

PROJECT AGREEMENT FOR THE BURNCO AGGREGATE MINE IN BRITISH COLUMBIA

PREAMBLE

WHEREAS the Government of Canada is committed to improving the efficiency of 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 consultation with Aboriginal groups, including Treaty First Nations, Non-Treaty First Nations, Métis and Inuit people, concerning contemplated federal Crown (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, which includes the EA, regulatory reviews and Aboriginal consultation activities for major resource projects;

AND WHEREAS Burnco Rock Products Ltd. (the Proponent) has submitted a Project Description in support of its proposal to develop a sand and gravel mine on the northwest shore of Howe Sound in British Columbia;

AND WHEREAS the Canadian Environmental Assessment Agency (CEA Agency) has commenced a comprehensive study pursuant to the *Canadian Environmental Assessment Act (CEAA)*¹;

AND WHEREAS the CEA Agency, Fisheries and Oceans Canada (DFO) and Transport Canada (TC) have regulatory and statutory duties in relation to the proposed project;

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 CEA Agency and the British Columbia Environmental Assessment Office (BCEAO) have agreed to coordinate the federal and provincial EAs to the extent possible pursuant to the *Canada-British Columbia Agreement for Environmental Assessment Cooperation*; and,

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

¹ The *Canadian Environmental Assessment Act, 2012* (CEAA 2012) requires that this project be reviewed under the former CEAA and that the comprehensive study report be provided to the Minister of the Environment no later than six months of government time from the date CEAA 2012 came into force (July 6, 2012).

to the proposed project and to contribute to fulfilling the Crown's duty to consult with Aboriginal groups.

1.0 PURPOSE

The purpose of this Agreement is to provide an effective tool to enable the Parties to deliver an efficient federal review process. It articulates the roles and responsibilities of each department and agency and timeline based targets for the achievement of process milestones. For further clarity, the Agreement shall be read together with the Annexes, which form part of this Agreement.

2.0 PROJECT DESCRIPTION

The proposed project consists of a sand and gravel mine with an estimated production capacity of 1 to 1.6 million tonnes per year on the northwest shore of Howe Sound in British Columbia (the Project) and includes the following components and activities associated with the construction, operation, modification, decommissioning and abandonment of these components:

- Sand and gravel pit;
- Processing plant;
- Settling ponds;
- Marine loading facility and associated infrastructure;
- Aggregate transport and unloading;
- Stockpiles, berm and/or engineered dike;
- Site access road;
- Electric transmission line and substation;
- Mine site facilities; and,
- Upgrades to existing infrastructure.

3.0 ROLES AND RESPONSIBILITIES

The following federal departments and agencies have identified an interest in the Project, and will participate in the federal review as follows:

- The CEA Agency will exercise the powers and perform the duties and functions of the Responsible Authority (RA) in relation to the Project pursuant to the CEAA until the Minister of the Environment is provided with the comprehensive study report, including those requirements of the *Species at Risk Act* set out in subsection 11.01(3) of the CEAA. In addition, 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;
- DFO has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to the CEAA, is an RA. DFO requires that a complete application for a *Fisheries Act* authorization be submitted during the EA phase to confirm whether there is a *Fisheries Act* trigger. In

order to meet the regulatory timelines set out in this Agreement for a review under the *Fisheries Act*, the information requested in the application must be submitted to DFO at the latest, concurrent with the submission of the draft Environmental Impact Statement (EIS). 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;

- TC is a Federal Authority (FA) pursuant to the CEAA and has regulatory responsibilities under Section 5(3) of the *Navigable Waters Protection Act* (NWPA) that do not trigger an EA pursuant to the CEAA. TC requires that all the information described in the NWPA application form for a review under the NWPA be submitted during the EA phase to confirm whether there is a NWPA trigger. In order to meet the regulatory timelines set out in this Agreement for a review under the NWPA, the information described in the NWPA application form must be submitted to TC at the latest, concurrent with the submission of the draft EIS, and the Navigation Impact Assessment (NIA) has to be completed as a component of the EA. 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;
- Aboriginal Affairs and Northern Development Canada (AANDC) has advisory responsibilities to support the Government of Canada's Aboriginal consultation activities in relation to the Project;
- Natural Resources Canada (NRCan), Environment Canada (EC), and Health Canada (HC) are FAs pursuant to the CEAA and may be in possession of specialist or expert information or knowledge with respect to the Project (expert FAs) and, upon request, shall make available that information or knowledge to the CEA Agency; 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 Annexes III, IV, V and VI.

