

**PROJECT AGREEMENT FOR THE MORRISON COPPER-GOLD MINE  
IN BRITISH COLUMBIA**

**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 Aboriginal groups 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 Pacific Booker Minerals Inc. (the Proponent) has submitted a Project Description in support of its proposal to develop a copper-gold-molybdenum mine, located approximately 65 kilometres northeast of Smithers, British Columbia;

AND WHEREAS Fisheries and Oceans Canada (DFO), Natural Resources Canada (NRCan) and Transport Canada (TC) may have regulatory and statutory duties in relation to the proposed project;

AND WHEREAS DFO, NRCan and TC have commenced a comprehensive study 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 Canadian Environmental Assessment Agency (CEA Agency) and the British Columbia Environmental Assessment Office (BCEAO) have agreed to coordinate the federal and provincial EAs to the extent possible consistent with the *Canada-British Columbia Agreement for 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 proposed project and to contribute to fulfilling the Crown's 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 reviews and Aboriginal engagement and consultation activities.

## **2.0 PROJECT DESCRIPTION**

The proposed project consists of an open pit copper-gold-molybdenum mine and associated infrastructure and activities, located in northeastern BC with an expected capacity of 30,000 tonnes per day over a minimum mine life of 21 years.

## **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:

- DFO has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to the CEAA, is a responsible authority (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 CEA Agency and/or 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 CEA Agency and/or RAs;
- TC may have 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 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 CEA Agency and/or RAs;
- Environment Canada (EC) and Health Canada (HC) are federal authorities pursuant to the CEAA and are in possession of specialist or expert information or knowledge with respect to the Project (expert FA) and, upon request, shall make available that information or knowledge to the CEA Agency and/or 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 will exercise the powers and perform the duties and functions of the RAs in relation to the Project pursuant to the CEAA until the Minister is provided with the comprehensive study report. The CEA Agency has administrative responsibilities pursuant to the CEAA in support of the EA. The CEA Agency will act as the EA Manager and as the Crown Consultation Coordinator (CCC) for the EA in relation to the Project, and will coordinate federal input into the provincial EA, to the extent possible; and,
- 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**

For the purposes of the EA, the Proponent has described the proposed Project as comprised of the proposed construction, operation, modification decommissioning or abandonment/reclamation, where appropriate, of the following project components and activities:

- Construction, operation and decommissioning of the mine pit and process plant;
- Mill tailings and waste rock storage facility(ies) including construction, operation, maintenance and decommissioning of dams and water diversion channels for the tailings storage facility;
- Site runoff, diversion and sediment control;
- Ore and marginal ore storage;
- Borrow pits, overburden and topsoil storage;
- Sewage and waste water management facilities;
- Surplus water management and disposal;
- Groundwater and/or surface water used for monitoring and/or extraction;
- Explosives transport, factory and magazine;
- Electrical power transmission lines and right of way to the project site;
- An electrical substation at the project site;
- Mine haul roads within the mine property;
- Associated mine facilities such as assay buildings, ore load out facilities, labs, maintenance shops, warehouse, equipment lay down areas, office complex parking;
- Routes for hauling the ore to the milling facility and for personnel access and delivery of supplies and materials to the site, including new or existing roads, or deep sea ports or sidings;
- Existing and/or dedicated barge and barge facilities;
- Any works or undertakings required as compensation for the harmful alteration, disruption or destruction of fish habitat that require an authorization under subsection 35(2) of the *Fisheries Act*;
- The draining of Booker Lake and the construction, operation and dismantling of the structures associated with the dewatering activity;

- Construction, operation, maintenance and decommissioning of water intake on Morrison Lake; and,
- Construction, operation, maintenance and decommissioning of diffuser below the surface of Morrison Lake.

The CEA Agency will work together with the RAs and the expert FAs to ensure that the EA process meets the requirements of the CEAA. The type of EA required is a comprehensive study.

The CEA Agency and the BCEAO will coordinate their respective review processes to ensure that joint steps are undertaken wherever that can appropriately be done consistent with the *Canada-British Columbia Agreement for Environmental Assessment 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.

