

**PROJECT AGREEMENT FOR THE KAMI IRON ORE MINE IN  
NEWFOUNDLAND AND LABRADOR AND QUEBEC**

**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 Alderon Iron Ore Corp. (the Proponent) has submitted a Project Description in support of its proposal to develop an iron ore mine southwest of Labrador City in Labrador, and construct storage and loading facilities at the Port of Sept-Îles, Québec;

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

AND WHEREAS the CEA Agency, Fisheries and Oceans Canada (DFO) and the Sept-Iles Port Authority (SIPA) have and Transport Canada (TC) may 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 Newfoundland and Labrador Department of Environment and Conservation (NL-ENVC) have agreed to coordinate the federal and provincial EAs to the extent possible; 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 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 an iron mine southwest of Labrador City in Labrador with a production rate of 16 million tonnes of iron ore concentrate per year, as well as storage and loading facilities at the Port of Sept-Îles, Québec (the Project) and includes the following components and activities associated with the construction, operation, modification, decommissioning and abandonment of these components:

- An open pit mine;
- Waste rock disposal areas;
- Processing infrastructure;
- A tailings management facility;
- A processing plant;
- Ancillary infrastructure to support the mine and processing plant;
- Concentrate storage and load-out facilities;
- Explosives magazine storage;
- A rail spur and loop; and,
- Rail transportation.

## **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 authorities (RAs) 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 may have regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWP) and, pursuant to the CEAA, is a likely RA. TC requires that all the information described in the NWP application form for a review under the NWP be submitted during the EA phase to confirm whether there is a NWP trigger. In order to meet the regulatory timelines set out in this Agreement for a review under the NWP, the information described in the NWP application form must be submitted to TC at the latest, concurrent with the submission of the 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;
- The SIPA has regulatory and statutory responsibilities under the *Canada Marine Act* and, pursuant to section 3 of the *Canada Port Authority Environmental Assessment Regulations*, is a prescribed authority. The SIPA 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. For the purposes of this Agreement, the SIPA will be included in the collective term “RA”;
- Natural Resources Canada (NRCan), Environment Canada (EC) and Health Canada (HC) are federal authorities (FAs) pursuant to the CEAA and may be in possession of specialist or expert information or knowledge with respect to the Project (expert FAs) and, upon request, shall make available that information or knowledge to the CEA Agency;
- AANDC has advisory responsibilities to support the Government of Canada’s Aboriginal consultation activities in relation to the Project; 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 and V.

#### **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 the NL - ENVC to ensure that the respective federal and provincial requirements are met in a coordinated manner.

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. Annex IV shows the milestones and service standards for the regulatory review for each department.

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

During the EA process, RAs will confirm any regulatory or other s. 5 decisions required in relation to the Project that are triggers pursuant to the CEAA. 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 RAs 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 RAs 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 Newfoundland and Labrador 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 an 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: 16.5 months
  - i. 365 days from the posting of the Notice of Commencement (NoC) on the Canadian Environmental Assessment Registry Internet Site (CEARIS) to posting of the final comprehensive study report for public comment;
  - ii. 16 weeks from the posting of the final comprehensive study report for public comment to the posting of the Minister of the Environment's EA Decision Statement; and,
  - iii. 3 weeks from the posting of the Minister of the Environment's EA Decision Statement to the RA(s)' course of action decisions under CEAA.
- b) Regulatory decisions pursuant to the *Fisheries Act*, the *Canada Marine Act* and the NWPAA – 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.
- c) If appropriate, issue an Order in Council (OIC) exemption under s.23 of the NWPAA – 11.5 months from the EA course of action decisions posted on the CEARIS;

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 RAs have 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 RAs have responsibilities under the CEAA to ensure the implementation of any mitigation measures taken into account by the RAs in reaching a conclusion on the significance of adverse environmental effects and which the RAs can ensure. The CEA Agency will work in cooperation with RAs, expert FAs, the Province and the Proponent to identify and evaluate means by which the RAs 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 RAs in ensuring the implementation of a mitigation measure or aspect of the follow-up program on which the expert FA and RAs have agreed.

