

PROJECT AGREEMENT FOR THE PROSPERITY GOLD-COPPER MINE PROJECT 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 Canada's Aboriginal peoples concerning contemplated Crown conduct with respect to, among other things, major resource projects that may adversely affect established or potential Aboriginal and treaty rights under s.35 of the *Constitution Act 1982*;

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

AND WHEREAS Taseko Mines Limited (the Proponent) has submitted a Project Description in support of its proposal to develop a gold-copper mine 125 kilometres southwest of Williams Lake, British Columbia;

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

AND WHEREAS the Minister of the Environment (the Minister) has appointed a Review Panel (the Panel) to conduct an environmental assessment of the proposed project pursuant to *the Canadian Environmental Assessment Act (CEAA)*;

AND WHEREAS the British Columbia Environmental Assessment Office (BC EAO) and the Canadian Environmental Assessment Agency have agreed to coordinate the federal and provincial environmental assessments to the extent possible;

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

NOW THEREFORE the federal signatories 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 the discharging of any duty to consult with Aboriginal groups.

1.0 PURPOSE

This Agreement describes the main activities of the federal review process and outlines the key roles and responsibilities of the federal signatories (the Parties) to this Agreement in relation to the proposed project. The federal review includes EA, regulatory review, and Aboriginal engagement and consultation activities.

In addition, the Agreement establishes service standards for each milestone of the federal review as the basis for tracking and managing progress. These have been established on the basis of a number of assumptions, some of which relate to activities of participants to the review that are *not signatories* to this Agreement, such as the Proponent, the BC EAO, Aboriginal groups and the Panel. Should events unfold in a manner that is different from what has been assumed, the timelines will necessarily be different.

2.0 ROLES AND RESPONSIBILITIES

The Proponent is proposing to develop a large open pit gold-copper mine in British Columbia. The proposed project would have a production capacity of greater than 75,000 tonnes per year of mineral ore, with a 20-year operating life. In addition to the mine, associated tailings and waste rock areas, the proposed project would include the development of an onsite mill and support

infrastructure, a 125-kilometre long power transmission line, an explosives factory and magazine, a 2.8-kilometre mine access road to connect to existing logging roads and highways, and transportation of concentrate to the existing Gibraltar Mine Concentrate Load-out Facility near Macalister, 54 kilometres north of Williams Lake. This project will require the listing of the Tailings Impoundment Area under the Metal Mining Effluent Regulations.

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

- The Canadian Environmental Assessment Agency (the CEA Agency) will act as the Panel Manager and as the Crown Consultation Coordinator for the EA in relation to the proposed project, and coordinate federal input into the provincial EA, to the extent possible (see Annexes II, III and VIII);
- Natural Resources Canada (NRCan) has regulatory and statutory responsibilities under the *Explosives Act* and, pursuant to paragraph 5(1)(d) of the CEAA, is a Responsible Authority (RA). NRCan is also a Federal Authority (FA) under the CEAA and is in possession of specialist or expert information or knowledge with respect to the proposed project and, on request, shall make available that information or knowledge to RAs and/or the Panel (see Annexes III and IV);
- Transport Canada (TC) has regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWPA) and, pursuant to paragraph 5(1)(d) of the CEAA, is an RA. TC requires a Navigation Impact Assessment (NIA) to be completed as a component of the EA. Therefore, to complete the NIA and make its EA decision, TC requires all the information described in the NWPA application form. In order to meet timelines in this Agreement this information must be submitted prior to the close of the public comment period on the Environmental Impact Statement. TC is also an FA under the CEAA and is in possession of specialist or expert information or knowledge with respect to the proposed project and, on request, shall make available that information or knowledge to the RAs and/or the Panel (see Annexes III and V);
- Fisheries and Oceans Canada (DFO) has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to paragraph 5(1)(d) and subsection 5(2) of the CEAA, is an RA. DFO is also an FA under the CEAA and is in possession of specialist or expert information or knowledge with respect to the proposed project and, on request, shall make available that information or knowledge to the RAs and/or the Panel (see Annexes III and VI);
- Environment Canada (EC) is an FA under the CEAA and is in possession of specialist or expert information or knowledge with respect to the proposed project, and, upon request, shall make available that information or knowledge to the RAs and/or the Panel; and EC has responsibilities to amend the *Metal Mining Effluent Regulations* under the *Fisheries Act* (see Annexes III and VII);
- Health Canada (HC) may be considered an FA under the CEAA and may be in possession of specialist or expert information with respect to the proposed project, and, upon request, shall make available that information or knowledge to the RAs and/or the Panel (see Annex VII);
- Indian and Northern Affairs Canada (INAC) has advisory responsibilities in regard to Aboriginal engagement and consultation; 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 its associated Memorandum of Understanding (MOU). The MPMO will provide oversight and advice throughout the entire federal review in relation to the proposed project to ensure adherence to the service standards and roles and responsibilities. (see Annex VII).

