

# Joint Assessment and Engagement Plan

CROWN MOUNTAIN COKING COAL PROJECT

July 2023



Impact Assessment  
Agency of Canada

Agence d'évaluation  
d'impact du Canada



**EAO**

Environmental  
Assessment Office

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# List of Abbreviations and Acronyms

Abbreviation/Acronym	Definition
AIR	Application Information Requirements
B.C.	British Columbia
CEAA 2012	<i>Canadian Environmental Assessment Act, 2012</i>
CAC	Community Advisory Committee
CEAO	Chief Executive Assessment Officer
BC EAA	<i>British Columbia Environmental Assessment Act, 2018</i>
EAC	Environmental Assessment Certificate
EAO	Environmental Assessment Office
EIS/A	Environmental Impact Statement/Application
EIS Guidelines	Environmental Impact Statement Guidelines
EPIC	The EAO's Project Information Centre
TAC	Technical Advisory Committee

# Glossary

Term	Definition
<a href="#">Application Information Requirements (AIR)</a>	A provincial document that provides requirements for the Proponent in preparing an Application. The AIR details information, method, procedures, and studies required to conduct the provincial assessment.
Assessment	Review of the Project that will meet both federal requirements for an environmental assessment under the <i>Canadian Environmental Assessment Act, 2012</i> , and provincial requirements for an environmental assessment under the <i>Environmental Assessment Act, 2018</i> .
<a href="#">Canadian Environmental Assessment Act (CEAA 2012)</a>	The <i>Canadian Environmental Assessment Act, 2012</i> (S.C. 2012, c.19, s.52).
<a href="#">Canadian Impact Assessment Registry (the Registry)</a>	The Canadian Impact Assessment Registry is a federal website where the Agency stores records, including documents and comments, from federal environmental and impact assessments. The Agency ensures that records of assessments are posted and maintained on the Registry so that the public can access them.
Community Advisory Committee (CAC)	A provincial venue for communities to advise the EAO on the potential effects of the proposed project on a community, to stay up to date on the progress of the assessment, and to be informed of opportunities to provide their input and advice.
Consensus	Consensus is achieved when an action is supported by a participating Indigenous nation and the EAO or at least is not objected to by a participating Indigenous nation. Neither supporting an action during an EA process, nor choosing not to object to it, precludes the nation from deciding to provide notification to the Chief Executive Assessment Officer (CEAO) of its consent or lack of consent.
Consensus seeking (Provincial)	<p>The BC EAOs <a href="#">Guide to Consensus-Seeking under the Environmental Assessment Act</a> (EAO Consensus-Seeking Guide) has a terminology section which includes Seeking Consensus and Consent. The EAO will use the full definitions and descriptions in the EAO Consensus-Seeking Guide for implementation of this Plan.</p> <p>This is a summary description of consensus-seeking for the EAO (adapted from the EAO Consensus-Seeking Guide): Cooperating, and working together to seek solutions, with Indigenous nations in an effort to achieve consensus on</p>

	specific process decisions or recommendations, meet the needs of all participants and support nations in making informed decisions regarding consent.
Consent (Provincial)	<p>The BC EAOs <a href="#">Guide to Consensus-Seeking under the Environmental Assessment Act</a> (EAO Consensus-Seeking Guide) has a terminology section which includes Seeking Consensus and Consent. The EAO will use the full definitions and descriptions in the EAO Consensus-Seeking Guide for implementation of this Plan.</p> <p>This is a summary description of consent for the EAO (adapted from the EAO Consensus-Seeking Guide):</p> <p>Fully informed decisions by Indigenous nations on consent is a desired outcome of consensus-seeking through the EA process. Indigenous nations make decisions on consent based on their own laws and traditions; this is an expression of their right to Indigenous self-determination and self-government. A participating Indigenous nation may choose to provide a notification of consent or lack of consent and reasons. Specific sections of the Act require provincial decision-makers to consider the notification of consent or lack of consent provided by participating Indigenous nations before making their decisions.</p>
<a href="#">Environmental Assessment Act (BC EAA)</a>	The <i>Environmental Assessment Act</i> , S.B.C. 2018, c.51.
Environmental Assessment Office (EAO)	The EAO is a regulatory agency within British Columbia's government. The EAO neutrally administers the BC EAA, including the conduct of environmental assessments of major projects in B.C. and provides provincial Ministers with advice to inform their decision on whether a project should proceed.
Environmental Impact Statement/Application (EIS/A)	A detailed technical document prepared by the Proponent to fulfill the requirements set out in the EIS Guidelines, the AIR and provincial orders.
<a href="#">Guidelines for the Preparation of an Environmental Impact Statement (EIS Guidelines)</a>	A federal document that identifies for the Proponent the minimum information requirements for the preparation of the EIS. The EIS Guidelines specify the nature, scope and extent of the information and studies required.
<a href="#">EAO Project Information Centre (EPIC)</a>	The provincial EAO Project Information Centre is an online publicly available database of all projects and important documents established and maintained by the EAO.
Former Act (Provincial)	The <i>Environmental Assessment Act</i> , S.B.C. 2002, c.43