## **8.0 ADMINISTRATION**

### *Tracking Progress*

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

### *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

April 13, 2012  
*Date*

\_\_\_\_\_  
Elaine Feldman  
President  
Canadian Environmental Assessment Agency

April 20, 2012  
*Date*

\_\_\_\_\_  
Claire Dansereau  
Deputy Minister  
Fisheries and Oceans Canada

April 19, 2012  
*Date*

\_\_\_\_\_  
Anita Biguzs  
Associate Deputy Minister  
Transport Canada  
(on behalf of Yaprak Baltacioğlu  
Deputy Minister, Transport Canada)

April 23, 2012  
*Date*

\_\_\_\_\_  
Paul Boothe  
Deputy Minister  
Environment Canada

April 19, 2012  
*Date*

\_\_\_\_\_  
Michael Wernick  
Deputy Minister  
Aboriginal Affairs and Northern Development Canada

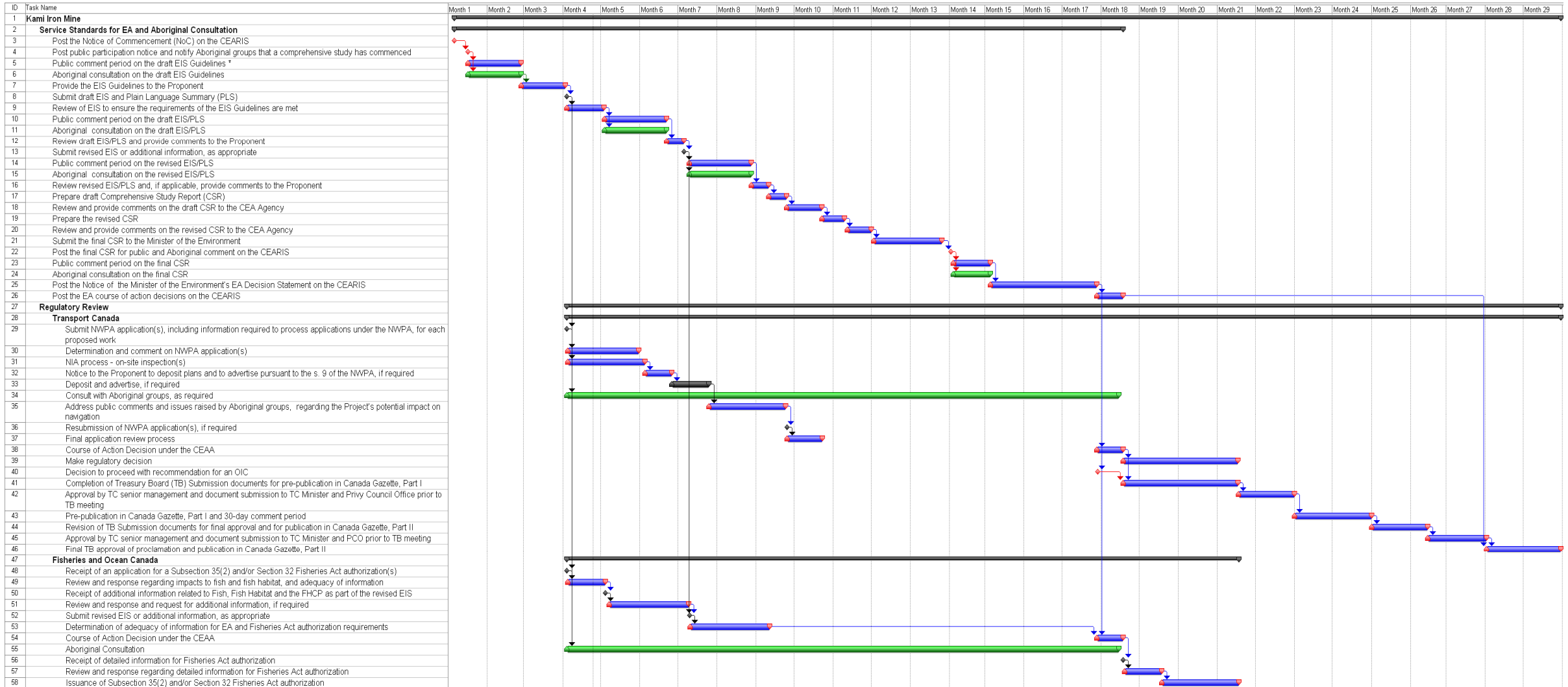
April 19, 2012  
*Date*

## **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 Other Departments and Agencies: Roles and Responsibilities



## Annex I Gantt Chart: Target Timelines for the Federal Review of the Project<sup>1</sup>



<sup>1</sup> 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

	<b>Milestone</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
1	Post the Notice of Commencement (NoC) on the CEARIS	CEA Agency	RAs	January 27, 2012
2	Post public participation notice and notify Aboriginal groups that a comprehensive study has commenced	CEA Agency		February 6, 2012
3	Public comment period on the draft EIS Guidelines *	Province, CEA Agency	RAs, expert FAs	February 6 – March 17, 2012
4	Aboriginal consultation on the draft EIS Guidelines	Province, CEA Agency	RAs, expert FAs	February 6 – March 17, 2012
5	Provide the EIS Guidelines to the Proponent	CEA Agency	RAs, expert FAs	Within 5 weeks of the close of the EIS Guidelines comment period
6	Submit draft EIS and Plain Language Summary (PLS)	Proponent	CEA Agency, RAs, expert FAs	To be determined by the Proponent
7	Review of EIS to ensure the requirements of the EIS Guidelines are met	CEA Agency	RAs, expert FAs	To a maximum of 30 days following receipt of the EIS
8	Public comment period on the draft EIS/PLS	CEA Agency	RAs, expert FAs	For 50 days, starting within 3 days following the acceptance of the EIS
9	Aboriginal consultation on the draft EIS/PLS	CEA Agency	RAs, expert FAs	For 50 days, starting within 3 days following the acceptance of the EIS