During the EA process, RAs will confirm any regulatory decisions required in relation to the Project that are triggers pursuant to the CEAA. If a department or agency determines that it is no longer required to make a regulatory decision, it will end its participation in the EA as an RA, but may, upon request from the CEA Agency and/or 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, and with the Province of British Columbia, towards a coordinated approach for Aboriginal engagement and consultation that is integrated with the EA phase of the federal review. The Crown will take into account the consultation efforts of the Province and the Proponent, to the extent possible, to meet its duty to consult.

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

## **6.0 TIMELINES**

Timelines identified in the Project Agreement represent the time taken by federal departments and agencies in carrying out their respective tasks for the federal review, and does not include time taken by participants who are not signatories to the Agreement. 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 – 20.5 months from the posting of the Notice of Commencement on the Canadian Environmental Assessment Registry Internet Site (CEARIS) to the posting of the EA course of action decisions;
- b) If appropriate, issuance of Fisheries Act authorization(s) – 3 months (90 calendar days) from the EA course of action decisions posted on the CEARIS, assuming the submission

- of all applications no later than the time of the submission of the EIS, and that DFO has received an acceptable Fish Habitat Compensation Plan (including financial security);
- c) If appropriate, regulatory decisions pursuant to the NWPA – 3 months from the EA course of action decisions posted on the CEARIS, assuming submission of all applications no later than the time of the submission of the EIS. Submission of draft Treasury Board Submission documents for an NWPA s.23 exemption are contingent on the issuance of all NWPA s.5 approvals.
  - d) If appropriate, regulatory decisions pursuant to the *Explosives Act* – 3 months from the EA course of action decisions posted on CEARIS for an application submitted no later than the time of the EIS or within 30 days of submission of a complete application if the application is received after the EA course of action decision; and,
  - e) If appropriate, issue an Order in Council (OIC) exemption under s.23 of the NWPA – 11.5 months from the EA course of action decisions posted on the CEARIS.

The above timelines have been established on the basis of a number of assumptions, such as type of EA and 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, 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 SIGNATORIES

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

Original signed by  
**Cassie Doyle**  
Deputy Minister  
Natural Resources Canada

April 12, 2010  
*Date*

Original signed by  
**Peter Sylvester**  
President  
Canadian Environmental Assessment Agency

April 15, 2010  
*Date*

Original signed by  
**Claire Dansereau**  
Deputy Minister  
Fisheries and Oceans Canada

April 14, 2010  
*Date*

Original signed by  
**Yaprak Baltacıoğlu**  
Deputy Minister  
Transport Canada

April 21, 2010  
*Date*

Original signed by  
**Ian Shugart**  
Deputy Minister  
Environment Canada

April 16, 2010  
*Date*

Original signed by  
**Michael Wernick**  
Deputy Minister  
Indian and Northern Affairs Canada

