

# **The Federal Review Process for Major Projects: Project Agreement Companion Document**

## **PREAMBLE**

The Government of Canada is committed to improving the efficiency of federal environmental assessment (EA) and regulatory review processes for major 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 economy;

Responsible Resource Development is the Government of Canada's plan to modernize its regulatory system for project reviews by streamlining the review process for major projects. It advances four overarching objectives: more predictable and timely reviews; reduced duplication of project reviews; strengthened environmental protection; and, enhanced consultations with Aboriginal peoples.

To modernize the federal regulatory system, the *Canadian Environmental Assessment Act* was repealed and the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) was brought into force on July 6, 2012, in addition to amendments to other key legislation.

This *Federal Review Process for Major Projects: Project Agreement Companion Document* (the Companion Document) covers the federal review process of major projects for which an EA under CEAA 2012 is conducted where the Canadian Environmental Assessment Agency (CEA Agency) is the RA or an EA by a Review Panel. It is consistent with the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and its associated Memorandum of Understanding (MOU) and should be read in the context of those documents.

The signatories to the MOU (the Parties) 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 Aboriginal groups. Nothing in this Companion Document fetters the powers, statutory authorities and functions of federal departments/agencies and their respective Ministers.

## **1.0 PURPOSE**

The purpose of this Companion Document is to provide an effective framework to enable the Parties to deliver an efficient and effective federal review process. It describes the roles and responsibilities of each department and agency and establishes timelines for the achievement of key steps during the federal review. It also sets out the general conditions under which the federal review takes place.

This document may be read together with individual Project Agreements developed for specific projects. A Project Agreement provides the information about a specific project along with the

timelines for the EA process and any particular conditions applying to the regulatory review of the project not specified in the Companion Document.

## 2.0 ROLES AND RESPONSIBILITIES

The following are the roles and responsibilities of federal departments and agencies when they are identified in a Project Agreement as having an interest in a project, and will participate in the federal review as follows:

- **Responsible authority:** The CEA Agency is the responsible authority in relation to a project pursuant to CEAA 2012 and will ensure that an EA is conducted, an EA Report is prepared (if applicable) and that an EA decision statement is issued. In addition, the CEA Agency has administrative responsibilities pursuant to CEAA 2012 in support of the EA, including compliance and enforcement. The CEA Agency will act as the Crown Consultation Coordinator (CCC) for the EA in relation to a project, and will coordinate federal input into the provincial EA, to the extent possible<sup>1</sup>;
- **Federal authorities (FAs):** Federal departments and agencies that are in possession of specialist or expert information or knowledge with respect to a project must, upon request, make that information or knowledge available to the CEA Agency in a timely manner pursuant to CEAA 2012<sup>2</sup>;
- **Regulatory departments and agencies:** Federal departments and agencies that have been identified as regulatory departments or agencies that have regulatory and statutory duties in relation to a project ;
- Aboriginal Affairs and Northern Development Canada (AANDC) has advisory responsibilities in relation to all projects to support consistency with the Government of Canada's Whole of Government approach to Aboriginal consultation activities; and,
- The Major Projects Management Office (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 MOU. The MPMO will provide oversight and advice throughout federal reviews, which includes the EA, regulatory reviews and Aboriginal consultation activities, in relation to all projects to ensure adherence to timelines and roles and responsibilities of all Parties.

## 3.0 FEDERAL REVIEW PROCESS

When applicable, the CEA Agency will engage the organizations responsible for administering the relevant provincial EA process to promote cooperative and coordinated action.

---

<sup>1</sup> During an EA by Review Panel the responsible authority will also support the Review Panel and act as the Federal Participation and Panel Secretariat.

<sup>2</sup> During an EA by Review Panel the FA will also make information or knowledge available to the Review Panel.

During the EA process, regulatory departments and agencies will confirm whether regulatory decisions are required in relation to a project. Submission of the regulatory and technical information necessary for regulatory departments and agencies to make their regulatory decision within the proposed timeframe is at the discretion of the proponent and will not affect the timelines set for the EA process. Although that information is not necessary for the EA process and decision, the proponent is expected to submit it concurrent with the Environmental Impact Statement (EIS), for the regulatory departments and agencies to meet the regulatory timelines set out in a Project Agreement.

### **3.1 EA by Responsible Authority**

The proposed scope of a project is the physical activities designated by the *Regulations Designating Physical Activities* and those incidental to the designated activities.

The CEA Agency will seek the timely participation of FAs to ensure that the EA process results in an efficient and effective EA that complies with the requirements of CEAA 2012 and its regulations.

### **3.2 EA by Review Panel:**

A Review Panel is responsible for discharging the requirements set out in CEAA 2012 and other applicable legislation. A Review Panel's Terms of Reference (ToR) or Joint Review Panel Agreement (JRPA) is issued by the Minister and any applicable provincial agency, in consultation with the regulatory departments and agencies for a project, and in consideration of comments that may be received from Aboriginal groups, the proponent, and the public. The timelines in the ToR or JRPA will be added to the applicable Project Agreement. The Minister and any applicable province will provide the proponent with the EIS Guidelines for the Project. The scope of a project is outlined in the ToR or JRPA, for the federal review process.

A Review Panel will have statutory responsibilities pursuant to CEAA 2012 and/or any other applicable legislation.

The Parties will participate in and rely on the information gathered through a Review Panel process to fulfill their roles and responsibilities as defined under CEAA 2012 and where appropriate, to inform their legislative decisions.

The ToR for a Review Panel issued by the Minister and any other applicable province, outline the process for the establishment of a Review Panel and its mandate. The Minister and any other applicable province provide the proponent with the EIS Guidelines for a Project, and establish the scope of a Project.

## **4.0 ABORIGINAL CONSULTATION**

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 projects that may adversely affect established or potential Aboriginal and treaty rights under Section 35 of the *Constitution Act, 1982*;

The Parties commit to a Whole of Government approach to Aboriginal consultation that is integrated with the EA and regulatory process, to the extent possible. For more information on the Whole of Government approach, including roles and responsibilities of departments and agencies, as well as coordination during the project review, please refer to Annex I.