Federal Minister	Minister of Environment and Climate Change
Impact Assessment Act	The <i>Impact Assessment Act</i> (S.C. 2019, c. 28, s.1).
<a href="#">Impact Assessment Agency of Canada (the Agency)</a>	The Agency is a federal regulatory agency accountable to the Minister of Environment and Climate Change. The Agency contributes to informed decision making on major projects in support of sustainable development in Canada.
Indigenous nations	Indigenous groups potentially affected by the Project as identified by the Agency in the EIS Guidelines and further direction issued on March 15, 2020, and Indigenous nations identified by the EAO in the provincial Transition Order.
Information request	Request made by the Agency and/or the EAO to the Proponent for additional information to meet the requirements of the EIS Guidelines, the AIR, the BC EAA, provincial orders, and as deemed necessary to adequately characterize the potential effects of the project or contributions of the project to cumulative effects.
Meaningful consultation	<p>A meaningful consultation process is one which is:</p> <ul style="list-style-type: none"> <li>• carried out in a timely, efficient and responsive manner;</li> <li>• transparent and predictable;</li> <li>• accessible, reasonable, flexible and fair;</li> <li>• founded in the principles of good faith, respect and reciprocal responsibility;</li> <li>• results, where appropriate, in meaningful measures to address and accommodate potential project impacts and effects on Indigenous peoples, their communities and their rights and interests;</li> <li>• is directed at seeking the free, prior and informed consent of Indigenous nations for the decision or action at issue;</li> <li>• respectful of the uniqueness of each Indigenous community; and</li> <li>• includes accommodation (e.g., changing of timelines, project parameters) where appropriate</li> </ul>
Participating Indigenous Nation	An Indigenous nation that has notified the EAO that they would like to participate in the assessment of a project under subsection 14(1) of the BC EAA as a participating Indigenous nation. Participating Indigenous nations are afforded specific



	procedural rights within the BC EAA, including consensus seeking processes, providing a notice of consent or lack of consent at specific decision points, and access to facilitated dispute resolution.
Proponent	A person or entity that proposes a designated project. In the case of this Project, the Proponent is NWP Coal Canada Limited.
Provincial Advisory Committees	A term used to refer to both the Community Advisory Committee and the Technical Advisory Committee.
Provincial Ministers	The provincial Minister of Environment and Climate Change Strategy and Minister of Energy, Mines and Low Carbon Innovation (who is responsible for activities in the project sector).
Provincial Orders	Provincial Orders are prepared by the EAO to formalize how the provincial assessment will be carried out. For this Project the Section 11 and 13 orders were made under the former <i>Environmental Assessment Act</i> , S.B.C. 2002, c. 43 and stated what information the Proponent had to provide, and who had to be involved in the assessment. The Transition Order was made under the <i>Environmental Assessment Act (2018)</i> and states the phase of the process under the 2018 Act in which the environmental assessment will continue. It also updates the information from the Section 11 order and Section 13 order to bring the requirements in alignment with the 2018 Act.
Technical Advisory Committee (TAC)	A provincial committee to provide expert advice to the EAO, the Agency and participating Indigenous nations related to the assessment. Technical advisors include provincial and federal experts and regulators, participating Indigenous nations, and experts from local governments, and may include representatives from the United States. The TAC is the provincial forum for the detailed, technical review of the Proponent's documents and technical studies.