2.1 Environmental Assessment and Regulatory Review Processes

The Terms of Reference for the Review Panel, issued by the Minister of Environment on January 19, 2009, establishes the Panel and its mandate. As currently proposed, the scope of the project (the Project), outlined in detail in the Terms of Reference, would be the same for both the federal and provincial processes, and includes the open pit mine, associated tailings and waste rock

areas, on-site mill and support infrastructure, power transmission line, explosives factory and magazine, access road and concentrate transport to the existing Gibraltar Mine Concentrate Load-out Facility.

The CEA Agency and BC EAO have made considerable effort to coordinate their respective review processes, and to ensure that joint steps are undertaken wherever that can appropriately be done. This approach includes: developing a common set of Environmental Impact Statement (EIS) Guidelines; directing the development of a single EIS to be submitted by the Proponent (referred to as an Application for an Environmental Assessment Certificate in provincial terminology); holding joint public comment periods; and having BC EAO representatives and provincial agencies attend the federal panel public hearings. These steps will enhance the efficiency and effectiveness of the review process for all concerned, and will enable the most coordinated and productive Aboriginal consultation. Annex I shows a Gantt chart with target timelines for the federal EA and regulatory review process for the project. For clarity, a number of steps that have already occurred as part of the coordinated process are identified in the Gantt chart. Annex II shows the key milestones and service standards for the EA.

Through the EA process, RAs will confirm any regulatory decisions required in relation to the Project that are included in the *Law List Regulations*. 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 the Panel or an RA, continue to participate as an FA should it be in possession of specialist or expert information or knowledge with respect to the Project.

The EA and regulatory review timelines detailed in this Agreement assumes the timely submission by the Proponent of complete and accurate NWPA, *Fisheries Act*, and *Explosives Act* applications.

2.2 Aboriginal Engagement and Consultation

The Parties are committed to a “Whole of Government” approach to Aboriginal engagement and consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted, and where appropriate accommodated, when the Government of Canada contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. To the extent possible, and with the CEA Agency responsible for coordination, the Parties will work together toward a coordinated approach for Aboriginal consultation that is integrated with the EA and regulatory review processes.

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

3.0 TIMELINES

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

- a) Submission of Review Panel Report to Government – 10 months from the date of the submission of the EIS;
- b) If appropriate, issuance of NWPA, *Fisheries Act* and *Explosives Act* authorizations – 3 months from the EA Course of Action decisions posted on the Canadian Environmental Assessment Registry (CEAR), assuming the timely submission of regulatory applications;
- c) Amendment to the Metal Mining Effluent Regulations – 8 months from the EA Course of Action decisions posted on the CEAR;
- d) Governor in Council exemption under S23 NWPA – 12 months from the EA Course of Action decisions posted on the CEAR.

Based on current plans and estimates – and assuming the timely submission of all documents, applications, the timely completion of Panel activities, and the discharge of the Crown’s duty to consult – it is anticipated that the Panel will submit its report to the Minister in October 2009 for the Government Response.

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

4.0 FOLLOW-UP AND MONITORING

The RAs will work with FAs to ensure that appropriate measures are in place, in conjunction with the Proponent, to ensure the follow-up and monitoring related to their areas of regulatory responsibility that were identified through the EA and any conditions attached to licences and approvals issued as part of the regulatory review are adhered to and effectively implemented.