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

## **5.0 TIMELINES**

The Minister of the Environment may extend the EA up to a maximum of three months to permit the CEA Agency to cooperate with the province with respect to the EA or to take into account circumstances that are specific to the Project. The Governor in Council may, on recommendation of the Minister of the Environment, extend the time limit. The CEA Agency must post on the Registry Internet site a notice of any extension granted.

## **6.0 COMPLIANCE AND ENFORCEMENT**

The Minister of the Environment's Environmental Assessment Decision Statement informs the proponent whether the designated project, after taking into account mitigation measures, will result in significant adverse environmental effects. It includes conditions associated with mitigation measures and follow-up with which the proponent must comply.

The CEA Agency provides an oversight and coordination role to ensure a coherent approach to compliance and enforcement of CEAA 2012.

## **7.0 ADMINISTRATION**

### *Tracking Progress*

The milestones and timelines set out in a Project 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 a Project Agreement in an effective and timely manner.

Issues relating to the federal review<sup>3</sup> for a project will be resolved through direct discussions and collaboration between the involved Parties, supported by the MPMO.

---

<sup>3</sup> Which are not related to the panel process during an EA by Review Panel

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 a 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, regulatory departments and agencies, may recommend to the MPMO whether a change to the federal review or to a project warrants an amendment to a Project 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.

## **Annexes**

- Annex I Aboriginal Consultation Approach and Associated Roles and Responsibilities
- Annex II Responsible Authority: CEA Agency - Roles, Responsibilities
- Annex III Regulatory Federal Authorities: Roles, Responsibilities, Key Milestones and Timelines
- Annex IV Other Departments and Agencies: Roles and Responsibilities

## Annex I

### Aboriginal Consultation Approach and Associated Roles and Responsibilities

#### 1.0 Context

The Government of Canada consults with Aboriginal people for legal reasons as well as for reasons of good governance, sound policy development and decision-making. Canada has statutory, contractual and common law obligations to consult Aboriginal groups. The Government of Canada will take a Whole of Government approach to Aboriginal consultation in the context of major 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 MOU. 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 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 FAs and regulatory departments and agencies and provinces, where applicable, will:

- Work with the proponent to identify Aboriginal groups for consultation that may be affected by a project; and,
- Undertake a 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 a project. Together with the severity of potential adverse impacts of a project, this will inform the breadth and depth 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.

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

#### 3.0 The Crown Consultation Process

The Whole of Government approach for Aboriginal consultation activities will be implemented throughout the entire federal review.

Where accommodation is appropriate, the Crown, coordinated by the CEA Agency during the EA phase or a regulatory department or agency during the regulatory 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 groups with other societal interests. The Crown will take into account the consultation efforts of the province and the proponent<sup>4</sup>, 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 regulatory department or agency 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 a designated 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 regulatory departments and agencies and with support from FAs as appropriate;
  - Coordinate Crown consultation activities with those of the province, to the extent possible;
  - Invite Aboriginal groups to participate in the EA process and make their concerns known about EA matters, as well as project impacts on their established or potential Aboriginal and treaty rights;
  - Coordinate the involvement and provide updates to regulatory departments and agencies and FAs regarding federal Crown consultation activities with Aboriginal groups as it relates to the EA;
  - Represent the Crown with regulatory departments and agencies 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 regulatory departments and agencies and FAs;
  - Provide funding for consultation activities in support of the EA process through the CEA Agency's Participant Funding Program;
  - Lead and coordinate the evaluation of the scope, nature, and sufficiency of the Crown's consultation efforts, with input from regulatory departments and agencies, and as required, the Department of Justice (DOJ) and AANDC;

---

<sup>4</sup> And the Review Panel process during an EA by Review Panel.

- Coordinate the response, with input from FAs, regulatory departments and agencies, and as required, from AANDC, on behalf of the Government of Canada to Aboriginal Groups on how concerns were addressed during the EA;
- Coordinate discussions amongst the regulatory departments and agencies, with support from the MPMO, for the purposes of identifying a lead CCC for Aboriginal consultation activities related to the regulatory phase, if required;
- Coordinate the ongoing assessment of the identified Aboriginal groups' potential or established Aboriginal or Treaty rights, with input from the expert FAs, regulatory departments and agencies, and as required, 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 a designated project;
- Assist the CEA Agency to ensure a smooth transition from the EA phase to the regulatory phase; and,
- Incorporate information relating to consultation activities into the MPMO Tracker.

**Regulatory departments and agencies 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 Minister of the Environment's Decision Statement, if required;
- 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, as required, 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 regulatory departments and agencies, and, as required, 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, or provide input to a consultation work plan that covers both the EA and regulatory phases.

**FAs will:**

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

**DOJ will:**

- Provide legal services, information and advice to the CEA Agency, MPMO and regulatory departments and agencies 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.

**AANDC will:**

- As appropriate and required throughout the federal review, provide information and advice to the CEA Agency, MPMO and regulatory departments and agencies;
- As required, provide advice and support to the evaluation of the scope, nature, and sufficiency of the Crown's consultation efforts; and,
- As required, provide information, advice and support to contribute to the ongoing assessment of the identified Aboriginal groups' potential or established Aboriginal or Treaty rights. Where appropriate, this will also include advice on modern treaties. This will support the necessary adjustments to the consultation process, as required.

## **Annex II**

### **Responsible Authority: The CEA Agency Roles and Responsibilities**

#### **EA**

- Ensure that an EA is conducted, an EA Report is prepared (if applicable) and that an EA decision statement is issued;
- Provide advice in regard to the application of CEAA 2012;
- Draft and finalize the EA work plan and the Aboriginal consultation work plan;
- Act as the CCC for the EA;
- Coordinate EA and Aboriginal consultation activities with other jurisdictions during the EA;
- Manage the Registry Project File and Canadian Environmental Assessment Registry Internet Site (CEARIS);
- Make participant funding available and maintain funding program (as per section 57) of CEAA 2012;
- Work in cooperation with regulatory departments and agencies, FAs, the province and the proponent to identify and evaluate means by which regulatory departments and agencies will either ensure or be satisfied mitigation measures and follow-up programs are implemented;
- Prepare and coordinate the review of documents including the EA Report, EIS Guidelines and other EA documents as appropriate; and,
- Following the completion of the EA, provide an oversight and coordination role to ensure a coherent approach to compliance and enforcement of CEAA 2012.