10	Review draft EIS/PLS and provide comments to the Proponent	CEA Agency	RAs, expert FAs	From the acceptance of the EIS to 2 weeks following the close of the public comment period
11	Submit revised EIS or additional information, as appropriate	Proponent	CEA Agency, RAs, expert FAs	To be determined by the Proponent

	<b>Milestone</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
12	Public comment period on the revised EIS/PLS	CEA Agency	RAs, expert FAs	For 50 days, starting within 3 days following the submission of the revised EIS/PLS
13	Aboriginal consultation on the revised EIS/PLS	CEA Agency	RAs, expert FAs	For 50 days, starting within 3 days following the submission of the revised EIS/PLS
14	Review revised EIS/PLS and, if applicable, provide comments to the Proponent	CEA Agency	RAs, expert FAs	From the submission of the revised EIS/PLS to 2 weeks following the close of the public comment period
15	Prepare draft Comprehensive Study Report (CSR)	CEA Agency	RAs, expert FAs	Within 2 weeks from the review of the revised EIS
16	Review and provide comments on the draft CSR to the CEA Agency	RAs, expert FAs		Within 4 weeks from the preparation of the draft CSR
17	Prepare the revised CSR	CEA Agency	RAs, expert FAs	Within 20 calendar days from the receipt of comments on the draft CSR
18	Review and provide comments on the revised CSR to the CEA Agency	RAs, expert FAs		Within 3 weeks from the preparation of the revised CSR
19	Submit the final CSR to the Minister of the Environment	CEA Agency		Within 8 weeks from the provision of federal comments on the revised CSR
20	Post the final CSR for public and Aboriginal comment on the CEARIS	CEA Agency		Within 1 week from the submission of the final CSR to the Minister of the Environment
21	Public comment period on the final CSR	CEA Agency	RAs, expert FAs	30 days, starting from the posting of the final CSR
22	Aboriginal consultation on the final CSR	CEA Agency	RAs, expert FAs	30 days, starting from the posting of the final CSR
23	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

	<b>Milestone</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
24	Post the EA course of action decisions on the CEARIS	RAs	CEA Agency	Within 3 weeks from the posting of the Minister's EA Decision Statement on the CEARIS
*Note: Timelines for these provincial process steps are controlled by the Province.				