4.0 FEDERAL REVIEW PROCESS

The proposed scope of the Project is the Project as described in the Project Description as provided by the Proponent.

The CEA Agency has commenced a comprehensive study and will coordinate the federal process with BCEAO, to ensure that the respective federal and provincial requirements are met in a manner 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 consultation. Annexes IV and V show the milestones and service standards for the regulatory review for each department.

The CEA Agency will seek the participation of the RA and expert FAs to ensure that the EA process results in an efficient and effective EA that complies with the requirements of the CEEA and its regulations.

During the EA process, the RA will confirm any regulatory or other s. 5 decisions required in relation to the Project that are triggers pursuant to the CEEA. As such, the Proponent is expected to submit all necessary applications to allow confirmation of triggers prior to the EA decision. Submission of the regulatory and technical information necessary for the RA/FA to make their regulatory decision within the proposed timeframe is at the discretion of the Proponent. Although that information may not be necessary for the EA decision, the Proponent is expected to submit it concurrent with the EIS, for the RA/FA to meet the regulatory timelines set out in this Agreement.

If a department or agency determines that a regulatory decision or other trigger decision is not required, it may, upon request from the CEA Agency continue to participate as an expert FA should it be in possession of specialist or expert information or knowledge with respect to the Project. In the event that no triggers for the EA remain, the CEA Agency will terminate the EA.

5.0 ABORIGINAL CONSULTATION

The Parties are committed to 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 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 during the EA Phase, the Parties will work together with the Province of British Columbia (the Province) toward a coordinated approach for Aboriginal consultation that is integrated with the EA phase of the federal review. Following the EA phase, the responsibility for Aboriginal consultation will be transferred from the CEA Agency to the RA for the regulatory phase. 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.

Where applicable, the terms and conditions of all existing agreements or protocols between the Crown and Aboriginal groups will be respected and followed.

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

6.0 TIMELINES

Timelines identified in the Agreement represent the time expected to be taken by federal departments and agencies in carrying out their respective tasks for the federal review. The timelines do not account for time taken by participants who are not signatories to this

Agreement, such as the Proponent, the Province, etc. The target timelines for the federal review are as follows:

- a) Completion of the EA: 11.5 months including:
 - i. 26 weeks from the coming into force of CEAA 2012 (July 6, 2012) to the submission of the final CSR to the Minister of the Environment
 - ii. 20.4 weeks from the submission of the final CSR to the Minister of the Environment to the posting of the Minister of the Environment's EA Decision Statement
 - iii. 3 weeks from the posting of the Minister of the Environment's EA Decision Statement to the posting of EA course of action decisions on the CEARIS;

- b) Regulatory decisions pursuant to the Fisheries Act and the Navigable Waters Protection Act – 90 calendar days 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 draft EIS.

Situations in which the CEA Agency may pause the timelines during the EA are identified in the *Establishing Timelines for Comprehensive Studies Regulations* as follows:

- Any period during which the Proponent prepares or collects any information necessary for the Agency to complete the environmental impact statement guidelines or to complete the requirements of the environmental impact statement guidelines, unless the Agency has sufficient information allowing it to otherwise continue the comprehensive study during this period;
- Any period requested in writing by the Proponent; and,
- Any time, to a maximum of 30 days following receipt of the environmental impact statement, needed by the Agency to determine whether the information outlined in the environmental impact statement guidelines has been provided.

Situations in which the MPMO may pause the timelines during the regulatory review include:

- a. The regulatory review is delayed at the request of the Proponent and/or another jurisdiction;
- b. The RA has indicated that the Proponent is required to provide additional information necessary for the completion of the regulatory review, or that the information provided is insufficient;
- c. The regulatory review cannot proceed as a result of circumstances related to Aboriginal consultation; or,
- d. Litigation or other court action prevents the completion or continuation of the regulatory review.

7.0 MITIGATION MEASURES AND FOLLOW-UP PROGRAM

The RA has responsibilities under the CEAA to ensure the implementation of any mitigation measures taken into account by the RA in reaching a conclusion on the significance of adverse environmental effects and which the RA can ensure. The CEA Agency will work in cooperation

with the RA, expert FAs, the Province and the Proponent to identify and evaluate means by which the RA will ensure or be satisfied that the mitigation measures are implemented, and to ensure the follow-up programs are implemented. Expert FAs will provide assistance requested by the RA in ensuring the implementation of a mitigation measure or aspect of the follow-up program on which the expert FAs and the RA 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.

