing of the submission of the application by the Proponent.
<b>Response regarding impacts to fish and fish habitat, and adequacy of information</b>	DFO reviews the application package (including proposed FHCP and associated estimate of financial security, if applicable), for adequacy, to support the <i>Fisheries Act</i> review and responds to the Proponent, which may include a request for additional information.  Provide TC with a copy of the draft FHCP and any potential comments for review with respect to navigational concerns.	DFO	Within 9 weeks of the receipt of a complete application, including an acceptable FHCP.  If the FHCP is submitted at a different time from when the revised EIS is submitted, an additional 7 weeks will be required to review the FHCP.  Within 4 weeks of receiving draft FHCP.
<b>Receipt of additional information</b>	DFO receives additional information from the Proponent.	Proponent	Dependent on timing of the submission of additional information by the Proponent – must be included in the EIS, at the latest.

MILESTONE	ACTIVITIES/ DESCRIPTION	LEAD	SERVICE STANDARD
<b>Determine if additional information is adequate</b>	<p>DFO determines if adequate information on fish and fish habitat, including FHCP, has been provided for the EA to make a conclusion on significance of adverse effects on fish and fish habitat.</p> <p>DFO informs proponent that additional information is adequate</p>	DFO	<p>Adequate information on the FHCP, considered mitigation for the EA, must be provided during the EA for inclusion in the EA report before the report can be completed.</p> <p>Within 7 weeks of receipt of adequate information</p>
<b>EA course of action decisions under CEEA</b>	<p>DFO reaches EA course of action decisions under CEEA that will determine whether authorization(s) may be issued.</p> <p>If EA course of action decisions allows for proceeding with authorization(s), the subsequent activities and milestones will apply.</p>	DFO	As per Annex II

MILESTONE	ACTIVITIES/ DESCRIPTION	LEAD	SERVICE STANDARD
<p><b>Decision regarding issuance of ss. 35(2) and 32 Fisheries Act authorization</b></p>	<p>If appropriate, DFO issues a <i>Fisheries Act</i> authorization to the Proponent for impacts to fish and fish habitat.</p>	<p>DFO</p>	<p>DFO issues the authorization 90 calendar days after DFO makes an appropriate EA course of action decisions. Issuance will be contingent upon:</p> <ol style="list-style-type: none"> <li>1. The receipt of an acceptable application, including a FHCP and proof of financial security.</li> <li>2. The discharge of any legal Aboriginal consultation obligations associated with the authorization(s).</li> <li>3. An EA course of action decisions under Paragraph 37(1)(a) of the CEAA.</li> </ol> <p>Issuance of the authorization(s) may also consider the Proponent's timing needs for the authorization(s) in that, should an authorization not be required until much later than the timeline above, DFO will issue it when it is appropriate.</p>

## **Annex VI**

### **Transport Canada Roles, Responsibilities, Key Milestones and Service Standards**

#### EA

- Participate in meetings with other federal/provincial authorities, as appropriate;
- Review, comment on and approve the EA work plan and Aboriginal engagement and consultation work plan;
- Review and comment on the EIS and participate in the analysis of comments on the EIS related to TC's mandate;
- Review draft FHCP for potential impact on navigation and provide expert advice to DFO with respect to proposed mitigation measures;
- Provide expert advice with respect to TC's mandate under the NWPAs;
- Review, provide input into and approve the CSR, related to TC's mandate;
- Consult with affected/potentially affected Aboriginal groups on the EIS and CSR, as appropriate;
- Participate in public participation activities, where appropriate;
- Take EA course of action decisions following the Minister of the Environment's EA decision, if appropriate;
- Provide input into the follow-up and monitoring programs relative to TC's areas of regulatory responsibilities and areas of interests, as required; and,
- Work with other RAs, expert FAs, the Proponent and the province to ensure implementation of mitigation measures and the design and implementation of a follow-up program, and where appropriate, accommodation of adverse impacts on potential or established section 35 rights, as required.

#### Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period, public notice and possible public consultations concerning navigation issues;
- Undertake any required activities related to TC's regulatory responsibilities under the NWPAs, including consulting with affected/potentially affected Aboriginal groups as appropriate to support TC'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
<p><b>TC liaises with the Proponent regarding potential works in regards to impacts on navigability</b></p> <p><i>*Applicable to NWPA s.5 and s.23</i></p>	<p>TC liaises with the Proponent regarding proposed works that could potentially impact navigation and on potential alternatives and mitigation strategies to ensure that navigability is maintained.</p>	<p>TC</p>	<p>Ongoing</p>
<p><b>Submission of NWPA application, including information required of process applications under the NWPA, for each proposed work</b></p> <p><i>*Applicable to NWPA s.5 and s.23</i></p>	<p>The Proponent provides TC with application for each proposed work and request for NWPA approval(s) complete with dimensioned plans, maps, reports, studies and data as outlined on the NWPA website, no later than the time of submission of the revised EIS.</p>	<p>Proponent</p>	<p>March 26, 2008</p>
<p><b>Determination and comment on NWPA application(s)</b></p> <p><i>*Applicable to NWPA s.5 and s.23</i></p>	<p>Review application package and information/plans for adequacy to support NWPA review.</p> <p>Requests further information, if required, to proceed with application.</p> <p>Review draft FHCP for potential impacts to navigation and provide comments to DFO with respect to the navigability of the watercourse and any concerns regarding potential mitigation measures with respect to navigation.</p>	<p>TC</p>	<p>Eight weeks after application submission.</p> <p>May 12, 2008</p> <p>Within 2 weeks of receiving the draft fish habitat.</p>



MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<b>Resubmission of NWPA application(s) (if required)</b>  <i>*Applicable to NWPA s.5 and s.23</i>	Resubmission of NWPA application(s) (where applicable), and re-depositing and re-advertising of plans in one or more local papers and the Canada Gazette is required, if substantial changes to proposed work(s) are required.  Furthermore, DFO FHCP will have to be reviewed prior to issuing an approval.	Proponent	Dependent on the Proponent (if required).
<b>Final application review process</b>  <i>*Applicable to NWPA s.5 and s.23</i>	Perform a final review of all information on file, including technical information and public comments.	TC	Four weeks.
<b>Issue approval under NWPA (if appropriate)</b>  <i>*Applicable to NWPA s.5</i>	If appropriate, issue approvals under NWPA.	TC	Within 90 calendar days following EA course of action decisions if NWPA application(s) are submitted no later than the time of submission of the revised EIS.
<b>Decision to proceed with recommendation for an OIC</b>  <i>*Applicable to NWPA s. 23</i>	TC refers to CSR for development of Triage and Regulatory Impact Analysis Statement (RIAS) requirements	TC	Upon posting of the Minister of the Environment's EA Decision Statement on the CEARIS
<b>Proceed with OIC exemption under section 23 NWPA</b>	Completion of Treasury Board (TB) Submission documents for pre-publication in Canada Gazette, Part I (i.e. Triage and RIAS)	TC	Within 3 months following the EA Course of Action decision
	Approval by TC senior management and document submission to TC Minister and Privy Council Office (PCO) prior to TB meeting	TC	Within 1.5 months following the completion of draft TB Submission documents
	Pre-publication in Canada Gazette, Part I and 30-day comment period	TC	Within 2 months following the submission of draft documents to PCO

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
*Applicable to NWPA s.23 only	Revision of TB Submission documents for final approval and for publication in Canada Gazette, Part II (i.e., RIAS)	TC	Within 1.5 months following Canada Gazette, Part I comment period
	Approval by TC senior management and document submission to TC Minister and PCO prior to TB meeting	TC	Within 1.5 months following the completion of revised TB Submission documents
	Final TB approval of proclamation and publication in Canada Gazette, Part II	TC	Within 2 months following the submission of documents to PCO