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

5.0 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 track and monitor the progress of the federal review process. The MPMO will report on this progress in the MPMO Tracker and suspend timelines in situations such as:

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

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 environmental assessment, regulatory review or Aboriginal engagement and consultation in relation to 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 process in relation to the Project 90 days following the regulatory review. The level of effort and format of the review 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 process or to the Project warrants an amendment to the Agreement. Where there is a consensus that an amendment is warranted, the MPMO, on behalf of the Parties, will provide a proposed amendment to the Major Projects Deputy Ministers' Committee for consideration.

Unless otherwise determined by the MPMO in collaboration with the Parties, an 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 an amendment is identified.

6.0 PROJECT AGREEMENT

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

<u>Original Signed by</u> Deputy Minister Natural Resources Canada	<u>May 15, 2009</u> Date
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<u>Original Signed by</u> President Canadian Environmental Assessment Agency	<u>May 7, 2009</u> Date
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<u>Original Signed by</u> Deputy Minister Fisheries and Oceans Canada	<u>May 22, 2009</u> Date
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<u>Original Signed by</u> Deputy Minister Transport Canada	<u>May 1, 2009</u> Date
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<u>Original Signed by</u> Deputy Minister Environment Canada	<u>May 2, 2009</u> Date
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<u>Original Signed by</u> Deputy Minister Indian and Northern Affairs	<u>May 8, 2009</u> Date
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Annexes

Annex I – Target Timelines for the Federal EA and Regulatory Review Process

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

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

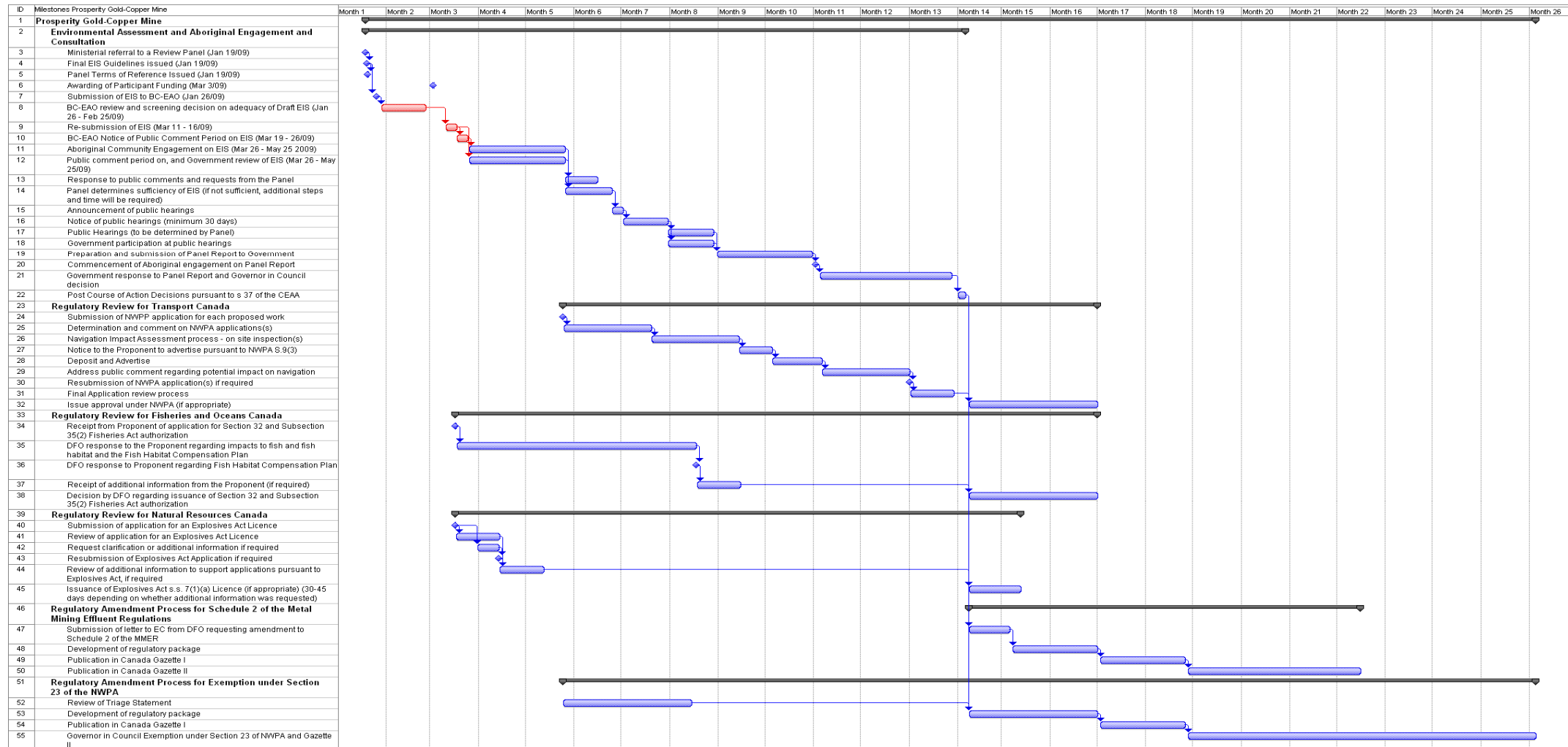
Annex VI – Fisheries and Oceans Canada: Roles, Responsibilities, Key Milestones and Service Standards