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.

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 CEA Agency or, during the regulatory phase, an RA, may recommend to the MPMO whether a change to the federal review or to the Project warrants an amendment to this Agreement. Where there is agreement that an amendment is warranted, and where such amendment is considered significant, the MPMO will provide the proposed amendment to the signatories for consideration.

9.0 SIGNATORIES

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

Serge P. Dupont
Deputy Minister
Natural Resources Canada

January 27, 2012
Date

Elaine Feldman
President
Canadian Environmental Assessment Agency

February 15, 2012
Date

Claire Dansereau
Deputy Minister
Fisheries and Oceans Canada

February 1, 2012
Date

Anita Biguzs
Associate Deputy Minister
Transport Canada

February 2, 2012
Date

Paul Boothe
Deputy Minister
Environment Canada

February 1, 2012
Date

Michael Wernick
Deputy Minister
Aboriginal Affairs and Northern Development Canada

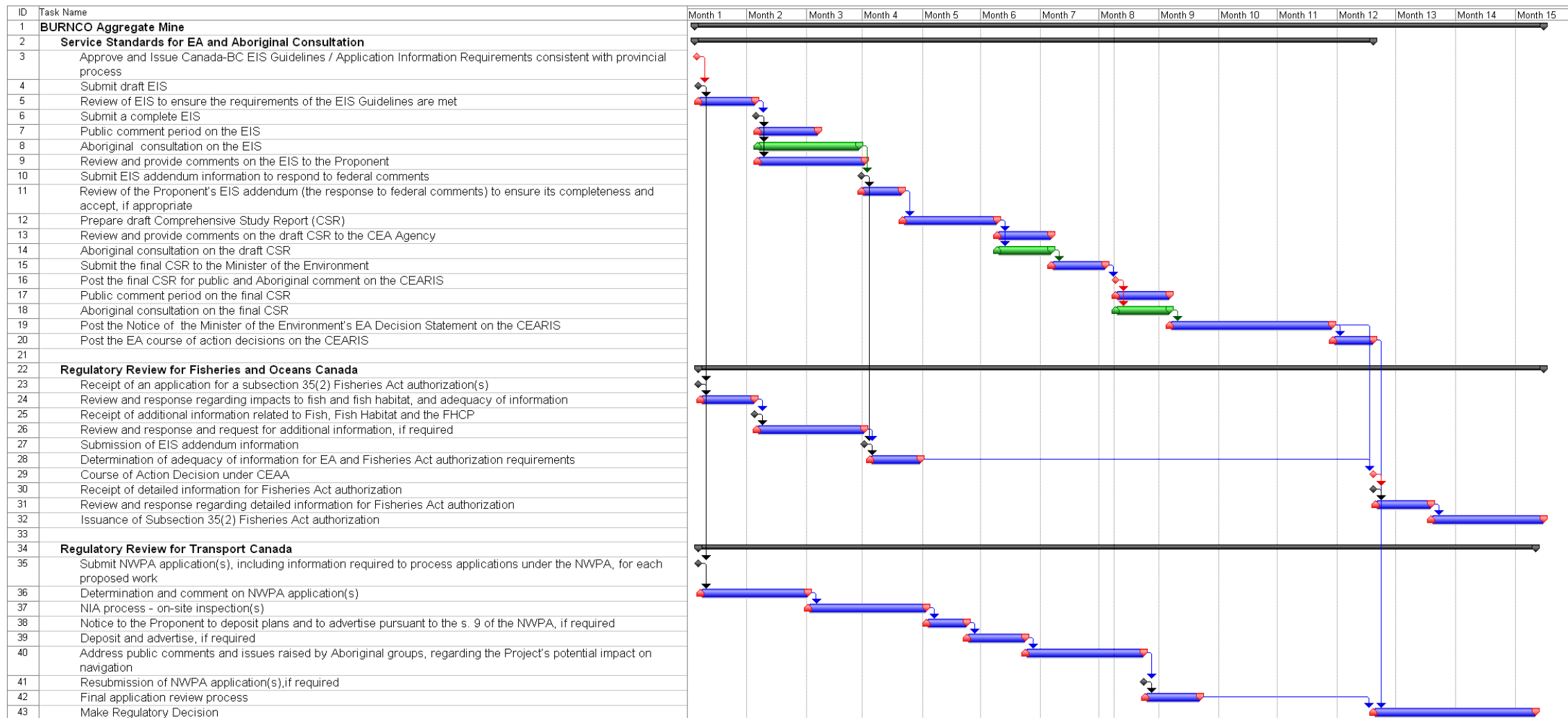
January 30, 2012
Date

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 Consultation
- Annex III Aboriginal Consultation Approach and Associated Roles and Responsibilities
- Annex IV Responsible Authorities: Roles, Responsibilities, Key Milestones and Service Standards
- Annex V Transport Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex VI Other Departments and Agencies: Roles and Responsibilities