## **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 RAs and the NL-ENVC, 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 RAs 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 RAs and expert FAs regarding federal Crown consultation activities with Aboriginal groups as it relates to the EA;
  - Represent the Crown with RAs 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 RAs 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 RAs;
  - Coordinate the response, with input from AANDC and the RAs, on behalf of the Government of Canada to Aboriginal Groups on how concerns were addressed during the EA;
  - Coordinate discussions amongst the RAs 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 RAs, 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.

**RAs 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 other RAs, 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 RAs, as appropriate.

**DOJ and AANDC will:**

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

## 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 other RAs, expert FAs, the Proponent and the Province to ensure implementation of mitigation measures and the design and implementation of a follow-up program; and,
- Where appropriate, work with other RAs, 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.



## Transport 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
<b>Liaise with the Proponent regarding potential works in regards to impacts on navigability</b>	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
<b>Submit NWPA application(s), including information required to process applications under the NWPA, for each proposed work</b>	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.
<b>Determination and comment on NWPA application(s)</b>	<p>Review application package and information/plans for adequacy to support NWPA review.</p> <p>Request further information if required to proceed with application.</p> <p>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.</p>	TC	<p>8 weeks after application submission.</p> <p>Within 2 weeks of receiving the draft FHCP, if applicable</p>
<b>NIA process - on-site inspection(s)</b>	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.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<b>Notice to the Proponent to deposit plans and to advertise pursuant to the s. 9 of the NWPA, if required</b>	Provide the Proponent with advertisement package pursuant to NWPA s. 9.	TC	Within 3 weeks of completed initial on-site inspection and following the assessment of navigational issues arising from any changes to the Project due to EA issues.
<b>Deposit and advertise, if required</b>	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.  Provide proof of deposit and advertising to TC.	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.
<b>Consult with Aboriginal groups, as required</b>	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.	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.
<b>Address public comments and issues raised by Aboriginal groups, regarding the Project's potential impact on navigation</b>	Should TC receive concerns from the public regarding navigation, the Proponent and TC will work together to resolve concerns.  Should TC receive concerns from Aboriginal groups regarding navigation, the Proponent and TC will work together to resolve the concerns to the satisfaction of the Minister of Transport.  Additional requirements might be deemed necessary by TC in regard to potential impacts on navigation	Proponent and TC  TC	To be completed within 2 months of completion of advertisement process.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	<p>posed by proposed works.</p> <p>TC will facilitate public comment process if required.</p>		
<b>Resubmission of NWPA application(s), if required</b>	<p>Resubmission of NWPA application(s) where applicable and re-deposit and re-advertising of plans in one or more local papers and the Canada Gazette is required if substantial changes to proposed work(s) are required.</p> <p>Furthermore, DFO fish habitat compensation plans will have to be reviewed prior to issuing an approval, if applicable.</p>	Proponent	Determined by the Proponent, if required.
<b>Final application review process</b>	Perform a final review of all information on file, including technical information and public comments.	TC	4 weeks
<b>Course of Action Decision under the CEEA</b>	TC reaches course of action decision under CEEA.	TC	As per EA work plan.
<b>Make regulatory decision</b>	Make regulatory decision under NWPA.	TC	<p>Within 90 calendar days after TC makes an appropriate 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:</p> <ol style="list-style-type: none"> <li>1. The discharge of any legal Aboriginal consultation obligations associated with the approval(s).</li> <li>2. An EA course of action decision under s. 37(1)(a) of CEEA.</li> <li>3. Mitigation of public</li> </ol>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
			concerns to the satisfaction of the Minister of Transport.
<b>Decision to proceed with recommendation for an OIC</b>	TC refers to documents provided by the proponent such as the EIS for development of Triage and regulatory impact analysis statement (RIAS) requirements and will contact the proponent if additional information is required.	TC	Upon posting of the Minister of the Environment's EA Decision Statement on the CEARIS Note: Submission of draft Treasury Board Submission documents for an NWP Part II section 23 proclamation of exemption are contingent on the provision by applicant of documents showing the public interest will not be injuriously affected and a positive analysis of related works under NWP s.5 approvals
<b>Proceed with OIC exemption under section 23 NWP</b>	Completion of Treasury Board (TB) Submission documents for pre-publication in Canada Gazette, Part I (i.e. Triage and RIAS)	TC	Within 3 months following the EA Course of Action decision.
	Approval by TC senior management and document submission to TC Minister and Privy Council Office (PCO) prior to TB meeting	TC	Within 1.5 months following the completion of draft TB Submission documents.
	Pre-publication in Canada Gazette, Part I and 30-day comment period	TC	Within 2 months following the submission of draft documents to PCO.
	Revision of TB Submission documents for final approval and for publication in Canada Gazette, Part II (i.e., RIAS)	TC	Within 1.5 months following Canada Gazette, Part I comment period.
	Approval by TC senior management and document submission to TC Minister and PCO prior to TB meeting	TC	Within 1.5 months following the completion of revised TB Submission documents.
	Final TB approval of proclamation	TC	Within 2 months