# Introduction

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## Assessment Background

NWP Coal Canada Limited (the Proponent) has proposed the Crown Mountain Coking Coal Project (the Project), a new open pit metallurgical coal mine. The Project is located in the Elk Valley, approximately 12 kilometres from the District of Sparwood in southeastern British Columbia (B.C.). The Project is expected to be in production for approximately 16 years, with a production capacity of 3.7 million tonnes/year of raw coal including up to 2.1 million tonnes of clean coal. A preliminary estimate of surface disturbance associated with the Project is up to 1,100 hectares.

The Project requires both a federal environmental assessment under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and a provincial environmental assessment under B.C.'s *Environmental Assessment Act* 2018 (BC EAA). While recognizing that the decisions of the Impact Assessment Agency of Canada (the Agency) and the Environmental Assessment Office (the EAO) are separate, the governments are committed to meeting the objective of “one project, one assessment” by cooperating throughout the assessment of the Project and following the principles of the [Impact Assessment Cooperation Agreement Between Canada and British Columbia](#). Through cooperation, the Agency and the EAO will strive to increase efficiency and certainty for all participants, including the Proponent, potentially affected Indigenous nations and the public, to ensure that the best available expertise is shared and applied to the assessment of the Project.

On February 20, 2015, the Agency issued the Guidelines for the Preparation of an Environmental Impact Statement (EIS Guidelines), which specify the information or studies that must be contained in the Proponent's Environmental Impact Statement. On August 24, 2022, the Agency granted an extension of four years, to August 28, 2026, to the Proponent to provide the information or studies required by the EIS Guidelines.

The Project has also crossed several provincial milestones since the EIS Guidelines were issued in 2015:

- May 27, 2015: the EAO issued an order under Section 11 of the *Environmental Assessment Act* (2002) (Former Act) determining the scope of the required assessment and the procedures and methods for conducting the assessment. The Section 11 order was slightly modified by a Section 13 order on October 30, 2020.
- April 26, 2018: the EAO ordered the Application Information Requirements (AIR), which specify the information that must be contained in the Proponent's application for an environmental assessment certificate (Application).
- December 16, 2019: the BC EAA came into force.
- April 19, 2022: NWP rescinded their previous request to remain under the Former Act, therefore transitioning the Project to the BC EAA.

- May 3, 2023: the EAO issued a Transition Order specifying that the Project must proceed to the Application Development and Review phase under the BC EAA, and specified additional requirements, and varied the process to the Section 11 order and the AIR.

For more information on the assessment of the Project or to view the information and comments received, visit the Project page on the Agency's [Canadian Impact Assessment Registry](#) (the Registry) or the EAO's [Project Information Centre](#) (EPIC) website.



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## Purpose of the Plan

This Joint Assessment and Engagement Plan (the Plan) describes the coordinated federal and provincial processes for the Project and outlines opportunities and methods for participation throughout the assessment. The Plan is intended to be flexible and accommodate changes that may occur during the assessment process, including adopting revised approaches suggested by Indigenous nations.

The Plan is divided into four coordinated assessment phases (Figure 1), which include:

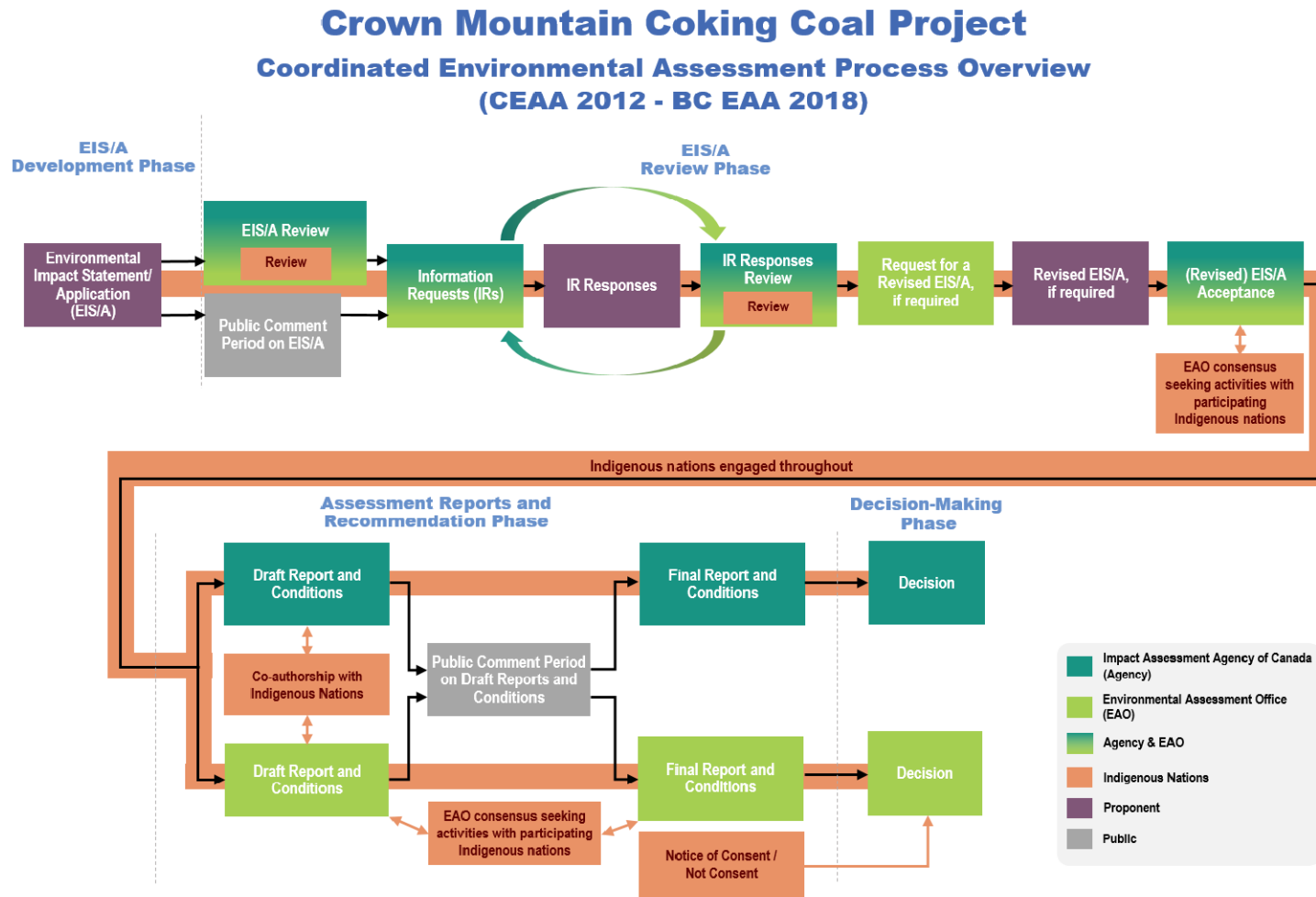
- Environmental Impact Statement/Application (EIS/A) Development
  - This phase corresponds to the time the Proponent develops its EIS under the federal process and the provincial Application Development phase.
- EIS/A Review
  - This phase corresponds to the federal Environmental Impact Statement Review phase and the provincial Application Review phase.
- Assessment Reports and Recommendation
  - This phase corresponds to the federal Environmental Assessment Report Review phase and the provincial Effects Assessment and Recommendation phase.
- Decision-Making
  - This phase corresponds to the federal Environmental Assessment Decision phase and the provincial Decision phase.

The purpose of the Plan is to outline for each phase of the assessment:

- how the federal and provincial governments will cooperate;
- key deliverables;
- the assessment process, including who will be engaged and the means and timelines by which they will be engaged; and
- roles and responsibilities of participants, including the Proponent; Indigenous nations; Technical Advisory Committee (TAC), including federal agencies, provincial authorities, local governments; Community Advisory Committee (CAC); and the public.

The Plan has been created following the transition to the BC EAA and the Agency's decision to extend the CEAA 2012 time limit. It is intended to be a forward-looking plan. The Plan has been developed during the EIS/Application Development phase. The Proponent has been developing the EIS/A since they were provided the EIS Guidelines in 2015 and the AIR in 2018.

Figure 1: Visual overview of the coordinated environmental assessment process (CEAA 2012-BC EAA)



This process overview is intended for information purposes only. For further information on the coordinated environmental assessment process, and the requirements of CEAA 2012 and BC EAA, please consult the relevant sections of the Plan.