#### **Additional Roles and Responsibilities during an EA by Review Panel:**

##### **Panel Secretariat**

- Conduct orientation sessions on the Review Panel Process, if required;
- On behalf of the Review Panel communicate to the proponent the information requirements for the preparation of EA documents;
- Maintain the public registry including comments related to the EA;
- Provide regular updates to federal departments and other intervenors on the Review Panel process; and,
- Document lessons learned

##### **Federal Participation Coordinator**

- Coordinate the delivery of training and guidance for effective participation in public hearings;
- Coordinate communication among the federal participants during the Review Panel review through the establishment and management of a federal working group. The federal working group would have as part of its mandate to:
  - Facilitate discussions between FAs to identify any technical issues and any conflicting or overlapping perspectives; and,

- Assist departments in ensuring consistent approach to federal submissions and presentations to the Review Panel;
- When the federal and provincial governments are applying different approaches to conducting an EA, work with federal departments to apply administrative procedures that will encourage consistency in the information being presented to the provincial and federal processes;
- Work with the CEA Agency coordinating provincial input into a federal Review Panel to obtain information on provincial interests and perspectives, and where appropriate, encourage dialogue between provincial and federal departments on common issues; and,
- Document lessons learned.

## Annex III

### Regulatory Departments and Agencies Roles, Responsibilities, Key Milestones and Timelines

#### 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 EA 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 Annex I;
- Work with other regulatory departments and agencies, FAs, the proponent and the province to ensure implementation of mitigation measures and the design and implementation of a follow-up program;
- Where appropriate, work with other regulatory departments and agencies, 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*; and,
- Following the completion of the EA, work with the CEA Agency to ensure a coherent approach to compliance and enforcement of CEAA 2012.

#### Additional Roles and Responsibilities during an EA by Review Panel

- Review and comment on the EIS Guidelines and the Panel's ToR or JRPA;
- Provide expert advice with respect to its mandate, regulatory responsibilities and areas of interest, when requested by the Review Panel;
- Participate in public hearings as an FA with respect to its mandate, regulatory responsibilities and areas of interest, where appropriate; and,
- Review and provide input into the government response to the Review Panel Report, if applicable.

#### Regulatory

- Prepare regulatory work plan;
- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment periods, 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 Minister of the Environment's Decision Statement;

- 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 a designated project and are not intended to reflect the entire work plan schedule associated with a project. Furthermore, these milestones may need to be adjusted as additional information is made available. The following timelines apply if the Navigable Waters Protection Act (NWPA) application is submitted no later than the time of the submission of the EIS.*

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
The following milestones occur after a determination that an approval under Part 1 of the NWPA is required and/or section 23 of the NWPA applies.			
<b>Liaise with the proponent regarding potential works in regards to interference with navigation</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.	Transport Canada (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 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 Offsetting Plan for potential impacts to navigation and provide comments to Fisheries and Oceans Canada (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 14 days of receiving the Offsetting Plan, if applicable.</p>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
<b>Navigation Impact Assessment (NIA) process - on-site inspection(s)</b>	Complete on-site NIA of a 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.
<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 a 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 <i>Canada Gazette</i> 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 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.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
<b>Address public comments and issues raised by Aboriginal groups, regarding a project's potential interference with navigation</b>	Should TC receive concerns from the public regarding navigation, the proponent and TC will work together to resolve concerns.	Proponent and TC	To be completed within 2 months of completion of advertisement process.
	Should TC receive concerns from Aboriginal groups regarding navigation, the proponent and TC will work together to resolve the concerns.  Additional requirements may be deemed necessary by TC in regard to potential impacts on navigation posed by proposed works.  TC will facilitate public comment process if required.	TC	
<b>Resubmission of NWPA application(s), if required</b>	Resubmission of NWPA application(s) where applicable and re-deposit and re-advertising of plans in one or more local papers and the <i>Canada Gazette</i> is required if substantial changes to proposed work(s) are required.  Furthermore, DFO FHCPs will have to be reviewed prior to issuing an approval, if applicable.	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 ensure all public comments are addressed.	TC	4 weeks

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
<b>Make regulatory decision</b>	Make regulatory decision under NWPA.	TC	<p>Within 90 calendar days after Minister of the Environment's Decision Statement 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. Minister of the Environment's Decision Statement.</li> <li>3. Mitigation of public concerns to the satisfaction of the Minister of Transport.</li> </ol>
The following milestones occur if it is determined that a section 23 of the NWPA applies.			
<b>Decision to proceed with recommendation for a Governor in Council (GIC) proclamation of exemption under section 23 of NWPA</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	<p>Upon posting of the Minister of the Environment's Decision Statement on the CEARIS</p> <p>Note: Submission of draft Treasury Board Submission documents for an NWPA s.23 exemption are contingent upon the issuance of all NWPA s.5 approvals.</p>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
<b>Proceed with a GIC proclamation exemption under section 23 NWPA</b>	Completion of Treasury Board (TB) Submission documents for pre-publication in <i>Canada Gazette</i> , Part I (i.e. Triage and RIAS)*	TC	Within 3 months following the Minister of the Environment's Decision Statement.
	Approval by TC senior management and document submission to TC Minister and Privy Council Office (PCO) prior to TB meeting*	TC	Within 1.5 months following the completion of draft TB Submission documents.
	Pre-publication in <i>Canada Gazette</i> , Part I and 30-day comment period*	TC	Within 2 months following the submission of draft documents to PCO.
	TB Submission documents for final approval and for publication in <i>Canada Gazette</i> , Part II (i.e., RIAS)	TC	Within 1.5 months following <i>Canada Gazette</i> , Part I comment period.
	Approval by TC senior management and document submission to TC Minister and PCO prior to TB meeting	TC	Within 1.5 months following the completion of revised TB Submission documents.
	Final TB approval of proclamation and publication in <i>Canada Gazette</i> , Part II	TC	Within 2 months following the submission of documents to PCO.