## Annex VII

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

#### EA

- Participate in meetings with other federal/provincial authorities, as appropriate;
- Review, comment on and approve the EA work plan and Aboriginal consultation work plan;
- Review and comment on the EIS and participate in the analysis of comments on the EIS on NRCan related issues;
- Review, provide input into and approve the CSR, as required;
- Participate in the assessment as a FA 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 and CSR, as appropriate;
- Participate in public participation activities, where appropriate;
- Take EA course of action decisions following the Minister of the Environment's EA Decision Statement;
- 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, expert FAs, the Proponent and the province to ensure implementation of mitigation measures and the design and implementation of a follow-up program, and where appropriate, accommodation of adverse impacts on potential or established section 35 rights, 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 visits to support new 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
<b>Submission of the Project Description &amp; information on explosives factory and magazine to NRCan</b>	NRCan liaises with the Proponent regarding explosives factories and magazines.	Proponent	Ongoing
<b>Determination whether a Licence under the <i>Explosives Act</i> paragraph 7(1)(a) is required</b>	NRCan reviews the Proponent's answers on the explosives questionnaire.	NRCan	Within timelines specified in the FCR Letter. Target of less than 20 business days.
<b>Submission of an application for an <i>Explosives Act</i> Licence</b>	The Supplier compiles information and submits an application to NRCan for a Licence under <i>the Explosives Act</i> paragraph 7(1)(a) for an explosives factory and magazine.	Explosives Supplier selected by the Proponent	Start timing. N.B.: the timing of receiving the application may not necessarily be aligned with the EA process.
<b>Review of the application</b>	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 <i>Explosives Act</i> Licence.  If the application is incomplete, federal clock stops.
<b>Request clarification or additional information</b>	If there are aspects of the application that are unclear or additional information is required, NRCan will request clarification or additional information from the Explosives Supplier.	NRCan	Within 15 days of receipt of application.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<b>Resubmission of a complete application for an <i>Explosives Act</i> Licence</b>	Explosives Supplier re-submits a completed application for an <i>Explosives Act</i> Licence.	Supplier	Dependent on the Proponent.
<b>Review Supplier's revised application</b>	NRCan continues its review of the application, which includes clarifications or additional information requested.	NRCan	Within 30 days from receipt of revised application.
<b>Issuance of <i>Explosives Act</i> paragraph 7(1)(a) Licence</b>	<p>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 Explosives Act paragraph 7(1)(a) for an explosives factory or magazine.</p> <p>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.</p>	NRCan	<p>Within 30 days if no additional clarification or information was required in initial application;</p> <p>Or</p> <p>Within 45 days if additional clarification or information was requested.</p>