Annex I

Gantt Chart: Target Timelines for the Federal Review of the Project²



² The Gantt chart is a baseline against which the timelines, identified in the Agreement expected to be taken by federal departments and agencies in carrying out their respective tasks for the federal review, will be tracked. The timelines do not account for time taken by participants who are not signatories to this Agreement, such as the Proponent, provinces, Aboriginal groups, the public or other stakeholders.

Annex II

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

	Milestone	Lead	Support As Needed	Service Standard/ Completion Date
1	Post the Notice of Commencement (NoC) on the CEARIS	CEA Agency	RA	April 28, 2010
2	Coming into force of CEAA 2012			July 6, 2012
3	Approve and issue Canada-BC EIS guidelines / Application Info Requirements consistent with provincial process	Province of BC, CEA Agency		1 day after proponent submits revised draft EIS guidelines.
4	Submit draft EIS	Proponent	CEA Agency, RA, expert FAs	To be determined by the Proponent
5	Review of EIS to ensure the requirements of the EIS Guidelines are met	CEA Agency, Province of British Columbia	RA, expert FAs	To a maximum of 30 days from submission of draft EIS
6	Submit a complete EIS	Proponent	CEA Agency	To be determined by proponent
7	Public comment period on the EIS	CEA Agency	RA, expert FAs	30 days, from posting by BC of accepted Application (EIS) for public comment
8	Aboriginal consultation on the EIS	CEA Agency	RA, expert FAs	52 days from posting of accepted EIS for public comment
9	Review and provide comments on the EIS to the Proponent	CEA Agency	RA, expert FAs	Within 8 weeks from acceptance of EIS
10	Submit EIS addendum information to respond to federal comments	Proponent	CEA Agency, RA, expert FAs	To be determined by the Proponent
11	Review of the Proponent's EIS addendum (the response to federal comments) to ensure its completeness and accept, if appropriate	CEA Agency	RA, expert FAs	Within 3 weeks from the submission of an EIS addendum by the Proponent

	Milestone	Lead	Support As Needed	Service Standard/ Completion Date
12	Prepare draft Comprehensive Study Report (CSR)	CEA Agency	RA, expert FAs	Within 7 weeks from the acceptance of the EIS addendum information as complete
13	Review and provide comments on the draft CSR to the CEA Agency	RA, expert FAs		Within 4 weeks from the circulation of the draft CSR
14	Aboriginal consultation on the draft CSR	CEA Agency	RA, expert FAs	Concurrent with federal review of the draft CSR
17	Submit the final CSR to the Minister of the Environment	CEA Agency		Within 4 weeks from the provision of federal comments on the draft CSR
18	Post the final CSR for public and Aboriginal comment on the CEARIS	CEA Agency		Within 3 days from the submission of the final CSR to the Minister of the Environment
19	Public comment period on the final CSR	CEA Agency	RA	4 weeks, starting from the posting of the final CSR
20	Aboriginal consultation on the final CSR	CEA Agency	RA, expert FAs	4 weeks, starting from the posting of the final CSR
21	Post the Notice of the Minister of the Environment's EA Decision Statement on the CEARIS	CEA Agency		Within 12 weeks from the close of the comment period on the final CSR
22	Post the EA course of action decisions on the CEARIS	RA	CEA Agency	Within 3 weeks from the Minister's EA Decision Statement being posted on the CEARIS

Annex III

Aboriginal Consultation Approach and Associated 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 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. These rights are recognized and affirmed in Section 35 of the *Constitution Act, 1982*.

This approach is mandated by both the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and the associated Memorandum of Understanding (MOU) (June, 2007). The *Directive* states that Parties will work together towards a coordinated approach for Aboriginal consultation that is integrated with the EA, to the extent possible. The approach for federal consultation of Aboriginal groups for major resource projects was created in accordance with *Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to Fulfill the Duty to Consult* (AANDC; March 2011).