# Crown Consultation and Engagement with Indigenous Peoples

The federal and the provincial governments (the Crown) are committed to renewing their relationship with Indigenous peoples, which is based on the recognition of rights<sup>1</sup>, respect, cooperation and partnership.

Consultation and engagement efforts will be consistent with the Crown's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) as a comprehensive international human rights instrument and as a roadmap for reconciliation. The Declaration emphasizes the importance of recognizing and upholding the rights of Indigenous peoples and ensuring that there is effective and meaningful consultation and cooperation with Indigenous nations regarding decisions that affect them, their communities, and territories. The Declaration also emphasizes the need to work together in partnership and respect, as articulated through the principle of free, prior and informed consent. This principle reflects working together in good faith on decisions that impact Indigenous peoples, with the intention to achieve consensus.

Engagement should also be consistent with jurisprudence and best practices in respect of implementing the common law duty to consult. The Crown will consult with Indigenous nations to understand the concerns and potential impacts of the Project on their exercise of asserted Aboriginal or Treaty rights and, where appropriate, make accommodations.

Recognizing that each Indigenous nation is unique, the Crown will seek to work with all potentially affected Indigenous nations to understand their distinct rights, interests, and relationship to their territory, as well as their unique role and connection to the proposed Project area and to neighbouring Indigenous nations. How a potentially affected Indigenous nation participates is informed by each Indigenous nation's unique interests in the Project area, discussions with the Crown and potentially with other Indigenous nations. The aim is to collaboratively develop an appropriate approach that is respectful of respective governance responsibilities. The degree of engagement with each Indigenous nation will vary and in general, will be proportionate to the evidence provided by Indigenous nations regarding potential pathways of impact from the Project on Aboriginal or Treaty rights.

Engagement is also conducted for other purposes, including as an opportunity to learn about and further explore an Indigenous nation's interests in the Project, or to understand other potential Project effects not directly related to the exercise of Aboriginal or Treaty rights.

To complement the Plan, interested Indigenous nations may develop community-specific consultation plans, in collaboration with the Agency and the EAO, to describe the community's

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<sup>1</sup> The rights of Indigenous peoples refer to the full scope of Aboriginal and Treaty rights of the Indigenous peoples of Canada recognized and affirmed by Section 35 of the *Constitution Act, 1982*.

specific objectives for consultation, or any unique features of the impact assessment and consultation process pertaining to that community.

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## Objectives

The Agency and EAO will meaningfully consult, engage and collaborate with Indigenous nations on:

- identifying potential positive and adverse impacts and effects (direct, indirect, cumulative, residual and incidental) of the Project on Indigenous peoples, their communities and their rights and interests;
- determining measures to avoid, mitigate or minimize potential adverse impacts and effects on Indigenous peoples, their communities and their rights and interests, as well as identifying potential positive outcomes and enhancement measures;
- recognizing impacts and effects of the Project with respect to the Indigenous nations on current use, culture, health and socio-economic conditions;
- key documents, the engagement process and, if necessary, information request(s);
- identifying opportunities for collaboration on specific elements of the assessment including methodology or processes to assess potential impacts and effects on Indigenous peoples, their communities and their rights and interests;
- identifying specific requirements of the Indigenous nations for assessments, including Indigenous governance and decision-making requirements.
- presenting information in a format preferred by the Indigenous nations' decision makers;
- incorporating Indigenous knowledge and any other cultural considerations and customs into the assessment process and project decision making; and
- consensus seeking.

The Agency and the EAO will engage and collaborate with Indigenous nations in a manner that is consistent with:

- upholding the honour of the Crown and meeting our duty to consult under our respective legislation;
- the [Principles respecting the Government of Canada's relationship with Indigenous peoples](#) and the [Government of BC's relationship with Indigenous Peoples](#);
- federal and provincial commitments and legislation regarding the Declaration and its implementation including the implementation of Article 3 (right to self-determination); Article 18 (right to participate in decisions that affect them by representatives chosen by themselves); Article 32(2) (right to be consulted and obtain Free Prior and Informed Consent in relation to land/resource decisions); and Article 40 (access to conflict resolution processes);



- the federal [United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan](#);
- the federal guidance [Considering Aboriginal traditional knowledge in environmental assessments conducted under the Canadian Environmental Assessment Act, 2012](#), provincial [Guide to Indigenous Knowledge In Environmental Assessments](#) and, [Guide to Consensus-Seeking under the Environmental Assessment Act](#);
- the Agency guidance on the [Assessment of Potential Impacts on the Rights of Indigenous Peoples](#) and federal guidance on [Implementing the United Nations Declaration on the Rights of Indigenous Peoples](#).