Note: If Treasury Board is satisfied that the Conditions for Exemption have been met (see Streamlining the Approvals Process for Metal Mines with Tailings Impoundment Areas at [www.ec.gc.ca](http://www.ec.gc.ca)), the milestones marked with an asterisk (\*) are omitted and publication of proclamation of exemption in *Canada Gazette*, Part II to occur within 6 months.

## Fisheries and Oceans Canada

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

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
<p>The following milestones occur after a determination that an authorization under paragraph 35(2)(b) of the <i>Fisheries Act</i> is likely to be required. In order to obtain such an authorization, the proponent is required to submit an application in accordance with the <i>Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations</i>.</p>			
<p><b>Receipt of an application for Paragraph 35(2)(b) Fisheries Act authorization(s)</b></p>	<p>DFO receives an application for a Paragraph 35(2)(b) <i>Fisheries Act</i> authorization.</p> <p>The application must be supported by information and documentation as set out in the <i>Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations</i>.</p> <p>DFO will provide notification confirming receipt of the application.</p>	<p>Proponent</p>	<p>Timing of the submission of the application to be determined by the proponent.</p>
<p><b>Review of application to determine if complete</b></p>	<p>DFO reviews the application and notifies the proponent whether it is complete or incomplete.</p> <p>If the application is incomplete, DFO will identify to the proponent the information and documentation required to complete the application.</p> <p>DFO will provide the Offsetting Plan to Transport Canada for review of potential impacts to navigation (14-day comment period).</p>	<p>DFO</p>	<p>Notification to be sent within 60 days from the date of receipt of the application.<sup>5</sup></p> <p>If application was incomplete, a new 60 day time limit applies from date of receipt of information and documentation submitted to complete the application.</p>

<sup>5</sup> The time limit will cease and resume under the circumstances as set out in Section 8 of the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
<b>Aboriginal consultation</b>	Through coordinated Aboriginal consultation activities, DFO may undertake additional consultation, as appropriate, based upon results of consultation undertaken during the EA. Activities and timelines will be identified in the Aboriginal Consultation work plan after the analysis of results of consultation activities undertaken during the EA.	Proponent	As per the Aboriginal Consultation work plan to be developed after analysis of results of consultation activities undertaken during the EA (See footnote 5).
<b>Issuance of Fisheries Act authorization or Refusal to Authorize</b>	<p>If appropriate, DFO issues a <i>Fisheries Act</i> authorization<sup>6</sup> to carry on a work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery or to fish that support such a fishery.</p> <p>Or</p> <p>DFO notifies proponent of refusal to issue the authorization, with reasons.</p>	DFO	<p>Within 90 days following the determination that the application for a Paragraph 35(2)(b) <i>Fisheries Act</i> authorization is complete (See footnote 5).</p> <p>With respect to an authorization that may be related to a Tailings Impoundment Area requiring scheduling under the MMER, the timing may take into consideration the timing of the <i>Canada Gazette</i>, Part II publication of the amendment to the MMER Schedule.</p>

<sup>6</sup> A *Fisheries Act* authorization may be issued based upon policy guidance set out in the *Fisheries Protection Policy Statement (2013)* and *Fisheries Productivity Investment Policy: A Proponent's Guide to Offsetting (2013)*.

## Natural Resources Canada

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

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
The following milestones occur after a determination that an explosives factory(ies) or magazine(s) licence(s) under the <i>Explosives Act</i> is required.			
<b>Submission of an application for an <i>Explosives Act</i> Licence</b>	The Supplier compiles information and submits an application to Natural Resources Canada (NRCan) for a Licence under the <i>Explosives Act</i> paragraph 7(1)(a) for an explosives factory and magazine.	Explosives Supplier selected by the proponent	Determined by the Proponent and its Explosives Supplier; may not occur until late in a project.
<b>Review of the application</b>	NRCan reviews the Explosives Supplier's application to ensure that all of the required information is included.	NRCan	If the application is complete, require 30 days to review and process the application and issue the <i>Explosives Act</i> Licence.
<b>Request for clarification or additional information</b>	If there are aspects of the application that are unclear or additional information is required, NRCan will request clarification or additional information from the Explosives Supplier.	NRCan	Within 15 days of receipt of the application.
<b>Resubmission of a complete application for an <i>Explosives Act</i> Licence</b>	Explosives Supplier re-submits a completed application for an <i>Explosives Act</i> Licence.	Supplier	Dependent on the Explosives Supplier.
<b>Review Supplier's revised application</b>	NRCan continues its review of the application, which includes clarifications or additional information requested.	NRCan	Within 30 days from receipt of revised application.
<b>Make regulatory decision</b>	Once a determination under CEAA 2012 has been rendered and a Decision Statement has been posted on the CEARIS, NRCan can make a decision under the <i>Explosives Act</i> for an explosives	NRCan	Within 30 days from the receipt of all necessary information to form a complete application (as per <i>User Fees Act</i> performance standard

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
	factory(ies) or magazine(s).		commitments).