2.0 Identifying Aboriginal Groups

The CEA Agency, along with the RA and the Province of British Columbia, will:

- work with the Proponent to identify Aboriginal groups for consultation that may be affected by the Project; and,
- undertake preliminary assessment of the identified Aboriginal groups, including the nature, location and exercise of potential or established Aboriginal or Treaty rights that may be affected by the Project. Together with the severity of potential adverse impacts of the Project, this will inform the scope of the consultation process.

Aboriginal groups consulted 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 consultation activities undertaken by the Crown.

3.0 The Crown Consultation Process

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

Where accommodation is appropriate, the Crown, coordinated by the CEA Agency during the EA phase, 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. 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.

Following the EA phase, the CEA Agency will transfer the role of the CCC to an assigned RA for the regulatory review phase.

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, coordinate and facilitate the Crown’s 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:
 - Develop and implement a Crown consultation plan that is consistent with a “Whole of Government” approach to Crown consultation by the federal Crown through close collaboration with the RA and with support from expert FAs as appropriate;
 - Coordinate Crown consultation activities with those of the Province;
 - Invite Aboriginal groups to participate in the EA process and make their concerns known about EA matters, as well as the Project impacts on their established or potential Aboriginal and treaty rights;
 - Coordinate the involvement and provide updates to the RA and expert FAs regarding federal Crown consultation activities with Aboriginal groups as it relates to the EA;
 - Represent the Crown with the RA during consultation activities, and work with those authorities to appropriately consider and address issues raised by Aboriginal groups;
 - Compile the Crown consultation record, including a tracking table for those issues that may require a response from the RA and expert FAs;
 - 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;
 - Coordinate the evaluation of the scope, nature, and sufficiency of the Crown’s consultation efforts, with input from the Department of Justice (DOJ), AANDC and the RA;
 - Coordinate the response, with input from AANDC and the RA, on behalf of the Government of Canada to Aboriginal Groups on how concerns were addressed during the EA;
 - Coordinate discussions with the RA for the purposes of identifying a lead CCC for Aboriginal consultation activities related to the regulatory phase;
 - Coordinate the ongoing assessment of the identified Aboriginal groups’ potential or established Aboriginal or Treaty rights, with input from the RA, AANDC and DOJ.

This will enable the necessary adjustments to the consultation process, as required.;
and,

- Document lessons learned.

The MPMO will:

- Provide oversight to ensure the overall consistency, accountability, and transparency of the Aboriginal Crown 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.

The RA will:

- Contribute to the “Whole of Government” approach by participating in consultation activities throughout the entire federal review (including before, during and after the EA) in areas relevant/appropriate to their mandates and areas of statutory and policy responsibility;
- Represent the Crown in concert with the CCC and the Province, and work with the Proponent and other Parties to address Aboriginal issues, as appropriate/required;
- Take on the role of the CCC from the CEA Agency following the EA course of action decision;
- Report on 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, in concert with the CEA Agency, the DOJ and AANDC;
- Contribute to the ongoing assessment of the identified Aboriginal groups’ potential or established Aboriginal or Treaty rights, with input from AANDC and DOJ. This will enable the necessary adjustments to the consultation process, as required; and,
- Develop, review and approve the Aboriginal consultation work plan for the regulatory phase if required.

Expert FAs will:

- Support any of the above activities upon request of the CCC and/or the RA, as appropriate.

DOJ and AANDC will:

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

Annex IV

Responsible Authorities 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 and comment on 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 its mandate, regulatory responsibilities and areas of interest, when requested by the CEA Agency;
- Participate in consultations with affected/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;
- Work with expert FAs, the Proponent and the Province to ensure implementation of mitigation measures and the design and implementation of follow-up program; and,
- Where appropriate, work with expert FAs, the Proponent and the Province to identify measures or means to accommodate adverse impacts on potential or established Aboriginal and treaty rights under Section 35 of the *Constitution Act, 1982*.

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;
- Provide expert advice with respect to its mandate, regulatory responsibilities and areas of interest, where appropriate;
- If appropriate, take regulatory decision following the EA course of action decision;
- Undertake any required activities related to its mandate, regulatory responsibilities and areas of interest, including consulting with affected/potentially affected Aboriginal groups as appropriate, to support regulatory decisions; and,
- Conduct site visits to support regulatory decisions, as required.