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	and publication in Canada Gazette, Part II		following the submission of documents to PCO.

## 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) and Section 32 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 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><b>Receipt of an application for a Subsection 35(2) and Section 32 Fisheries Act authorization(s)</b></p>	<p>DFO receives an application from the Proponent for the authorization of impacts to fish habitat under Subsection 35(2) and the destruction of fish under Section 32 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.</p> <p>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).</p>	<p>Proponent</p>	<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>

<sup>2</sup> Sufficiency review is an iterative process until DFO determines it has sufficient information to proceed.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
	This information will be used to support the <i>Fisheries Act</i> review and EA <sup>2</sup> .		
<b>Review and response regarding impacts to fish and fish habitat, and adequacy of information</b>	<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 is provided to Transport Canada for review of potential impacts to navigation (14-day comment period).</p> <p>Should the information be incomplete, DFO will request the required information from the Proponent in order to be able to proceed with the review.</p>	DFO	To a maximum of 30 days following receipt of the EIS
<b>Receipt of additional information related to Fish, Fish Habitat and the FHCP as part of the revised EIS</b>	DFO receives additional information from the Proponent.	Proponent	Dependent upon timing of the submission of additional information by the Proponent
<b>Review response and request for additional information, if required</b>	<p>DFO reviews the additional information including any additional information related to fish, fish habitat and the FHCP.</p> <p>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.</p>	DFO	From the acceptance of the EIS to within 2 weeks from the close of the public comment period

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
<b>Submit revised EIS or additional information, as appropriate</b>	DFO receives revised EIS or additional information, as appropriate, including FHCP, from the Proponent.	Proponent	Dependent on timing of the submission of the revised EIS or additional information, as appropriate by the Proponent.
<b>Determination of adequacy of information for EA and Fisheries Act authorization requirements</b>	<p>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.</p> <p>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.</p> <p>DFO will also, as appropriate, undertake or participate in coordinated Aboriginal consultation activities relative to fish and fish habitat issues.</p> <p><b>OR</b></p> <p>If the EIS 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.</p>	DFO	From the submission of the revised EIS/PLS to within 2 weeks from the close of the public comment period
<b>Course of Action Decision under the</b>	DFO reaches a course of action decision under the CEAA that will	DFO	Within 3 weeks from the Minister's EA



MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
<b>CEAA</b>	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.		Decision Statement being posted on the CEARIS.
<b>Aboriginal consultation</b>	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.
<b>Receipt of detailed information for Fisheries Act authorization</b>	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
<b>Review and response regarding detailed information for Fisheries Act authorization</b>	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
<p><b>Issuance of Subsection 35(2) and Section 32 Fisheries Act authorization</b></p>	<p>If appropriate, DFO issues a <i>Fisheries Act</i> authorization<sup>3</sup> to the Proponent for impacts to fish and fish habitat.</p>	<p>DFO</p>	<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>

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<sup>3</sup> *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