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

Annex VIII– Other Government Department and Agencies Roles and Responsibilities

Annex I

Target Timelines for the Federal EA and Regulatory Review Process



* Timelines identified in red do not represent federal process milestones.

Annex II

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

Description/Activity	Lead	Support As Needed	Service Standard, or Completion Date
Broad discussions with Aboriginal groups	CEA Agency	INAC, DOJ, RAs	Ongoing Activity: CEA Agency to provide biweekly/monthly updates to RAs, FAs
Maintain Record of Crown Consultation	CEA Agency	MPMO	Ongoing Activity
Comment period on the Proposed Federal-Provincial EIS Guidelines and Terms of Reference for the Review Panel	CEA Agency	DFO, TC, EC, NRCan	November 3 to December 3, 2008
Announcement of the Availability of Participant Funding	CEA Agency		November 4 – December 8, 2008
Ministerial Referral to a Review Panel; Posting of Final EIS Guidelines and Terms of Reference for the Panel; and Appointment of Panel Members	Minister of the Environment	CEA Agency	January 19, 2009
Announcement of Participant Funding	CEA Agency		Prior to receipt of the Proponent's EIS
Submission of draft EIS to BC EAO	Proponent		January 23, 2009 for 30-day screening. If application is deficient, then a revised EIS will need to be provided, and all timelines below will change
Submission of EIS to Panel	Proponent		March 13, 2009 if no deficiencies (Proponent must notify Panel of any delay)
Aboriginal Community Engagement on EIS	CEA Agency	DFO, TC, EC, NRCan	Process & schedule to be determined in cooperation with Aboriginal communities
Public Comment Period on EIS	Panel	DFO, TC, EC, NRCan	60 days
Submission of NWPA application to support TC regulatory approvals/authorizations	Proponent	TC	Prior to close of public comment period on EIS
Response to Public Comments and Requests from the Panel	Proponent		30 days
Announcement of Public Hearings	Panel		30 days prior to hearings
Public and Community Hearings on the EIS	Panel		Determined by the Panel

Government Interventions	DFO, TC, EC, NRCan, BC EAO		During hearings as determined by the Panel
Submission of Panel Report to Minister of Environment and Government Departments	Panel		Within 60 days of the close of hearings
Government Response to Panel Report	RAs	EC, CEA Agency, and FAs	Within 10 weeks of submission of Panel Report under the conditions that the RAs have determined that the Crown's duty to consult has been adequate to this particular point and that the CEEA requirements have been met
Governor in Council decision	PCO	CEA Agency, RAs, and FAs	Determined by Cabinet
Course of Action Decisions pursuant to CEEA, s 37	RAs	CEA Agency	Within 1 week of the Governor in Council 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* and its subsequent MOU for *Improving the Regulatory Performance for Major Natural Resource Projects* (June, 2007). The *Directive* states that federal Parties will work together towards a coordinated approach for Aboriginal consultation that is integrated with the EA and regulatory review.