Fisheries and Oceans Canada

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>The following milestones occur after DFO's review of a complete Project Description and determination that an authorization under Subsection 35(2) of the <i>Fisheries Act</i> is likely to be required. If such an authorization is likely to be required, DFO will request that the Proponent submit an application for authorization for review.</p> <p>Appropriately detailed information associated with the assessment of effects on fish and fish habitat and mitigation (including compensation) to address those effects must be provided in the Proponent's Environmental Impact Statement (EIS) submission during the EA to support the determination of the significance of adverse effects on fish and fish habitat. This information will be identified through DFO's input to the EIS guidelines or terms of reference.</p> <p>Aboriginal consultation activities related to the EA are captured in <i>Annex II: Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Consultation</i>.</p>			
<p>Receipt of an application for a Subsection 35(2) Fisheries Act authorization(s)</p>	<p>DFO receives an application from the Proponent for the authorization of impacts to fish habitat under Subsection 35(2) of the <i>Fisheries Act</i>.</p> <p>The application must be complete and be supported by adequate plans, maps, reports and data to support the review. The application should also be supported by proposed mitigation (as part of the authorization or in the EIS) to minimize impacts on fish and fish habitat and a proposed fish habitat compensation plan (FHCP) associated with a Subsection 35(2) authorization (if it is determined that one is appropriate). This information will be used to support the <i>Fisheries Act</i> review and EA.</p>	Proponent	<p>Dependent upon timing of the submission of the application by the Proponent but, at the latest, it must be submitted concurrently with the submission of the first draft of the EIS.</p>
<p>Review and response regarding impacts to fish and fish habitat, and adequacy of information</p>	<p>DFO reviews the application package/EIS (including proposed mitigation, proposed FHCP and associated estimate of financial security, if provided, and other related information) for adequacy and responds to the Proponent as part of DFO comments on the draft EIS.</p> <p>If the FHCP is provided separately from the EIS, DFO will ensure that the FHCP</p>	DFO	<p>Within 4 weeks of submission of the draft EIS</p>

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
	is provided to Transport Canada for review of potential impacts to navigation (14-day comment period). Should the information be incomplete, DFO will request the required information from the Proponent in order to be able to proceed with the review.		
Receipt of additional information related to Fish, Fish Habitat and the FHCP	DFO receives additional information from the Proponent.	Proponent	Dependent upon timing of the submission of additional information by the proponent.
Review response and request for additional information, if required	DFO reviews the accepted EIS including any additional information related to fish, fish habitat and the FHCP. DFO requests further information, if required, to proceed with the review of the application. This may include information on fish habitat compensation since it will form part of the mitigation plan for the EA.	DFO	Within 8 weeks, starting from the acceptance of the draft EIS
Submission of EIS addendum information	DFO receives EIS addendum information, including FHCP, from the Proponent.	Proponent	Dependent on timing of the submission of the EIS addendum information by the Proponent.
Determination of adequacy of information for EA and Fisheries Act authorization requirements	DFO determines that information of appropriate detail on fish and fish habitat, mitigation measures, including FHCP, has been provided to make a conclusion on significance of adverse effects on fish and fish habitat. DFO informs Proponent that information is sufficient to support the determination relative to the significance of environmental effects as needed for the EA. DFO also informs the Proponent of any additional information requirements that may be necessary to make the regulatory decision, including the requirement for financial security in relation to compensation. DFO will also, as appropriate, undertake or participate in coordinated Aboriginal consultation activities relative to fish and	DFO	Within 4 weeks from the submission of an EIS addendum by the Proponent