The objectives identified by Indigenous nations include:

- having access to sufficient capacity funding to ensure active and meaningful participation in the review, assessment and decision-making processes;
- supporting reconciliation through meaningful consultation;
- maintaining consistency with the Declaration as it pertains to engagement and consultation for the Project;
- directing consultation towards seeking the free, prior and informed consent of Indigenous nations for the decision or action at issue;
- reflecting Indigenous nations' concerns and perspectives in the assessment, including history, interests and rights;
- incorporating Indigenous knowledge, expertise, and experience throughout the assessment and decision-making process (including on the new requirements specified in the EAO's Transition Order);
- collaborating with the Agency, the EAO, and the Proponent, to develop and apply a methodology for assessing potential impacts on rights; and
- consensus seeking with the Agency and the EAO.



## Potentially Affected Indigenous Nations

The Crown will meaningfully consult with the potentially affected Indigenous nations listed<sup>2</sup> alphabetically in Table 1. They were identified by the Agency in the EIS Guidelines and March 15, 2020 direction issued to the Proponent, and by the EAO in their provincial Transition Order.

Potentially affected Indigenous nations include participating Indigenous nations, identified by \*, in Table 1, that have been identified by the EAO for the purpose of the Project assessment in accordance with Section 14 of the BC EAA. Participating Indigenous nations are afforded specific procedural rights within the BC EAA, including, consensus seeking processes, providing a notice of consent or lack of consent at specific decision points, access to facilitated dispute resolution, and will be members on the TAC.

**Table 1: Crown Consultation List of Indigenous Nations**

Indigenous Nations being consulted by the Agency and EAO
Kainai Nation (Blood Tribe)*
Ktunaxa Nation Council*, representing ʔakisq̓nuk, ʔaḡ am, and Yaḡan nukʔiy Nations
Piikani Nation*
Shuswap Band*
Siksika Nation*
Stoney Nakoda Tribal Administration*, representing Bears paw, Chiniki and Goodstoney First Nations
Tsuut'ina Nation
Yaḡit ʔa·knuḡi'it*
Indigenous Nations being consulted by the Agency
Métis Nation British Columbia
Métis Nation of Alberta – Region 3

<sup>2</sup> The list of Indigenous nations identified here may change as knowledge of the effects and potential impacts of the Project is gained, or if the Project or its components are modified during the assessment. The Crown reserves the right to modify this list based on additional information gathered during the assessment.

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## Coordinated Crown Consultation and Engagement Approach

The Agency and the EAO have coordinated their Crown consultation and engagement activities to the greatest extent possible to date and will continue to coordinate activities throughout the assessment process to reduce burden on Indigenous nations. Proposed coordinated approaches and activities for each phase of the assessment process, including collaboration opportunities, are described in the Roles and Responsibilities Tables 2-5.

### Engagement and Consultation Tools and Methods

The following is a list of tools and methods to ensure meaningful consultation in the assessment process directed at seeking the free, prior and informed consent of Indigenous nations.

Throughout the assessment process, the Agency and/or the EAO will:

- provide clear information on the assessment process timelines and the workload expected of Indigenous nations to ensure meaningful opportunities for participation, collaboration and consultation, and the availability of funding from the Agency (Funding Programs) to support that work;
- provide a clear process for seeking consensus with participating Indigenous nations prior to specific decisions, issuance of orders or recommendations for decisions made by the EAO;
- provide training on the assessment process and how to effectively participate in the process;
- take into account in planning engagement opportunities and mechanisms:
  - meeting timing, accessibility and supportive services (e.g., meals, dependent-care, transport) to ensure broad participation of diverse groups within communities (e.g., youth, elders, women, 2SLGBTQ+ people and people with disabilities);
  - cultural needs including seasonal issues (e.g., harvesting, hunting periods, ceremony), cultural protocols and spirituality (e.g., opening/closing prayers); and
  - consultation policies or protocols of the Indigenous nations.
- establish clear processes for identifying and designing accommodation measures, as appropriate;
- hold TAC sub-committee meetings with Indigenous nations and the Proponent and/or expert federal and provincial authorities to support assessment of impacts on Indigenous rights and interests or other matters within the assessment process; and
- provide reasonable time for in-community meetings.