## Environment Canada

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

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
The following milestones occur after a determination that Disposal at Sea Permit under the <i>Canadian Environmental Protection Act</i> is required.			
<b>Disposal at Sea Sampling and Analysis Plan</b>	<p>A detailed characterization of the waste material proposed for Disposal at Sea is required. Ideally, a sampling and analysis plan should be prepared and implemented as part of the EA. The proponent submits sampling and analysis plan to Environment Canada (EC) for review.</p> <p>EC reviews sampling and analysis plan and advises on adequacy.</p>	<p>Proponent</p> <p>EC</p>	<p>Date of submission determined by the proponent.</p> <p>Acceptance by EC of the Plan contingent on the quality of information received.</p>
<b>Disposal at Sea Permit Application is submitted</b>	The proponent publishes Notice of Application in a newspaper of general circulation, consults with other users of the sea, and submits permit application to EC.	Proponent	Date of submission determined by the proponent. (Not submitted before the Minister of the Environment's Decision Statement pursuant to CEEA 2012)
<b>Disposal at Sea Application review</b>	<p>EC conducts a preliminary review of the permit application to ensure it is complete.</p> <p>EC distributes the application to the appropriate agencies for review.</p>	EC	30 days from receipt of the application.
<b>Request for additional information</b>	If necessary, EC will request additional information should the application not be complete	EC	Following review of the application.
<b>Technical Review of the application and additional information</b>	EC and other appropriate agencies complete the technical review of the application and any additional information received.	EC	75 days from the initial receipt of the application.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
<b>Disposal at Sea Permit Preparation and Regulatory Decision</b>	Terms and conditions of the Disposal at Sea permit are drafted. Permit contains conditions necessary for the protection of marine life, any legitimate uses of the sea or human life.  EC makes decision on issuing permit.	EC	90 days from the initial receipt of the application.
<b>Disposal at Sea Permit is published in the <i>Canadian Environmental Protection Act</i> Environmental Registry</b>	EC publishes the permit in the <i>CEPA Environmental Registry: Permits</i> ( <a href="http://ec.gc.ca/lcpe-cepa/eng/permits/DisposalAtSea.cfm">http://ec.gc.ca/lcpe-cepa/eng/permits/DisposalAtSea.cfm</a> ).	EC	100 days from the initial receipt of the application.
<b>Disposal at Sea Activities</b>	The proponent may begin disposal activities no sooner than 7 days following the <i>CEPA Environmental Registry</i> permit publication date and not before the start date published in the permit.  A disposal at sea permit is valid for a particular date or dates or for a particular period that does not exceed one year.	Proponent	Not before the start date published in the permit.

**Environment Canada**

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

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
<p>The following milestones occur after a determination that a licence is required under the <i>International River Improvements Act (IRIA)</i> and <i>International River Improvements Regulations (IRIR)</i>.</p>			
<p><b>Receipt by the Minister of the Environment of an application for a licence for an international river improvement.</b></p>	<p>Proponent submits application for a licence to the Minister of the Environment. The application must contain the information outlined in paragraphs 6 and 7 of the IRIR.</p> <p>To maintain timelines, it is advised that the IRIA application be submitted no later than the time of submission of the EIS.</p> <p>NOTE: A person who intends to construct an international river improvement that is excepted from the application of the Act must still notify and provide the Minister in writing with the information referred to in paragraphs 6 (a) to (e) of the IRIR. An improvement may be excepted if:</p> <p>(a) the improvement has or will have in its operation an effect of less than 3 cm on the level or less than 0.3 m<sup>3</sup>/s on the flow of water at the Canadian boundary; or</p> <p>b) the improvement is of a temporary nature, to be operated for a period not exceeding two years.</p>	<p>Proponent</p>	<p>Determined by proponent</p>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
<b>IRIA licence application review and disposition</b>	EC personnel review the licence application to ensure it is complete and notify the proponent within eight weeks if additional information is required.	EC	8 weeks
<b>IRIA licence preparation</b>	The IRIA licence is prepared following the Minister of the Environment's Decision Statement, and any relevant Aboriginal Groups agreement, where appropriate. The results and recommendations of the EA form a basis for the terms and conditions under which the international river improvement may be constructed, operated and maintained, and the period for which it is issued, not to exceed 50 years.	EC	The IRIA licence will be ready for transmittal for the Minister's approval within 20 working days from the posting of the Minister of the Environment's Decision Statement on the CEARIS
<b>Issuance of IRIA licence</b>	Following the receipt and consideration of the IRIA licence, if the Minister approves the application the licence will be issued to the proponent.	Minister	40 working days from receipt of IRIA licence. The regulatory decision will be contingent on the discharge of any legal Aboriginal obligations associated with issuing a licence.

## Fisheries and Oceans Canada and Environment Canada

*Note: The following milestones represent the key activities associated with the regulatory process under the Metal Mining Effluent Regulations for a designated project and are not intended to reflect the entire work plan schedule associated with a project. Furthermore, these milestones may need to be adjusted as additional information is made available.*

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
<p>The following milestones occur after a determination that a water body proposed for use as a Tailings Impoundment Area (TIA) requires listing under Schedule 2 of the <i>Metal Mining Effluent Regulations</i> (MMER).</p> <p>Submission of the information associated with the assessment of effects on fish and fish habitat and mitigation (including compensation) necessary for DFO to make its regulatory decision within the proposed timeframe is at the discretion of the proponent and will not affect the timelines set for the EA process. Although that information is not necessary for the EA process and decision, the proponent is expected to submit it concurrent with the EIS, for DFO to meet the regulatory timelines set out in this Companion Document and Project Agreements. In addition, an alternatives assessment of options for mine waste disposal must be conducted. Although this information is not necessary for the EA process and decision, the proponent is expected to conduct the alternatives assessment concurrently with the EA process in order to meet the timelines set out in Project Agreement.</p>			
<p><b>Receipt of information to support review of effects on fish and fish habitat associated with the proposed TIA and alternatives assessment of options for mine waste disposal</b></p>	<p>The scheduling process under the MMER is a separate process from the <i>Fisheries Act</i> authorization process with its own information requirements.</p> <p>For a project which requires the listing of a water body as a TIA under Schedule 2 of the MMER, the proponent is required to submit specific information to support the EA decision and regulatory processes.</p> <p>At a minimum, the proponent must undertake a thorough assessment of alternatives for mine waste disposal. It is strongly recommended that this assessment be undertaken in accordance with the <i>Guidelines for the Assessment of Alternatives for Mine Waste Disposal</i> that have been developed by EC. This process must be undertaken during the EA process</p>	<p>Proponent</p>	<p>Dependent on timing of the proponent but should be submitted with the EIS</p>