2.0 Identifying Aboriginal Groups

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

3.0 The Federal Crown Consultation Process for the Prosperity Gold-Copper Project

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

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

4.0 Roles and Responsibilities of Parties

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

Roles and responsibilities of each participating federal entity for the review of the project are:

The CEA Agency will

- Act as the CCC for the federal review of the Project, and coordinate and facilitate the Crown’s consultation activities before and during the federal EA, and during the transition to the regulatory review to ensure the transition is smooth. As the CCC, the Agency will:

- Identify and engage Aboriginal groups, in cooperation with RAs as appropriate;
- Prepare an Aboriginal consultation work plan in collaboration with other Parties;
- Ensure that consultation activities required for the Project are integrated with the EA process, as a means to discharge the Crown's duty to consult;
- Ensure that a consultation process is in place for the regulatory review through the transfer of the CCC role to an RA;
- Track and refer project specific issues raised by Aboriginal peoples to the appropriate authorities (e.g., Responsible Authorities, proponent, province, etc.);
- Track and refer non-project specific issues (e.g. land claims, treaty rights) to the appropriate authorities (e.g., INAC, province, etc.);
- Address project specific issues in the context of the EA and regulatory review;
- Facilitate multi-party consultation activities where necessary;
- Represent the Crown and lead Crown consultation activities, together with RAs, and FAs that are requested to participate;
- Compile and update the *Record of Crown Consultation Activities* conducted during the EA and regulatory review, and then transfer the *Record* to the MPMO at the end of the EA and regulatory review;
- Provide funding for consultation activities in support of the Panel process through the Aboriginal Funding Envelope of the Agency's Participant Funding Program;
- Consult on the Panel Report recommendations as required;
- Evaluate the scope, nature, and sufficiency of the Crown's consultation efforts, with input from the Department of Justice, INAC and RAs; and
- Issue final letter, on behalf of Government of Canada, to Aboriginal groups on how concerns were addressed.

The Major Projects Management Office will:

- House and maintain the official *Record of Crown Consultation Activities* for the Project; and
- Incorporate information relating to consultation activities into the Project Monitoring and Tracking System.

Responsible Authorities will:

- Participate in coordinated consultation activities throughout the entire EA and regulatory review processes (including pre-assessment, assessment, and post-assessment phases), as appropriate/required;
- Represent the Crown alongside the CCC, the province, the Proponent and other federal 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 consultation activities to the Agency and the MPMO in accordance with the established records-management process; and
- Support issues analysis work, where required.

Federal Authorities and Expert Departments will:

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

The Department of Justice (DOJ) and INAC will:

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

Annex IV

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

EA

- Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group;
- Review and comment on the EA Work Plan, Aboriginal Consultation Work Plan, public participation plan and communications plan;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Review and comment, and participate in the analysis and comments on additional information provided by the Proponent
- Participate in public hearings as a Federal Authority with respect to NRCan's mandate under the *Explosives Act*, as well as with respect to specific areas of geoscience, explosives, minerals and metals science expertise, Acid Rock Drainage-Metal Leaching, and hydrogeology, where appropriate;
- Review and provide input into the Government Response to the Panel Report;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel Report, as appropriate;
- Take a course of action decision following the Government Response to the Panel Report;
- Provide input into the follow-up and monitoring programs relative to NRCan's areas of regulatory responsibilities and areas of interest, as required; and
- Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to NRCan's areas of regulatory responsibilities and areas of interest, as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate; and
- 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.