In addition, the Crown will explore opportunities, where appropriate, to:

- identify alternative formats of producing and presenting information;

- align communication and consultation processes according to the Indigenous nations' schedules.

In reference to the protection of confidential Indigenous knowledge:

- The federal departments and agencies are required to protect confidential Indigenous knowledge from unauthorized disclosure. Protection is afforded to confidential Indigenous knowledge, subject to certain legislative exceptions, including procedural fairness and natural justice or for use in legal proceedings. Federal departments and agencies recognize the importance of procedures to prevent the unauthorized disclosure of Indigenous knowledge and acknowledge that consent must be explicit and not assumed. Please refer to the guidance [Considering Aboriginal traditional knowledge in environmental assessments conducted under the Canadian Environmental Assessment Act](#) for more information;
- The federal departments and agencies also recognize the importance of establishing consent-based processes to prevent unauthorized disclosure of Indigenous knowledge. The federal departments and agencies acknowledge that Indigenous nations will determine whether to share their knowledge, and what aspects of that knowledge they wish to share in confidence; and
- The BC EAA establishes confidentiality provisions under Section 75 regarding the handling of Indigenous knowledge and prevention of potential harm to Indigenous knowledge holders, Indigenous community members, and cultural resources. The [Guide to Indigenous Knowledge in Environmental Assessments](#), Section 3, provides guidance to assessment participants to support the inclusion of Indigenous knowledge in the assessment process in accordance with guiding principles, including Permission of Use according to the governance, laws, policies and practices of the Indigenous nation.

The Crown will work bilaterally with individual Indigenous nations, on items not listed above, in the development of an Indigenous nation-specific consultation work plan as appropriate. Under the BC EAA, the EAO will work with participating Indigenous nations to customize consensus-seeking approaches with each community throughout the assessment process. In addition to consultation with participating Indigenous nations, the EAO will also fulfill its constitutional obligations to consult Indigenous nations that do not identify as a participating Indigenous nation under the BC EAA and will continue to engage according to these obligations as appropriate for nations that may be affected by the Project.

Consensus-seeking activities are undertaken through cooperation between the EAO and representatives of a participating Indigenous nation in an effort to achieve consensus on process decisions or recommendations. Seeking consensus throughout the assessment is foundational to free, prior, and informed consent. See the [Guide to Consensus-Seeking under the Environmental Assessment Act](#) for more information regarding consensus-seeking obligations during the assessment process.



Other tools for participating Indigenous nations include:

- an opportunity to communicate consent or lack of consent to issuing the environmental assessment certificate;
- an opportunity for the Indigenous nation to carry out the components of the effects assessment that pertain to their Indigenous nation and its rights (subsection 19(4) of the BC EAA);
- access to facilitated dispute resolution (following applicable consensus-seeking efforts); and
- representation on Technical or Community Advisory Committee(s).

Guidance material for the roles of participation Indigenous nations is available at: [Indigenous Nation Guidance Material - Environmental Assessment Act 2018](#).

## Public Participation

Public participation is an essential part of an open, informed, and meaningful assessment. Both governments are committed to providing the public with the opportunity and capacity to participate meaningfully in the process, and to providing the information needed to participate in an informed way. Public participation opportunities are designed to take into account diverse needs and interests of the participants. Throughout the assessment process, the Agency and/or the EAO will notify participants of key steps in the process. Views heard throughout the process will be considered and will inform decision-making.

All segments of the population including, but not limited to, members of the public, non-governmental and governmental organizations, and Indigenous nations, are welcome to participate in public engagement activities during the assessment.

To ensure participation during the assessment process, the following communication and participation methods will be used:

- public notices posted on the Registry and EPIC, and published in newspapers, including online versions;
- social media updates;
- interactive community information sessions (in-person and/or virtual presentations, with questions and answers);
- printed copies of key documents held in viewing centres, if requested; and
- public comment periods to gather participants' input on key documents.

Communities and associations that have an interest in participating in the Project assessment can participate through public engagement and Community Advisory Committee opportunities.