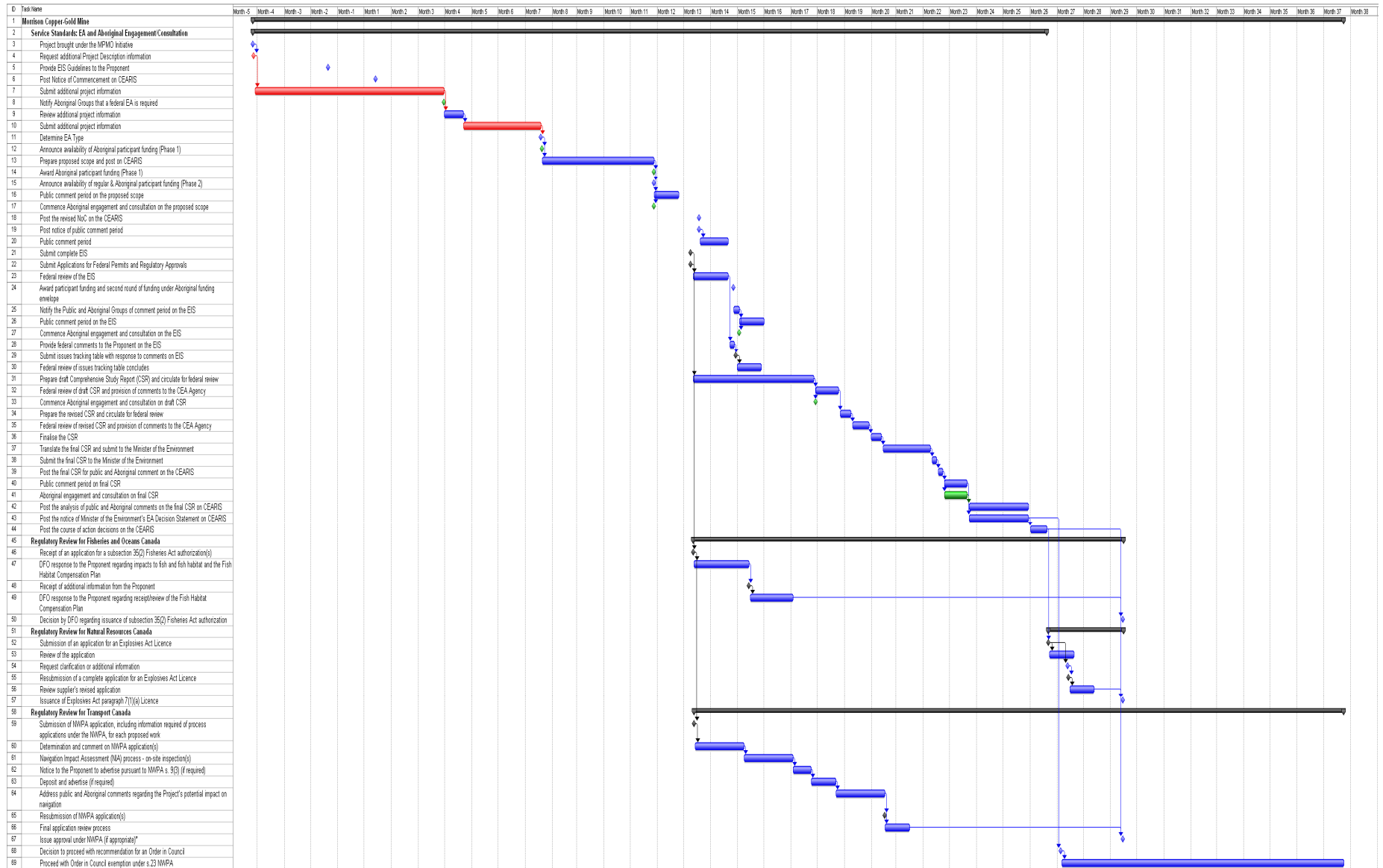
April 20, 2010  
*Date*

## **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 Fisheries and Oceans Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex V Natural Resources Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex VI Transport Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex VII Other Departments and Agencies: Roles and Responsibilities

# Annex I

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



\* Submission of draft Treasury Board Submission documents for an NWPA s.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
Request for additional project information	CEA Agency	RAs, expert FAs	February 2008
Project brought under the MPMO Initiative	MPMO	RAs, expert FAs, CEA Agency	February 24, 2009
Provide the EIS Guidelines to the Proponent	Province of British Columbia	CEA Agency, RAs	May 21, 2009 (Delivered by the Province of British Columbia in the form of an approved Terms of Reference)
Post the Notice of Commencement (NoC) on the CEARIS	NRCan	RAs, CEA Agency	July 14, 2009
Submit additional project information	Proponent		September 29, 2009
Notify Aboriginal groups that a federal EA is required	CEA Agency		September 30, 2009
Request for additional project information	RAs	Expert FAs, CEA Agency	October 22, 2009
Determine EA type	DFO	RAs, CEA Agency	January 19, 2010
Announce availability of Aboriginal participant funding (Phase 1)	CEA Agency		January 19, 2010
Award Aboriginal participant funding (Phase 1) and announce availability of regular and Aboriginal participant funding (Phase 2)	CEA Agency		Prior to the posting of the proposed scope
Post the proposed scope on the CEARIS	CEA Agency	RAs, expert FAs	Within 18.4 weeks of confirming EA type
Public comment period on the proposed scope	CEA Agency, RAs	Expert FAs	4 weeks, starting from the posting of the proposed scope
Commence Aboriginal engagement and consultation on the proposed scope	CEA Agency, RAs	Expert FAs	Concurrent with the posting of the proposed scope