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
	<p>in order to meet the timelines set out in the associated Project Agreement and to minimize the time required to proceed with the MMER amendment process, should that be recommended.</p> <p>This alternatives assessment must objectively and rigorously assess all feasible options for mine waste disposal. The proponent must demonstrate through the EA and this assessment that the proposed use of the water body as a TIA is the most appropriate option for mine waste disposal from environmental, technical, socio-economic and economic perspectives.</p> <p>The proponent must also provide the proposed mitigation measures and FHCP(s)<sup>7</sup> to offset the loss of fish habitat associated with the deposit of deleterious substance(s) into the TIA (as per Section 27.1 of the MMER) and to offset the loss of fish habitat from works and undertakings associated with the TIA (as per the <i>Fisheries Act</i>).</p> <p>The FHCP(s) must clearly indicate those aspects of compensation that are intended to offset the habitat losses resulting from the deposit of deleterious substance into the TIA and those aspects intended to offset the harmful alteration, disruption or destruction of fish habitat pursuant to the <i>Fisheries Act</i>. DFO's requirement is for the proponent to submit a separate FHCP which specifically offsets the loss of fish habitat associated with the deposit of deleterious substances into the TIA.</p>		

<sup>7</sup>The proponent is required to submit a fish habitat compensation plan for approval by DFO before depositing a deleterious substance into the TIA that is added to Schedule 2 of the MMER.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
	This information will be used to support the EA decision and the amendment to Schedule 2 of the MMER.		
<b>Review and response regarding impacts to fish and fish habitat, and adequacy of information associated with the proposed TIA</b>	<p>DFO and EC review the information (including the assessment of alternatives for mine waste disposal, proposed mitigation, proposed FHCP(s) and associated estimate(s) of financial security, if provided) for adequacy and respond to the proponent<sup>8</sup> as part of DFO/EC comments on the EIS.</p> <p>EC will lead the review to determine the adequacy of the information in the alternatives assessment submitted by the proponent and, in consultation with DFO, will provide comments to the proponent on any noted deficiencies. The proponent will be invited to respond to such comments with the objective being to provide federal officials with sufficient information to determine whether or not the proposed disposal option should proceed with review.</p> <p>Should the information be incomplete, DFO/EC will request the required information from the proponent in order to be able to proceed with review.</p>	DFO/EC	As per <i>Key Milestones and Timelines for the Environmental Assessment and Aboriginal Consultation</i> in the associated Project Agreement.
<b>Receipt of additional information<sup>9</sup></b>	DFO/EC receives the additional information.	Proponent	Dependent on timing of the submission by the proponent.
<b>Response on Deficiencies<sup>8</sup></b>	DFO, with EC input, will review the additional information related to fish, fish habitat and the FHCP to offset the	DFO/EC	As per <i>Key Milestones and Timelines for the Environmental</i>

<sup>8</sup> Or the Review Panel during an EA by Review Panel.

<sup>9</sup> These steps are iterative until DFO/EC are satisfied that the information is adequate.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
	<p>loss of fish habitat associated with the proposed TIA.</p> <p>EC, with DFO input, will review the additional information related to the alternatives assessment and the associated justification that it is the most appropriate option.</p> <p>DFO/EC requests further information, if required, to proceed with the review.</p>		<p><i>Assessment and Aboriginal Consultation</i> in the associated Project Agreement.</p>
<p><b>Determination of adequacy of information for EA</b></p>	<p>DFO determines if adequate information on fish and fish habitat, including FHCP(s), has been provided for in the EA.<sup>10</sup></p> <p>DFO advises the proponent that information is sufficient to allow a determination relative to the significance of adverse effects on fish and fish habitat for the EA.</p> <p>DFO and EC also inform the proponent of any additional information requirements that may be necessary to support the regulatory decision and associated process for MMER scheduling, including the requirement for financial security in relation to the FHCP.</p> <p>DFO, with EC support as required, will undertake or participate in coordinated Aboriginal consultation activities relative to fish and fish habitat issues associated with the TIA, when appropriate.</p>	<p>DFO with EC</p>	<p>Adequate information on the FHCP, considered mitigation for the EA, must be provided during the EA for inclusion in the EA report before it can be completed.</p> <p><i>As per Key Milestones and Timelines for the Environmental Assessment and Aboriginal Consultation</i> in the associated Project Agreement.</p>

<sup>10</sup> At this stage, the proponent must have provided a sufficient level of detail in the FHCP for DFO to be reasonably certain that compensation is achievable prior to making the recommendation to EC to proceed. Any proposed changes to the FHCP after the Minister of the Environment Decision Statement under CEAA 2012 may affect the timing of subsequent regulatory decision-making steps and in some cases, may require that steps, including EA steps, be reconsidered if a revised FHCP introduces changes such as the addition of a new component, an increased size of a component or a change in location of a component.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
	EC will utilize the EA process to undertake local consultations on the proposed addition of the new TIA(s) to Schedule 2 of the MMER. EC will also undertake consultation in the National Capital Region to inform representatives of the major national Aboriginal organizations and the environmental non-governmental organization (ENGO) community.		
<b>Submissions to Panel, if applicable</b>	Submission of Government of Canada written intervention to the Review Panel	EC and DFO	As per the Review Panel timelines.
<b>Submission of letter to EC from DFO requesting amendments to MMER Schedule 2</b>	DFO will submit a letter to EC indicating that EC can begin the process to schedule a water body to be used as a TIA under MMER Schedule 2. <sup>11</sup>	DFO	Within 30 days of the Minister of the Environment's Decision Statement being posted on the CEARIS.
<b>Receipt of information required to support MMER scheduling process</b>	<p>DFO receives additional information required to support MMER scheduling process, including detailed FHCP and financial security.</p> <p>Information on the FHCP is included in the Regulatory Impact Analysis Statement (RIAS) which is published in <i>Canada Gazette</i>, Part I.</p> <p><b>Note:</b> A detailed FHCP for fish habitat losses associated with the TIA must be approved, and financial security received, by DFO prior to the deposit of deleterious materials into the waters that have been added to Schedule 2 of the MMER as a TIA (i.e. once the TIA has been published in <i>Canada Gazette</i>, Part II), as per section 27.1 of the MMER.</p>	Proponent	Dependent upon timing of the proponent.