### Other Departments and Agencies Roles and Responsibilities

PARTY	ROLES / RESPONSIBILITIES
CEA Agency	<ul style="list-style-type: none"> <li>• Exercise the powers and perform the duties and functions of the RA in relation to the project under the CEEA 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 CEEA;</li> <li>• Provide advice in regard to the application of the CEEA;</li> <li>• Draft and finalize the EA work plan and the Aboriginal consultation work plan;</li> <li>• Act as the EA Manager and CCC for the EA;</li> <li>• Coordinate EA and Aboriginal consultation activities with other jurisdictions during the EA;</li> <li>• 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 an RA;</li> <li>• Make participant funding available;</li> <li>• Work in cooperation with RAs, expert FAs, the Province and the Proponent to identify and evaluate means by which RAs will either ensure or be satisfied mitigation measures and follow-up programs are implemented; and,</li> <li>• Prepare and coordinate the review of documents including the CSR, EIS Guidelines and other EA documents as appropriate.</li> </ul>
Expert Federal Authorities	<p>Upon request from the CEA Agency or, during the regulatory phase, an RA, expert FAs will perform and fulfill the following roles and responsibilities:</p> <ul style="list-style-type: none"> <li>• Review and submit comments on the EA work plan and Aboriginal consultation work plan;</li> <li>• Participate in federal project review committee meetings for provision of relevant expertise that is available. Advice will be provided within the timelines identified by the CEA Agency;</li> <li>• Review and submit comments on EA documents as appropriate;</li> <li>• Provide support to the design and implementation of the follow-up program and/or mitigation measures that arise from expert FA recommendations made, and as agreed to with the RAs/Agency;</li> <li>• Participate in meetings of other federal/provincial authorities as appropriate;</li> <li>• Support Aboriginal consultation activities as appropriate; and,</li> <li>• Provide advice with respect to their respective mandate and area(s) of expertise when requested by the RAs and/or the CEA Agency. Advice will be provided within timelines requested by an RA.</li> </ul>
Area of Expertise/Interest	
HC	<ul style="list-style-type: none"> <li>• Air quality health effects;</li> <li>• Contamination of country foods (e.g. fish, wild game, garden produce, berries, etc);</li> </ul>

PARTY	ROLES / RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>• Drinking and recreational water quality;</li> <li>• Radiation effects;</li> <li>• Electric and magnetic fields;</li> <li>• Noise impacts;</li> <li>• Health risk assessment and risk management;</li> <li>• Federal air, water, and soil quality guidelines/standards used in human health risk assessments; and,</li> <li>• Toxicology (multimedia - air, water, soil).</li> </ul>
EC	<ul style="list-style-type: none"> <li>• Wildlife, including: <ul style="list-style-type: none"> <li>• Migratory birds;</li> <li>• SARA species;</li> <li>• Biodiversity;</li> <li>• Habitat conservation; and, Wetlands.</li> </ul> </li> <li>• Water quality, including: <ul style="list-style-type: none"> <li>• Metal mining effluent;</li> <li>• Receiving water quality; and,</li> <li>• Sanitary wastewater.</li> </ul> </li> <li>• Metal leaching/acid rock drainage</li> <li>• Mine waste and effluent management</li> <li>• Mine design alternatives</li> <li>• Air quality</li> <li>• Chemicals management</li> <li>• Solid waster management</li> <li>• Environmental emergencies</li> <li>• Greenhouse Gas Emissions</li> </ul>
NRCan	<ul style="list-style-type: none"> <li>• Hydrogeology;</li> <li>• Explosives;</li> <li>• Geological hazards;</li> <li>• Geological engineering; and,</li> <li>• Mine waste management related to acidic drainage and metal leaching.</li> </ul>
AANDC	<ul style="list-style-type: none"> <li>• Provide advice in regard to Aboriginal consultation.</li> </ul>
MPMO	<ul style="list-style-type: none"> <li>• Coordinate the development and approval of the Agreement;</li> <li>• Monitor and report on the progress of the Project through the federal review;</li> <li>• Take proactive steps to identify opportunities to streamline the federal review to meet government timelines and identify bottlenecks that could cause delay; and,</li> <li>• Incorporate information received from the CEA Agency, expert FA(s), RA(s), and the Proponent on the EA and regulatory milestones into the MPMO Tracker.</li> </ul>