<b>Description/Activity</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
Post the revised NoC on the CEARIS	CEA Agency		July 19, 2010
Post notice of public comment period	CEA Agency		July 19, 2010
Public comment period	CEA Agency		July 19, 2010 to August 20, 2010
Submit a complete EIS	Proponent		To be determined by the Proponent
Submit Applications for Federal Permits and Regulatory Approvals	Proponent		No later than the time of the submission of the EIS
Federal review of the EIS	CEA Agency, RAs	Expert FAs	Within 6 weeks from submission of the EIS
Provide comments to the Proponent on the EIS	CEA Agency	RAs, expert FAs	Within 1 week from the conclusion of the federal review of the EIS
Award participant funding and second round of funding under Aboriginal funding envelope	CEA Agency		Prior to comment period on EIS
Notify public and Aboriginal groups of comment period on the EIS	CEA Agency		Concurrent with BCEAO public comment period
Public comment period on the EIS	CEA Agency	RAs, expert FAs	For 4 weeks, starting within 1 week after notification of the comment period
Commence Aboriginal engagement and consultation on the EIS	CEA Agency	RAs, expert FAs	Concurrent with BCEAO or within 1 week after notification of the comment period
Submit issue tracking table with responses to comments on EIS	Proponent		To be determined by the Proponent
Federal review of issue tracking table concludes	RAs, CEA Agency	Expert FAs	Concurrent with BCEAO or within 4 weeks from submission of issues tracking table
Prepare draft Comprehensive Study Report (CSR) and circulate for federal review	CEA Agency	RAs, expert FAs	Within 20 weeks from the submission of the EIS
Federal review of draft CSR and provision of comments to the CEA Agency	RAs, Expert FAs		Within 4 weeks from the circulation of the draft CSR

<b>Description/Activity</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
Commence Aboriginal engagement and consultation on the draft CSR	CEA Agency	RAs, expert FAs	Concurrent with the federal review of the draft CSR
Prepare the revised CSR and circulate for federal review	CEA Agency	RAs, expert FAs	Within 2 weeks from the submission of comments on the draft CSR
Federal review of the revised CSR and provision of comments to the CEA Agency	RAs, Expert FAs		Within 3 weeks from the circulation of the revised CSR
Finalise the CSR	CEA Agency		Within 2 weeks from the submission of comments on the revised CSR
Translate the final CSR	CEA Agency		Within 8 weeks from submitting the final CSR to RAs and expert FAs
Submit the final CSR to the Minister of the Environment	CEA Agency		Within 1 week from receiving the translated final CSR
Post the final CSR for public and Aboriginal comment on the CEARIS	CEA Agency		Within 2 weeks from receiving the translated final CSR
Public comment period on the final CSR	CEA Agency	RAs, expert FAs	4 weeks, starting from the posting of the final CSR
Aboriginal engagement and consultation on the final CSR	CEA Agency	RAs, expert FAs	4 weeks, starting from receiving the translated final CSR
Post the Notice of the Minister of the Environment's EA Decision Statement on the CEARIS	CEA Agency		Within 10 weeks from the close of the comment period on the final CSR
Post the analysis of public and Aboriginal comments on the final CSR on the CEARIS	CEA Agency	RAs, expert FAs	Concurrent with the posting of the Notice of the Minister of the Environment's EA Decision Statement
Post the course of action decisions on the CEARIS	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 Memorandum of Understanding (MOU) (June, 2007). The *Directive* states that Parties will work together towards a coordinated approach for Aboriginal consultation that is integrated into the EA process, 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, the MPMO, and the Province of British Columbia, will identify Aboriginal groups for engagement, taking into account the work conducted by the Proponent, 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 information received 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 engagement and consultation activities coincides with key milestones and processes. It is important to acknowledge that timeframes for engagement and 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. The Crown will take into account the consultation efforts of the Province of British Columbia and the Proponent, to the extent possible, to meet its duty to consult.