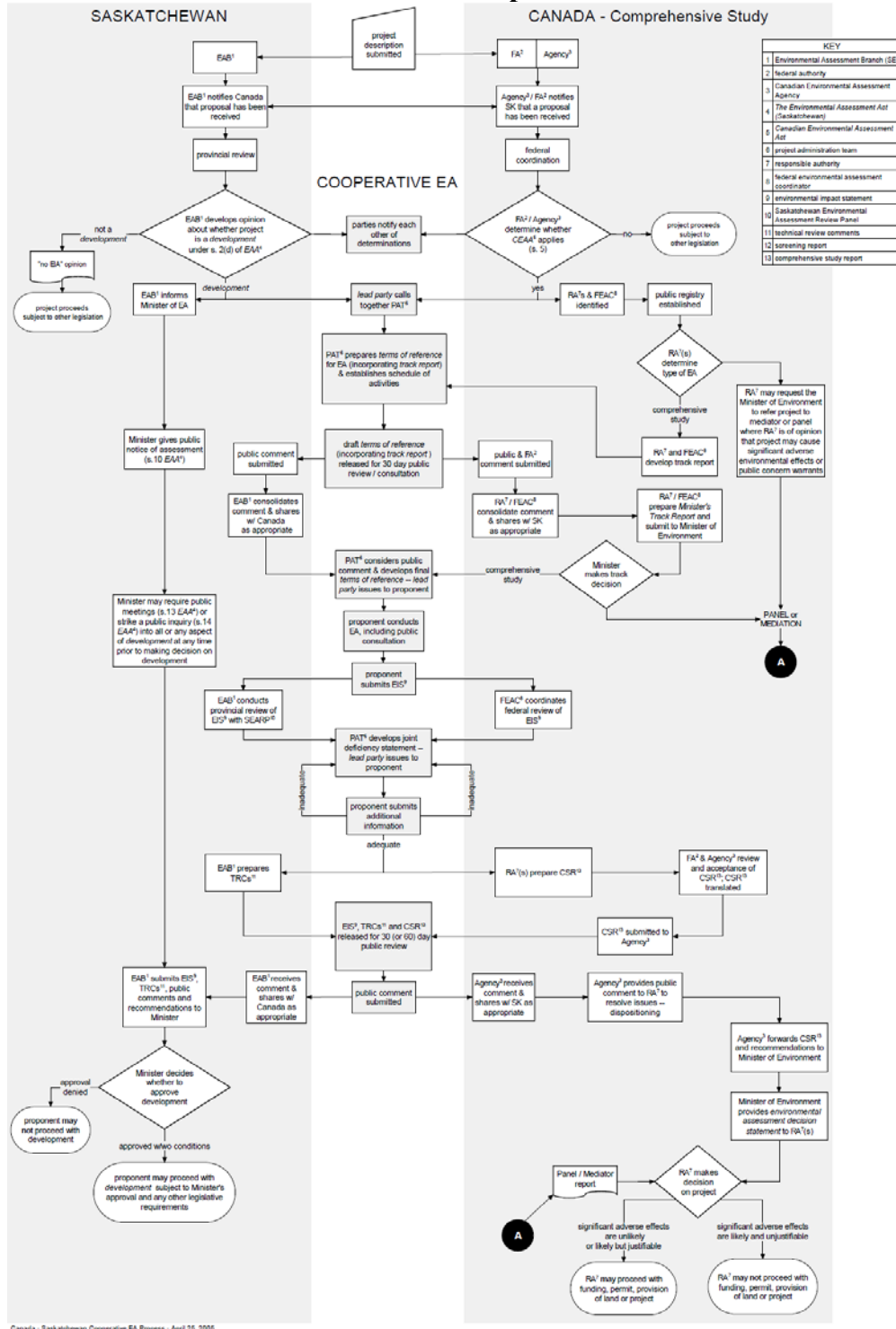
## Annex VIII

### Other Government Departments and Agencies Roles and Responsibilities

PARTY	ROLES / RESPONSIBILITIES
CEA Agency	<ul style="list-style-type: none"> <li>• Provide advice in regard to the application of the CEAA;</li> <li>• Make participant funding available and maintain funding program (as per section 58(1.1)) of the CEAA); and,</li> <li>• Coordinate the public comment period on the final CSR, pursuant to section 22 of the CEAA.</li> </ul>
EC	<ul style="list-style-type: none"> <li>• Review and submit comments on the EA work plan, Aboriginal consultation work plan, public participation plan and communications plan, as appropriate;</li> <li>• Participate in federal project review committee meetings as requested by the RAs, for provision of relevant expertise that is available;</li> <li>• Review and submit comments on the EIS;</li> <li>• Participate in meetings with other federal/provincial authorities as appropriate;</li> <li>• Consult with affected/potentially affected Aboriginal groups on the EIS and CSR, as appropriate;</li> <li>• Provide support to the review of other comments received on the EIS;</li> <li>• Review and submit comments on the CSR; and,</li> <li>• 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.</li> </ul>
HC	<ul style="list-style-type: none"> <li>• Upon request from an RA, HC as an expert FA will perform and fulfill the following roles and responsibilities:               <ul style="list-style-type: none"> <li>○ Review and submit comments on the EA work plan, Aboriginal consultation work plan, public participation plan and communications plan as appropriate;</li> <li>○ Participate in federal project review committee meetings for provision of relevant expertise that is available;</li> <li>○ 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</li> <li>○ 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.</li> </ul> </li> </ul>
INAC	<ul style="list-style-type: none"> <li>• Provide advice in regard to Aboriginal engagement and consultation.</li> </ul>

PARTY	ROLES / RESPONSIBILITIES
MPMO	<ul style="list-style-type: none"> <li>• Coordinate the development and approval of the Project Agreement;</li> <li>• House and maintain the official <i>Record of Crown Consultation Activities</i> for the Project</li> <li>• Monitor and report on the progress of the Project throughout the federal review;</li> <li>• Take proactive steps to identify opportunities to streamline the regulatory process to meet government timelines and identify bottlenecks that could cause delay; and,</li> <li>• Incorporate information received from the CEA Agency, FA(s) RA(s), and the Proponent on the EA and regulatory milestones into the MPMO Tracker.</li> </ul>

# Annex IX Canada – Saskatchewan Cooperative EA Process



**Notes:**

- As of October 1, 2009, the Project is currently at the “proponent conducts EA, including public consultation” stage of the Canada-Saskatchewan Cooperative EA Process.
- Federal Authorities: EC, HC and INAC
- Responsible Authorities: CNSC, DFO, TC and NRCan
- Federal Environmental Assessment Coordinator: CNSC