<sup>11</sup> The overall timeline for the MMER process is 8 months from the Minister of the Environment Decision Statement being posted on the CEARIS. Within this 8 month process, the timing of individual steps may vary as indicated and is contingent upon the schedule of the Treasury Board.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
<b>Adequacy of detail of FHCP to support MMER scheduling process</b>	DFO reviews and determines adequacy of the FHCP to support MMER scheduling process and informs the proponent and EC of any deficiencies.  If the FHCP is considered adequate, DFO will inform the proponent and EC.	DFO/EC	Within 30 days of receipt of detailed FHCP.
<b>Consultation on the FHCP and MMER process</b>	DFO will consult Aboriginal groups on the final FHCP, as appropriate.  DFO will provide Transport Canada a copy of the final FHCP.	DFO with respect to FHCP  EC with respect to MMER process	As per Aboriginal Consultation work plan developed after analysis of results of consultation activities undertaken during the EA.
<b>Publication in <i>Canada Gazette</i>, Part I, if required</b>	EC leads the development of the regulatory package for pre-publication of the intent to amend Schedule 2 of the MMER for the consideration of Treasury Board.*	EC	Within 4-5 months of the Minister of the Environment's Decision Statement being posted on the CEARIS.  Timeline contingent upon schedule of Treasury Board.
<b>Publication in <i>Canada Gazette</i>, Part II</b>	EC leads the development of the regulatory package for final publication of the amendment of Schedule 2 of the MMER for the consideration of Treasury Board.	EC	Within 3-4 months after publication in <i>Canada Gazette</i> , Part I.  Timeline contingent upon: 1. the discharge of any legal Aboriginal consultation obligations associated with the scheduling; and, 2. the schedule of Treasury Board.
<b>Receipt of draft FHCP</b>	DFO receives finalized FHCP designed to offset the loss of fish habitat from the deposit of deleterious	Proponent	Dependent upon timing of the proponent.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	TIMELINES
	substance into the TIA.		
<b>Reviews draft FHCP and financial security</b>	DFO reviews finalized FHCP and financial security pursuant to Section 27.1 of the MMER.  DFO informs proponent of any additional information requirements that may be necessary to support the approval of the compensation plan pursuant to Section 27.1 of the MMER.	DFO	Within 30 days of receipt of finalized FHCP and financial security.  Timeline contingent upon: <ul style="list-style-type: none"> <li>the discharge of any legal Aboriginal consultation obligations associated with the FHCP.</li> </ul>
<b>Receipt of draft FHCP and financial security</b>	DFO receives additional information.	Proponent	Dependent upon timing of the proponent – must be provided 60 days prior to deposit of deleterious substance into the scheduled TIA.
<b>Approval of FHCP pursuant to Section 27.1 of the MMER</b>	If appropriate, DFO approves the (final) FHCP pursuant to Section 27.1 of the MMER.	DFO	Within 30 days of receipt of final FHCP and financial security and 30 days prior to deposit of deleterious substance into the TIA.
<p><b>For related <i>Fisheries Act</i> authorizations</b></p> <p>Authorization(s) for impacts to fish and fish habitat associated with a structure supporting a TIA requiring scheduling on Schedule 2 of the <i>Metal Mining Effluent Regulations</i> will be issued within two weeks following the <i>Canada Gazette</i>, Part II publication.</p>			

Note: If Treasury Board is satisfied that the Conditions for Exemption have been met (see Streamlining the Approvals Process for Metal Mines with Tailings Impoundment Areas at [www.ec.gc.ca](http://www.ec.gc.ca)), the milestone marked with an asterisk (\*) is omitted and publication of the amendment of Schedule 2 of the MMER in *Canada Gazette*, Part II to occur within 6 months.

## Aboriginal Affairs and Northern Development Canada

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

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
The following milestones occur after a determination that a permit under the <i>Indian Act</i> is required.			
<b>Negotiation of Terms and Conditions of the permit<sup>12</sup></b>	Negotiation between the Band and the proponent	Proponent and Band	Ongoing – dependent upon resolution of issues between the parties. Can be negotiated in advance of the EA report, mitigation measures as identified in the EA and in the EA Report may need to be incorporated in the permit either as a schedule(s) to the permit and/or as specific term(s) and/or condition(s).
<b>Band Council Resolution</b>	Band seeks a Band Council Resolution to request permit to be issued by AANDC	Band	Dependent on time taken by Band. Typically a few weeks.
<b>Preparation of permit</b>	AANDC prepares the draft permit for review and comment by the Band and the proponent	AANDC	4-6 weeks from receipt of Band Council Resolution requesting Canada issue a permit to the proponent and identifying the critical terms negotiated by the Band and the proponent.
<b>Review of permit</b>	Band, the proponent and their respective legal counsels review and comment on the draft permit	Band and Proponent	Dependent on time taken by Band and the proponent
<b>Band Council Resolution</b>	Band Council issues a resolution consenting to the final form of the permit	Band and AANDC	Dependent on time taken by Band. Typically a few weeks.
<b>Make regulatory decision</b>		AANDC	Within 3 months of the Minister of the Environment's Decision Statement

<sup>12</sup> It should be noted that the Band and the Proponent negotiate the critical items of the permit but AANDC must approve the permit and may in some instances re-negotiate the terms with the Proponent. This should be completed as early in the EA phase as possible so that the permit can be issued within the 3-month timeline following the Minister of the Environment Decision Statement.