Where accommodation is required and contemplated during the EA, 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 CCC for the EA phase of 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 EA phase of the federal review in relation to 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 CEA Agency will:
  - Identify and engage Aboriginal groups, in cooperation with RAs and the Province of British Columbia, 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 the provision of opportunities to Aboriginal groups to review EA documents, as part of the Crown's consultation efforts;
  - Track and refer project specific issues raised by Aboriginal groups to the appropriate entities (e.g., RAs, Proponent, Province, etc.);
  - Track and refer non-project specific issues (e.g. land claims, treaty rights) to appropriate entities (e.g., INAC, Province, etc.);
  - Ensure that RAs consider project specific issues in the context of the federal review;
  - Facilitate multi-party consultation activities where necessary;
  - Manage 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 EA, and then transfer responsibility for managing the Record to the MPMO at the end of the EA;
  - Provide funding for consultation activities in support of the comprehensive study process through the Aboriginal Funding Envelope of the CEA Agency's Participant Funding Program;
  - Provide opportunities for Aboriginal groups to comment on the CSR;
  - Coordinate 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;

- Coordinate the response, with input from INAC and the RAs, on behalf of the Government of Canada, to Aboriginal groups on how concerns were addressed; and,
- Transfer the CCC role to an RA for the regulatory review immediately following the EA decision.

**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;
- Provide input into the response to Aboriginal groups on how concerns were addressed;
- Support issues analysis work, where required;
- Contribute to the evaluation of the scope, nature and sufficiency of the Crown’s consultation efforts, with the CEA Agency, DOJ, and INAC; and,
- If appropriate, conduct strength of claim analysis with input from DOJ, INAC and the CCC.

**Expert Federal Authorities 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 will:**

- Provide legal services (DOJ), 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 including strength of claim analysis, if required.

## Annex IV

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

#### EA

- Participate in meetings with other federal/provincial authorities, where appropriate;
- Review and comment on the EA work plan;
- Review, comment on, and approve the Aboriginal consultation work plan;
- Review and comment on appropriate federal EA documents (e.g., EIS guidelines, the EIS and the final comprehensive study report);
- Afford TC an opportunity to review proposed mitigation measures with respect to potential impacts on navigation, prior to the issuance of DFO authorizations, where applicable;
- Provide expert advice with respect to DFO's mandate, regulatory responsibilities and areas of interest, where appropriate;
- Engage and consult with affected or potentially affected Aboriginal groups as described in Annexes II and III;
- Take EA course of action decision following the Minister of the Environment's EA Decision Statement;
- Provide input into the design of a follow-up and monitoring program related to DFO's mandate, regulatory responsibilities and areas of interest, as required; and,
- Work with other RAs, expert FAs, the Province and the Proponent 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 *Constitution Act* s. 35 rights, as required.

#### Regulatory

- Prepare regulatory work plan;
- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period, public notice and possible public consultations, as appropriate;
- Afford TC an opportunity to review any necessary fish habitat compensation plans with respect to TC's legislative mandate prior to the issuance of authorizations;
- Undertake any required activities related to DFO's mandate, regulatory responsibilities and areas of interest, including consulting with affected/potentially affected Aboriginal groups as appropriate, 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 a Subsection 35(2) Fisheries Act authorization(s)</b>	DFO receives application from the Proponent for authorization of impacts to fish and fish habitat under Subsection 35(2) <i>Fisheries Act</i> complete with adequate plans, maps, reports and data to support the review. This may include a fish habitat compensation strategy/plan (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 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 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.
<b>Receipt of adequate information for EA</b>	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.	DFO	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