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

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Submission of project description & information on explosives factory and magazine to NRCan	NRCan liaises with Project Proponent regarding explosives factories and magazines	Proponent	Ongoing
Determination whether licence under <i>Explosives Act</i> s.s. 7(1)(a) is required	NRCan reviews Proponent's answers the explosives questionnaire	NRCan	Completed
Submission of application for an <i>Explosives Act</i> Licence	The Supplier compiles information and submits an application to NRCan for a Licence under <i>Explosives Act</i> s.s. 7(1)(a) for an explosives factory or magazine.	Explosives Supplier selected by Proponent	Start timing. N.B.: the timing of receiving the application may not necessarily be aligned with the EA process.
Review of the Application:	NRCan reviews the proponent's application to ensure that all of the required information is included.	NRCan	If the application is complete, require 30 days to review and process application and issue the <i>Explosives Act</i> Licence. If application is incomplete, federal clock stops.
Request Clarification or Additional Information	If there are aspects of the application that are unclear, or if additional information is required, NRCan will request clarification or additional information from the Explosives supplier	NRCan	Within 15 days of receipt of application.
Re-submission of a complete Application for an <i>Explosives Act</i> Licence	Explosives supplier re-submits a completed application for an <i>Explosives Act</i> Licence	Supplier	
Review Supplier's revised Application	NRCan continues its review of the application which includes clarifications or additional information requested	NRCan	Within 30 days from receipt of the revised application
Issuance of <i>Explosives Act</i> s.s. 7(1)(a) Licence	Once a determination under the <i>CEAA</i> has been rendered and a Notice of Decision has been posted on the CEA Agency's Registry, NRCan can issue a Licence under <i>Explosives Act</i> s.s.7(1)(a) for an explosives factory or magazine. Licences may include Terms and Conditions, as appropriate, relating to mitigation measures or follow up requirements identified during the EA review phase of the Project.	NRCan	Within 30 days if no additional clarification or information was required in the initial application; Or Within 45 days if additional clarification or information was requested.

Annex V

Transport Canada Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group;
- Review and comment on the EA work plan, Aboriginal consultation work plan, public participation plan and communications plan;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Participate in public hearings as a Federal Authority on navigation issues, with respect to TC's mandate under the NWPA, where appropriate;
- Review and provide input into the Government Response to the Panel Report;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel Report, as appropriate;
- Take course of action decision following the Governor in Council decision;
- Provide input into the follow-up and monitoring programs relative to TC's areas of regulatory responsibilities and areas of interest, as required; and
- Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to TC's areas of regulatory responsibilities and areas of interest, 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, including consulting with affected/potentially affected Aboriginal groups as appropriate, related to TC's regulatory responsibilities under the NWPA, as required, 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
TC liaises with Project Proponent regarding potential works in regards to impacts on navigability	TC liaises with Project Proponent regarding proposed works that could potentially impact navigation and on potential alternatives and mitigation strategies to ensure that navigability is maintained.	TC	Ongoing
Submission of NWPA application for each proposed work	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, prior to the completion of the public comment period on the Environmental Impact Statement.	Proponent	TBD by Proponent.
Determination and comment on NWPA application(s)	Review application package and information/plans for adequacy to support NWPA review.	TC	8 weeks after application submission The NWPA review will

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	Requests further information, if required, to proceed with application		be aligned with the 12-month period for the S23 NWPA exemption
Navigation Impact Assessment Process - On-site Inspection(s)	Complete on-site Navigation Impact assessment of Project, site and waterway(s), subject to weather and time of year.	TC	An initial 2 month inspection process, then ongoing until completion of public comment process
Notice to the Proponent to Advertise pursuant to NWPA S. 9(3)	TC provides Proponent with advertisement package pursuant to NWPA S. 9(3).	TC	Within 3 weeks of completed initial on-site inspection and allowing for potential changes to the Project due to EA issues
Deposit and Advertise	Proponent deposits "Final Plans" and other relevant information to Land Title Office or the government agent and advertises in 2 local papers and the Canada Gazette. Proponent will provide to TC proof of deposit & advertising	Proponent Land Title Office, Canada Gazette	Advertisement process is to occur for a minimum of 30 +1 calendar days
Address Public Comments regarding Project's Potential Impact on Navigation	Should TC receive concerns from the public or Aboriginal groups regarding navigation, the Proponent and TC will work together to resolve concerns. Additional requirements might be deemed necessary by TC in regards to potential impacts on navigation posed by proposed works. TC will facilitate public comment process if required.	Proponent & TC TC	To be completed within 2 months of completion of the advertisement process
Resubmission of NWPA application(s) (if required)	Re-submission of NWPA application(s) by Proponent if substantial changes to proposed work(s) are required.	Proponent	TBD by Proponent
Final Application Review Process	Perform a final review (subject to the Panel's conclusions and recommendations) of all information on file, including technical information and public comments.	TC	4 weeks
Issue approval under NWPA (if appropriate)	If appropriate, issue approvals under NWPA		90 calendar days following EA Course of Action decision, if NWPA application(s) submitted prior to close of public comment period on EIS
Governor in Council Exemption under S23 NWPA	If appropriate		12 months following the EA Course of Action decisions