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
	fish habitat issues. OR If the EIS addendum information does not yet contain sufficient information to allow for EA conclusion to be made, DFO will request this information/clarification from the Proponent. Sufficient information is required before the next step can be undertaken.		
Course of Action Decision under the CEEA	DFO reaches a course of action decision under the CEEA that will determine whether the authorization(s) may be issued. If the course of action decision allows for proceeding with authorization(s), the subsequent activities and milestones will apply.	DFO	Within 3 weeks from the Minister's EA Decision Statement being posted on the CEARIS.
Aboriginal consultation	Through coordinated Aboriginal consultation activities, DFO will undertake additional consultation, as appropriate, based upon results of consultation undertaken during the EA. Activities and service standards will be identified in Aboriginal Consultation work plan after analysis of results of consultation activities undertaken during the EA.	DFO	As per Aboriginal Consultation work plan developed after analysis of results of consultation activities undertaken during the EA.
Receipt of detailed information for Fisheries Act authorization	DFO receives detailed FHCP, including information on financial security (if required) in a level of detail necessary to make a regulatory decision. Upon receipt, DFO will ensure that a copy of the detailed FHCP is provided to Transport Canada for a 14-day comment period.	Proponent	Dependent on timing of the submission by the Proponent
Review and response regarding detailed information for Fisheries Act authorization	DFO notifies the Proponent that the FHCP is acceptable or if additional information is required to allow for the regulatory decision to be made. Sufficient information is required before the next step can be undertaken.	DFO	Within 30 days of receipt of the information If multiple information requests are required DFO will respond within 15 days of the Proponent responding to the previous request.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
Issuance of Subsection 35(2) Fisheries Act authorization	If appropriate, DFO issues a <i>Fisheries Act</i> authorization ³ to the Proponent for impacts to fish and fish habitat.	DFO	<p>DFO issues the authorization 60 days following the determination that the FHCP is acceptable (including financial security), and the discharge of any Aboriginal consultation responsibilities with respect to the <i>Fisheries Act</i> authorization.</p> <p>Issuance of the authorization(s) may also consider the Proponent's timing needs for the authorization(s) in that, should an authorization not be required until much later than the timeline above, DFO will issue it when it is appropriate.</p>

³ *Fisheries Act* authorization may be issued based upon policy guidance the *Policy for the Management of Fish Habitat, 1986; Practitioners Guide to writing a subsection 35(2) Fisheries Act authorization for DFO Habitat Management staff, (v1.1); and Practitioners Guide to habitat compensation for DFO Habitat Management staff, (v1.1).*

Annex V

Transport Canada Roles, Responsibilities, Key Milestones and Service Standards

Upon request from the CEA Agency or, under request from the RA during the regulatory phase, as an expert FA, Transport Canada will perform and fulfill the following roles and responsibilities:

- Review and submit comments on the EA work plan and Aboriginal Consultation work plan;
- Participate in federal project review committee meetings for provision of relevant expertise that is available. Advice will be provided within the timelines identified by the CEA Agency;
- Review and submit comments on EA documents as appropriate;
- 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 RA/CEA Agency;
- Participate in meetings of other federal/provincial authorities as appropriate;
- Provide advice with respect to their respective mandate and area(s) of expertise when requested by the RA and/or the CEA Agency. Advice will be provided within timelines requested by the RA; and,
- Participate in Aboriginal consultation activities upon request from the CCC and/or the RA.

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
Liaise with the Proponent regarding potential works in regards to impacts on navigability	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.	TC	Ongoing
Submit NWPAs application(s), including information required to process applications under the NWPAs, for each proposed work	Provide TC with a completed application for each proposed work no later than the time of submission of the draft EIS.	Proponent	Determined by the Proponent.
Determination and comment on NWPAs application(s)	Review application package and information/plans for adequacy to support NWPAs review. Request further information if required to proceed with application. If applicable, 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.	TC	8 weeks after application submission. Within 2 weeks of receiving the draft FHCP, if applicable
NIA process - on-site inspection(s)	Complete on-site NIA of the Project, site and waterway(s), subject to weather and time of year.	TC	Site inspection within 2 months of receipt of completed application, then as necessary until completion of public comment process.
Notice to the Proponent to deposit plans and to advertise pursuant to the s.	Provide the Proponent with advertisement package pursuant to NWPAs s. 9.	TC	Within 3 weeks of completed initial on-site inspection and following the assessment of navigational issues

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
9 of the NWPA, if required			arising from any changes to the Project due to EA issues.
Deposit and advertise, if required	<p>Deposit all plans in the local land registry or land titles office or other place specified by the Minister and advertise in the Canada Gazette and in one or more newspapers that are published in or near the place where the work is to be constructed.</p> <p>Provide proof of deposit and advertising to TC.</p>	Proponent	Interested persons may provide written comments to the Minister within 30 days after the publication of the last notice referred to in s.9(3) or 9(4) of the NWPA.
Consult with Aboriginal groups, as required	<p>Seek information regarding adverse impacts to potential or established Aboriginal or treaty rights related to Transport Canada's conduct. Information can be provided by the Proponent or by Aboriginal groups during the federal EA process, to the extent possible, or if not possible, through departmental Aboriginal consultation processes.</p>	TC	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.
Address public comments and issues raised by Aboriginal groups, regarding the Project's potential impact on navigation	<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, the Proponent and TC will work together to resolve the concerns.</p> <p>Additional requirements might be deemed necessary by TC in regard to potential impacts on navigation posed by proposed works.</p> <p>TC will facilitate public comment process if required.</p>	<p>Proponent and TC</p> <p>TC</p>	To be completed within 2 months of completion of advertisement process.
Resubmission of NWPA	Resubmission of NWPA application(s) where applicable and	Proponent	Determined by the Proponent, if required.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
application(s), if required	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. Furthermore, DFO fish habitat compensation plans will have to be reviewed prior to issuing an approval, if applicable ⁴ .		
Final application review process	Perform a final review of all information on file, including technical information and ensure all public comments are addressed.	TC	Within 4 weeks of the resubmission of NWPA application(s), if required
Make regulatory decision	Make regulatory decision under NWPA.	TC	Within 90 calendar days from the course of action decision if the NWPA application(s) submitted no later than the time of the submission of the EIS. The regulatory decision will be contingent on: <ol style="list-style-type: none"> 1. The discharge of any legal Aboriginal consultation obligations associated with the approval(s). 2. An EA course of action decision under s. 37(1)(a) of the CEEA. 3. Mitigation of public concerns to the satisfaction of the Minister of Transport.