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	DFO informs Proponent that additional information is adequate.		can be completed. Within 7 weeks of receipt of adequate information.
<b>Course of Action Decision under CEAA</b>	DFO reaches EA course of action decisions under CEAA that will determine whether authorization(s) may be issued.  If course of action decision allows for proceeding with authorization(s), the subsequent activities and milestones will apply.	DFO	Within 3 weeks of the Minister of Environment's EA Decision Statement being posted on the CEARIS.
<b>Decision regarding Issuance of Subsection 35(2) Fisheries Act authorization</b>	If appropriate, DFO issues a <i>Fisheries Act</i> authorization to the Proponent for impacts to fish and fish habitat.	DFO	DFO issues the authorization(s) 90 calendar days after DFO makes an appropriate EA course of action decision. Issuance will be contingent upon:  1. The receipt of an acceptable application, including a FHCP and proof of financial security.  2. The discharge of any legal Aboriginal consultation obligations associated with the authorization(s).  3. An EA Course of Action Decision under s. 37(1)(a) of the CEAA.  Issuance of the authorization may also consider the

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
			Proponent's timing needs for the authorization in that, should an authorization not be required until much later than the timeline above, DFO will issue it when it is appropriate.

## Annex V

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

#### EA

- Participate in meetings with other federal/provincial authorities, where appropriate;
- Review and comment on the EA work plan;
- Review, comment on, and approve the Aboriginal consultation work plan;
- Review and comment on appropriate federal EA documents (e.g., EIS guidelines, the EIS and the final comprehensive study report);
- 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 earth sciences, minerals and metals, as determined by NRCan, the CEA Agency or another RA;
- Engage and consult with affected or potentially affected Aboriginal groups as described in Annexes II and III;
- Take EA course of action decision following the Minister of the Environment's EA Decision Statement;
- Provide input into the design of a follow-up and monitoring program relative to NRCan's mandate, 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 *Constitution Act* s. 35 rights, as required.

#### Regulatory

- Prepare regulatory work plan;
- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period, public notice and possible public consultations concerning NRCan related issues;
- Undertake any required activities related to NRCan's mandate, regulatory responsibilities and areas of interest, including consulting with affected/potentially affected Aboriginal groups as appropriate, to support NRCan'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>Submission of a Project Description &amp; information on explosives factory(ies) and magazine(s) to NRCan</b>	NRCan liaises with the Proponent regarding explosives factory(ies) and magazine(s).	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	Completed
<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 the <i>Explosives Act</i> paragraph 7(1)(a) for an explosives factory and/or 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 the application and issue the <i>Explosives Act</i> Licence.
<b>Request for 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 the application.
<b>Re-submission 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	Timing dependent upon the Supplier.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<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 an <i>Explosives Act</i> Licence 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 CEARIS, NRCan can make a decision to issue a Licence under <i>Explosives Act</i> paragraph 7(1)(a) for an explosives factory(ies) or magazine(s).</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	Within 30 days from the receipt of all information necessary to form a complete application.

## Annex VI

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

#### EA

- Participate in meetings with other federal/provincial authorities, where appropriate;
- Review and comment on the EA work plan;
- Review, comment on, and approve the Aboriginal consultation work plan;
- Review and comment on appropriate federal EA documents (e.g., EIS guidelines, the EIS and the final comprehensive study report);
- Provide expert advice with respect to TC's mandate, regulatory responsibilities and areas of interest, where appropriate;
- Engage and consult with affected or potentially affected Aboriginal groups as described in Annexes II and III;
- Take EA course of action decision following the Minister of the Environment's EA Decision Statement;
- Provide input into the design of a follow-up and monitoring program related to TC's mandate, 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 *Constitution Act* s. 35 rights, as required.