Annex VI

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

EA

- Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group;
- Review and comment on the EA Work Plan, Aboriginal Consultation Work Plan, public participation plan and communications plan;
- Review and comment on the EIS and participate in the analysis of comments on the EIS;
- Participate in public hearings, as a Federal Authority with respect to DFO’s mandate under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, where appropriate;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel Report, as appropriate;
- Lead and coordinate the Government Response to the Panel Report;
- Take a course of action decision following the Governor in Council decision;
- Provide input into the follow-up and monitoring programs relative to DFO’s areas of regulatory responsibilities and areas of interest under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, as required;
- Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to DFO’s areas of regulatory responsibilities and areas of interest under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Prepare regulatory work plan; and
- Undertake any required activities related to DFO’s mandate under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, as required, to support DFO’s regulatory decisions, including consulting with affected/potentially affected Aboriginal groups as appropriate.

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
Receipt from Proponent of an application for a Subsection 35(2) <i>Fisheries Act</i> authorization	DFO receives application from the Proponent for authorization of impacts to fish and fish habitat under section 32 and subsection 35(2) of the <i>Fisheries Act</i> complete with adequate plans, maps, reports and data to support the review. This may include a Fish Habitat Compensation Plan to support the <i>Fisheries Act</i> review and the compensation plan for the Tailings Impoundment Area as required under section 27.1 of the <i>Metal Mining Effluent Regulations</i> . The application should be received in conjunction with the EIS.	Proponent	Dependent on timing of the submission of the application by the proponent.

<p>DFO response to Proponent regarding impacts to fish and fish habitat and the Fish Habitat Compensation Plan</p>	<p>DFO reviews the proposed Fish Habitat Compensation Plan and associated financial security, if applicable, for adequacy to support the Fisheries Act review. DFO requests further information, if required, to proceed with the review of the application (and EIS, if reviews are concurrent).</p>	<p>DFO</p>	<p>Concurrent with review of the EIS if application is received during the EIS review.</p>
<p>Receipt of additional information from Proponent</p>	<p>DFO receives additional information from Proponent</p>	<p>Proponent</p>	<p>Dependent on timing of the submission of additional information by the Proponent.</p>
<p>Decision by DFO regarding issuance of Subsection 35(2) Fisheries Act authorization</p>	<p>If appropriate, DFO issues a <i>Fisheries Act</i> authorization to Proponent for impacts to fish and fish habitat.</p>	<p>DFO</p>	<p>DFO issues an authorization contingent on EA Course of Action Decision under paragraph 37(1)(a) of CEAA. The Course of Action decision must be consistent with the response to the Panel Report approved by the Governor in Council under paragraph 37(1.1)(a) of CEAA.</p> <p>DFO issues the authorization 90 calendar days after receipt of an acceptable Fish Habitat Compensation Plan (including financial security) and the discharge of any legal Aboriginal consultation obligations associated with the authorization(s).</p> <p>Issuance of the authorization will also consider the Proponent's timing needs for the authorization in that, should the authorization not be required until much later than the timeline above, DFO will issue it when it is appropriate.</p> <p>Issuance of the authorization may also be dependent on the timing of Governor in Council's decision regarding the listing of Fish Lake and Fish Creek as a TIA on Schedule 2 of the <i>Metal Mining Effluent Regulations</i>.</p>