⁴ Any proposed changes to the Fish Habitat Compensation Plan after the Course of Action Decision under CEEA, such as the addition of a new component, an increased size of a component or a change in location of a component, may affect the timing of subsequent regulatory decision-making steps.

Annex VI

Other Departments and Agencies Roles and Responsibilities

PARTY	ROLES / RESPONSIBILITIES
CEA Agency	<ul style="list-style-type: none"> • 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; • Provide advice in regard to the application of the CEAA; • Draft and finalize the EA work plan and the Aboriginal consultation work plan; • Act as the EA Manager and CCC for the EA; • Coordinate EA and Aboriginal consultation activities with other jurisdictions during the EA; • Manage the Registry Project File and CEARIS up until the Minister of the Environment’s EA decision is posted at which point the responsibility will be transferred to the RA; • Make participant funding available; • Work in cooperation with the RA, expert FAs, the Province and the Proponent to identify and evaluate means by which they will either ensure or be satisfied mitigation measures and follow-up programs are implemented; and, • Prepare and coordinate the review of documents including the CSR, EIS Guidelines and other EA documents as appropriate.
Expert Federal Authorities	<p>Upon request from the CEA Agency or, during the regulatory phase, the RA, expert FAs will perform and fulfill the following roles and responsibilities:</p> <ul style="list-style-type: none"> • Review and submit comments on the EA work plan and Aboriginal consultation work plan; • Participate in federal project review committee meetings for provision of relevant expertise that is available. Advice will be provided within the timelines identified by the CEA Agency; • Review and submit comments on EA documents as appropriate; • 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 RA/CEA Agency; • Participate in meetings of other federal/provincial authorities as appropriate; • Support Aboriginal consultation activities as appropriate; and, • Provide advice with respect to their respective mandate and area(s) of expertise when requested by the RA and/or the CEA Agency. Advice will be provided within timelines requested by the RA.
Area of Expertise/Interest	
HC	<ul style="list-style-type: none"> • Air quality health effects; • Contamination of country foods (e.g. fish, wild game, garden produce,

PARTY	ROLES / RESPONSIBILITIES
	berries, etc); <ul style="list-style-type: none"> • Drinking and recreational water quality; • Radiation effects; • Electric and magnetic fields; • Noise impacts; • Health risk assessment and risk management; • Federal air, water, and soil quality guidelines/standards used in human health risk assessments; and, • Toxicology (multimedia - air, water, soil).
EC	<ul style="list-style-type: none"> • Wildlife, including: <ul style="list-style-type: none"> • Migratory birds; • SARA species; • Wetlands; and, • Water quality, including: <ul style="list-style-type: none"> • Receiving water quality • Air quality; • Chemicals management; • Environmental emergencies; and, • Greenhouse Gas Emissions.
NRCan	<ul style="list-style-type: none"> • Hydrogeology; • Geohazards; and, • Minerals and metals science.
AANDC	<ul style="list-style-type: none"> • Provide advice in regard to Aboriginal consultation.
MPMO	<ul style="list-style-type: none"> • Coordinate the development and approval of the Agreement; • Monitor and report on the progress of the Project through the federal review; • Take proactive steps to identify opportunities to streamline the federal review to meet government timelines and identify bottlenecks that could cause delay; and, • Incorporate information received from the CEA Agency, expert FA(s), the RA, and the Proponent on the EA and regulatory milestones into the MPMO Tracker.