#### Regulatory

- Prepare regulatory work plan;
- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period, public notice and possible public consultations, as appropriate;
- Undertake any required activities related to TC's mandate, regulatory responsibilities and areas of interest, including consulting with affected/potentially affected Aboriginal groups as appropriate, to support TC's regulatory decisions;
- Review the draft FHCP if required for potential impact on navigation and provide expert advice to DFO with respect to proposed mitigation measures prior to the issuance of DFO authorizations, if such information is available; 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
<p><b>Liaise 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>Liaise 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>Submit NWPA application(s), including information required to process applications under the NWPA, for each proposed work</b></p> <p><i>*Applicable to NWPA s.5 and s.23</i></p>	<p>Proponent provides TC with a completed application for each proposed work no later than the time of submission of the EIS.</p>	<p>Proponent</p>	<p>Determined by the Proponent.</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>Request further information if required to proceed with application.</p>	<p>TC</p>	<p>8 weeks after application submission.</p>
<p><b>NIA process - on-site inspection(s)</b></p> <p><i>*Applicable to NWPA s.5 and s.23</i></p>	<p>Complete on-site NIA of the Project, site and waterway(s), subject to weather and time of year.</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 if such information is available.</p>	<p>TC</p>	<p>Site inspection within 2 months of receipt of completed application, then as necessary until completion of public comment process.</p> <p>Within 2 weeks of receiving the draft FHCP</p>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<p><b>Notice to the Proponent to advertise pursuant to the NWPAs. 9(3), if required</b></p> <p><i>*Applicable to NWPAs. 5 only</i></p>	<p>Provide the Proponent with advertisement package pursuant to NWPAs. 9(3).</p>	<p>TC</p>	<p>Within 3 weeks of completed initial on-site inspection and following the assessment of navigational issues arising from any changes to the Project due to EA issues.</p>
<p><b>Deposit and advertise, if required</b></p> <p><i>*Applicable to NWPAs. 5 only</i></p>	<p>Deposit “Final Plans” and other relevant information with Land Title Office or the government agent and advertise in one or more local papers and the Canada Gazette.</p> <p>Provide proof of deposit and advertising to TC.</p>	<p>Proponent</p>	<p>Advertisement process is to occur for a minimum of 30 +1 calendar days.</p>
<p><b>Consult with Aboriginal groups regarding navigational impacts, if required</b></p> <p><i>*Applicable to NWPAs. 5 and if appropriate, s.23</i></p>	<p>Seek information regarding navigational concerns from Aboriginal groups, if possible, through the federal EA process. Or, if not possible, through departmental Aboriginal consultation processes.</p>	<p>TC</p>	<p>To be completed within the EA phase; however, consultation would be ongoing until duty has been met to the satisfaction of the Minister of Transport.</p>
<p><b>Address public comments and issues raised by Aboriginal groups, regarding the Project’s potential impact on navigation</b></p>	<p>Should TC receive concerns from the public regarding navigation, the Proponent and TC will work together to resolve concerns.</p> <p>Should TC receive concerns from Aboriginal groups regarding navigation, in response to the Aboriginal consultation process, TC shall work with the Proponent to mitigate concerns to the satisfaction of the Minister of Transport.</p> <p>Additional requirements might be deemed necessary by TC in regard</p>	<p>Proponent and TC</p>	<p>To be completed within 2 months of completion of advertisement process.</p>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<p><i>*Applicable to NWPA s.5 and s.23</i></p>	<p>to potential impacts on navigation posed by proposed works.</p> <p>TC will facilitate public comment process if required.</p> <p>Furthermore, DFO fish habitat compensation plans will have to be reviewed prior to issuing an approval if such information is available.</p>		
<p><b>Resubmission of NWPA application(s), if required</b></p> <p><i>*Applicable to NWPA s.5 and s.23</i></p>	<p>Resubmission of NWPA application(s) where applicable and re-deposit 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.</p>	Proponent	Determined by the Proponent, if required.
<p><b>Final application review process</b></p> <p><i>*Applicable to NWPA s.5 and s.23</i></p>	<p>Perform a final review of all information on file, including technical information and public comments.</p>	TC	4 weeks
<p><b>Course of Action Decision under CEAA</b></p> <p><i>*Applicable to NWPA s.5</i></p>	<p>TC reaches course of action decision under CEAA.</p>	TC	<p>Within 3 weeks of the Minister of the Environment's EA Decision Statement being posted on the CEARIS.</p>
<p><b>Make regulatory decision</b></p>	<p>Make regulatory decision under NWPA.</p>	TC	<p>Within 90 calendar days following the EA Decision Statement being posted on the CEARIS if NWPA application(s) submitted no later than the time of the submission of the EIS. The regulatory decision</p>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<p><i>*Applicable to NWPA s.5 only</i></p>			<p>will be contingent on:</p> <ol style="list-style-type: none"> <li>1. The discharge of any legal Aboriginal consultation obligations associated with the approval(s).</li> <li>2. An EA course of action decision under s. 37(1)(a) of CEAA.</li> <li>3. Mitigation of public concerns to the satisfaction of the Minister of Transport.</li> </ol> <p>Submission of draft Treasury Board Submission documents for an NWPA s.23 exemption are contingent on the issuance of all NWPA s.5 approvals.</p>
<p><b>Decision to proceed with recommendation for an OIC</b></p> <p><i>*Applicable to NWPA s. 23</i></p>	<p>TC refers to CSR /or Strategic Environmental Assessment for development of Triage and RIAS requirements</p>	<p>TC</p>	<p>Upon posting of the Minister of the Environment's EA Decision Statement on the CEARIS</p>
<p><b>Proceed with OIC exemption under s.23 NWPA</b></p>	<p>Completion of Treasury Board (TB) Submission documents for pre-publication in <i>Canada Gazette</i>, Part I (i.e. Triage and RIAS)</p>	<p>TC</p>	<p>Within 3 months following the EA Course of Action decision</p>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
*Applicable to NWPA s.23 only	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 <i>Canada Gazette</i> , Part I and 30-day comment period	TC	Within 2 months following the submission of draft documents to PCO
	Revision of TB Submission documents for final approval and for publication in <i>Canada Gazette</i> , Part II (i.e. RIAS)	TC	Within 1.5 months following <i>Canada Gazette</i> , 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 <i>Canada Gazette</i> , Part II	TC	Within 2 months following the submission of documents to PCO