## Canadian Transportation Agency

*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.*

MILESTONES	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
The following milestones occur after a determination that an authorization required under the <i>Canadian Transportation Act</i> (CT Act).			
<b>Submission for CT Act authorization</b>	The proponent applies to the Canadian Transportation Agency (CTA) for authorization to construct a railway line over 3 kilometres long and over 100 metres of the centre line of an existing railway line pursuant to s. 98 of the CT Act.	Proponent	Dependent upon the proponent.
<b>Publication of notice and consultation period</b>	The proponent publishes notice of the Project and provides consultation period for interested parties to comment.	Proponent	Publication occurs simultaneously with application to the CTA. Consultation period is for 30 days.
<b>Determination of adequacy of application</b>	If any information is not filed or is deficient in any way, the CTA may request additional information and advise the applicant that the application is not complete and cannot be processed until the necessary information is filed.	CTA	To be determined by CTA.
<b>Interested persons intervene</b>	A person who has an interest in an application other than the applicant, the respondent or an interested person, may intervene to support or oppose the application.	Interested persons	Dependent upon Interested persons.
<b>The proponent responds to comments from interested parties</b>	An applicant may, within 10 days after receiving a copy of an answer or intervention, file with the CTA and serve on the other parties to the proceeding a written reply to the answer or intervention.	Proponent	Within the period the CTA directs.

MILESTONES	ACTIVITIES/DESCRIPTION	LEAD	TIMELINES
<b>Make regulatory decision</b>	Make regulatory decision under the CT Act.	CTA	Within 120 days of submission for authorization, contingent on the Minister of the Environment's Decision Statement.

## Annex IV

### Other Departments and Agencies Roles and Responsibilities

*Note: The following roles and responsibilities of federal departments and agencies may be applicable when they are identified in a Project Agreement as having an interest in a project.*

PARTY	ROLES / RESPONSIBILITIES
FAs	<p>Upon request from the CEA Agency<sup>13</sup> or during the regulatory phase, a regulatory department and agency, 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>• 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 regulatory departments and agencies and/or the CEA Agency. Advice will be provided within timelines requested by a regulatory department and agency and/or the CEA Agency;</li> <li>• Following the completion of the EA, work with the CEA Agency and regulatory departments and agencies to ensure a coherent approach to compliance and enforcement of CEAA 2012.</li> </ul>
Possible Areas of Expertise/Interest	
Health Canada	<ul style="list-style-type: none"> <li>• Effects on air quality;</li> <li>• Contamination of country foods (e.g. fish, game animals, garden produce, berries, etc.);</li> <li>• Drinking and recreational water quality;</li> <li>• Radiological effects;</li> <li>• Electric and magnetic fields effects;</li> <li>• Noise effects;</li> <li>• Human health risk assessment (HHRA) and risk management;</li> <li>• Federal air, water and soil quality guidelines and standards used in HHRAs;</li> <li>• Toxicology (multimedia - air, water, soil); and,</li> <li>• First Nations and Inuit health.</li> </ul>

<sup>13</sup> Or the Review Panel during an EA by Review Panel.

PARTY	ROLES / RESPONSIBILITIES
EC	<ul style="list-style-type: none"> <li>• Air emissions, including greenhouse gas emissions</li> <li>• Air quality</li> <li>• Migratory birds and associated habitats</li> <li>• Non-aquatic species at risk, their habitats and their recovery plans</li> <li>• Wetlands supporting migratory birds and species at risk</li> <li>• Migratory bird sanctuaries and national wildlife areas</li> <li>• Management of contaminated sites</li> <li>• Water quality, including: <ul style="list-style-type: none"> <li>• Wastewater management and water use;</li> <li>• Water quality in the receiving environment;</li> <li>• Metal leaching and acid rock drainage;</li> <li>• Management of mining waste (tailings, waste rock and others);</li> <li>• Evaluating alternatives for mine waste disposal; and,</li> <li>• Domestic wastewater.</li> </ul> </li> <li>• Hydrology (quality and quantity)</li> <li>• Hydrogeology (groundwater quality)</li> <li>• Disposal at sea</li> <li>• Sediment management</li> <li>• Weather, sea state, climate and ice conditions, including climate change</li> <li>• Chemicals management</li> <li>• Solid waste management</li> <li>• Environmental Emergencies</li> </ul>
NRCan	<ul style="list-style-type: none"> <li>• Areas of expertise related to responsible natural resource development and use, including: <ul style="list-style-type: none"> <li>• Earth sciences</li> <li>• Energy research and technology</li> <li>• Explosives</li> <li>• Forestry</li> <li>• Mining and minerals technology / materials technology</li> </ul> </li> </ul>
DFO	<ul style="list-style-type: none"> <li>• Fish and fish habitat</li> <li>• Species at risk</li> </ul>
Parks Canada Agency	<ul style="list-style-type: none"> <li>• Ecological integrity and cultural resources of National Parks</li> <li>• Species at risk</li> </ul>
TC	<ul style="list-style-type: none"> <li>• Navigable Waters Protection</li> <li>• Aviation Safety</li> <li>• Transportation of Dangerous Goods</li> <li>• Marine Safety</li> <li>• Rail Safety</li> </ul>
AANDC	<ul style="list-style-type: none"> <li>• Provide advice in regard to Aboriginal consultation.</li> </ul>

PARTY	ROLES / RESPONSIBILITIES
MPMO	<ul style="list-style-type: none"> <li>• Coordinate the development and approval of Project Agreements;</li> <li>• Monitor and report on the progress of a project through the federal review;</li> <li>• Provide oversight and advice throughout federal review, including the EA, regulatory review and Aboriginal consultation activities, to ensure adherence to service standards, as described in the Companion Document and Project Agreements, and roles and responsibilities of all Parties;</li> <li>• Provide interdepartmental coordination and oversight of written submissions, cross-cutting legal matters, public hearing processes, and communications during an EA by review panel;</li> <li>• Facilitate the integration of Aboriginal Crown consultations related to major resource projects into the overall regulatory process, working in collaboration with federal entities, and in particular, with the CEA Agency which leads the EA component of the regulatory system and has responsibility for integrating Aboriginal Crown consultation into the EA process;</li> <li>• Support the Deputy Ministers' Committee in providing coordination and guidance for the resolution of issues of project-specific problems in the regulatory system;</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, FA(s), regulatory departments and agencies, and the proponent on the EA and regulatory milestones into the MPMO Tracker.</li> </ul>