Annex VII

Environment Canada Roles, Responsibilities, Key Milestones and Service Standards

As a Federal Authority, and with responsibilities to amend the *Metal Mining Effluent Regulations* under the *Fisheries Act*, Environment Canada will:

EA

- Review and submit comments on the EA Work Plan, Aboriginal Consultation Work Plan, public participation plan and communications plan, as appropriate;
- Participate in federal project review committee meetings as requested by the RAs or the Panel or as otherwise appropriate, for provision of relevant expertise that is available;
- Review and submit comments on the EIS;
- Participate in the provincial Working Group;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel Report, as appropriate;
- Provide support to the review of other comments received on the EIS;
- Participate in public hearings, where appropriate;
- Review Panel Report and participate in the development of Government Response; and
- Provide support to the review of 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.

Regulatory

- Administer the *Metal Mining Effluent Regulations*, including consulting on, and drafting of, a regulatory amendment to list the Tailing Impoundment Area on Schedule 2 of the regulations, including consulting with affected/potentially affected Aboriginal groups as appropriate. The target timeline of 8 months for the regulatory process is comprised, approximately, of the following:

ACTIVITY	LEAD	TARGET TIMELINE
Submission of letter to EC from DFO requesting amendment to MMER schedule 2	DFO	Less than one month after Course of Action decisions pursuant to the CEAA, s. 37, posted on the CEAR
Development of regulatory package	EC	Less than 2 months after receipt of DFO letter
Publication in Canada Gazette I	EC	Less than 2 months from development of regulatory package
Publication in Canada Gazette II	EC	3-4 months after publication in Canada Gazette I

Annex VIII

Other Government Departments and Agencies Roles and Responsibilities

PARTY	ROLES / RESPONSIBILITIES
CEA Agency	<ul style="list-style-type: none"> • Provide advice in regard to the <i>Canadian Environmental Assessment Act</i> • Provide information on the panel review process. • Make participant funding available and maintain funding program (as per section 58(1.1) of the <i>Canadian Environmental Assessment Act</i>.) • Conduct orientation sessions on the panel process and provide guidance on techniques for effective presentation of information and responses to questions by panels; • Coordinate communication among the federal participants regarding the panel process, including with the province for the federal review panel, through the establishment and management of a technical working group; • Facilitate discussions between RAs and FAs to address any conflicting perspectives, as appropriate; • Assist departments in ensuring consistent approach to federal submissions and presentations to the panel; • Coordinate discussions with the province, proponent, Aboriginal groups to assist in clarifying and understanding the various perspectives being presented to the panel; • Coordinate federal input into a parallel provincial EA process, and in those circumstances when the federal and provincial governments are applying different approaches to environmental assessment, coordinate federal input to ensure consistency in the information being presented to each process. • When possible, coordinate provincial input into a federal review panel to obtain information on provincial interests and perspectives and, where appropriate, encourage consistency in the information being presented to the process; • Provide regular updates to federal departments on the environmental review and consultation with Aboriginal groups; • Compile public and Aboriginal groups' comments on documents and identify issues that may require a response from the RAs and FAs; • Where meetings are necessary during the panel hearings to address technical or consultation issues, coordinate the involvement of federal departments; • Coordinate and communicate to the proponent the federal information requirements for the preparation of the Environmental Impact Statement; and • Document lessons learned.
HC	<ul style="list-style-type: none"> • 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.
INAC	<ul style="list-style-type: none"> • Provide advice in regard to Aboriginal engagement and consultation.
MPMO	<ul style="list-style-type: none"> • Coordinate the development and approval of the Project Agreement; • Monitor and report on the progress of the project through the EA and regulatory review; • Take proactive steps to identify opportunities to streamline the regulatory process to meet government timelines and identify bottlenecks that could cause delay; and • Incorporate information received from the CEA Agency, FA(s) RA(s), and Proponent on the EA and regulatory milestones into the MPMO Project Tracking System.