## Annex VII

### Other 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>• Exercise the powers and perform the duties and functions of the RA in relation to the project under the CEAA until the Minister is provided with the comprehensive study report as required, including those requirements of the <i>Species at Risk Act</i> set out in ss 11.01(3) of the CEAA;</li> <li>• Act as the EA Manager and CCC in relation to the project, including the development of detailed workplans;</li> <li>• Draft and finalize the EA work plan, the Aboriginal consultation work plan and the EIS Guidelines;</li> <li>• Coordinate EA and Aboriginal consultation activities with other jurisdictions during the EA;</li> <li>• Manage the CEARIS up until the Minister of the Environment’s EA decision is posted at which point the responsibility will be transferred to an RA;</li> <li>• Make participant funding available and maintain funding program as prescribed in the CEAA;</li> <li>• Coordinate legal requests with the Department of Justice in support of the EA;</li> <li>• Work in cooperation with RAs, FAs, the Province and the Proponents to identify and evaluate tools by which they will be satisfied mitigation measures and follow-up programs are implemented;</li> </ul>
EC and HC	<ul style="list-style-type: none"> <li>• Upon request from the CEA Agency and/or an RA, EC and HC as expert FAs will perform and fulfill the following roles and responsibilities:</li> <li>• Review and submit comments on the EA work plan and Aboriginal consultation work plan;</li> <li>• Participate in federal project review committee meetings for provision of relevant expertise that is available. Advice will be provided within the timelines requested by the CEA Agency and/or an RA; and,</li> <li>• Provide support to the design and implementation of the follow-up program and/or mitigation measures that arise from expert FA recommendations made, and as agreed to with the RAs.</li> </ul>
INAC	<ul style="list-style-type: none"> <li>• Provide advice in regard to Aboriginal engagement and consultation.</li> </ul>
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 through the federal review;</li> <li>• Take proactive steps to identify opportunities to streamline the federal review to meet government timelines and identify bottlenecks that could cause delay; and,</li> <li>• Incorporate information received from the CEA Agency, expert FA(s) RA(s), and the Proponents on the EA and regulatory milestones into the MPMO Tracker.</li> </ul>