## Objectives

The objectives of the Agency and the EAO for public engagement on this Project are to:

- engage the public through public comment periods in the EIS/A Review Phase and Assessment Reports and Recommendations Phase of the process;
- engage the public on key documents and provide information in a timely manner;
- ensure opportunities for broad participation of diverse groups within communities (e.g., youth, elders, women) when selecting engagement opportunities and mechanisms;
- provide all potentially impacted communities an opportunity to participate at events;
- coordinate provincial and federal engagement activities to reduce burden on participants; and
- track diverse community values and public views heard during engagement events to inform decision making.

## Provincial Advisory Committees

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### Community Advisory Committee

Under the BC EAA, the purpose of a Community Advisory Committee (CAC) is to advise the Chief Executive Assessment Officer (CEAO) on the potential effects of the proposed Project on the community. It is also a way for interested members to actively participate in and stay informed about an assessment by:

- learning more about the proposed Project;
- staying up to date on the progress of the assessment; and
- being informed of opportunities to provide their input and advice during the public comment periods and other engagement activities.

CAC members can provide local knowledge of the community, the environment, and the use of the proposed project area. The EAO will consider CAC and other public input to ensure that the issues, concerns, and knowledge is reflected in the referral package provided to provincial decision makers. The EAO will also share input from the CAC with the Agency to inform the federal assessment as part of the coordinated process.

Subscription to the CAC will remain open for the duration of the assessment and is done through the EPIC website (see the 'Become a Community Advisory Committee Member' button). Individuals are asked to provide their name, email address, location, and interest in the Project. This information is collected by the EAO for the purpose of sending CAC members information on the assessment process and the Project, including status updates, when and

where key documents are posted, information on public comment periods and other public engagement opportunities.

Due to the level of community interest, the CAC will start as a distribution list and will be formed during the EIS/A Review phase. At key milestones of the assessment process, the EAO will assess the number of CAC subscribers and their interests to consider whether additional CAC engagement opportunities would be valuable.

If a CAC is formed by the CEAO, terms of reference for the committee will be developed and posted on EPIC. For more general information about CACs, please see the [Community Advisory Committee Guideline](#). Please note that members of the public are not required to be members of the CAC to participate in public engagement opportunities throughout the assessment process.

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## Technical Advisory Committee

The Technical Advisory Committee (TAC) functions as the provincial forum for the EAO's detailed technical review of the Proponent's documents and technical studies. The TAC is formally established by the EAO to provide technical, Indigenous, and local knowledge and advice to the EAO and participating Indigenous nations throughout the assessment of the proposed Project. The TAC is chaired by the EAO and made up of representatives with the mandates and technical expertise relevant to the assessment of the proposed Project, including appropriately qualified federal and provincial experts and regulators, participating Indigenous nations and local governments. The EAO will rely on the advice of the TAC when considering the EIS/A and developing the draft provincial Referral Package for the Project. During their review of the EIS/A and to inform the Nation's decision on the Project, participating Indigenous nations may choose to use the technical information provided by other subject matter experts on the TAC.

Terms of reference for the TAC will be developed and posted on EPIC. Sub-committees of the TAC may be formed to discuss specific issues in the environmental assessment.

To maximize cooperation and coordination between the federal and provincial assessment processes, the Agency will also rely upon the TAC as the joint venue to discuss and resolve technical issues related to the assessment. The Agency will actively participate in the TAC throughout the assessment and will request that federal authorities participate in the TAC at appropriate points in the federal process to provide their technical expertise in support of joint issues resolution. The Agency will also rely on the advice of the TAC throughout the federal assessment process. This includes the preparation of federal Information Requests, the sufficiency review of the Proponent's responses to these, as well as review and input into the draft federal Environmental Assessment Report and potential conditions to inform the federal Minister's EA Decision.

Participating Indigenous nations may work with the EAO to identify expertise required on the TAC. The Terms of Reference is tailored for each project and the EAO will work with

participating Indigenous nations, the Agency and other TAC members to build the TAC Terms of Reference before application submission.

For example, the EAO could work with a participating Indigenous nation to identify areas of expertise required for the EA and to select potential TAC members. Collaboration between the EAO and Indigenous nations to select members could result in efficiencies for both the EAO and participating Indigenous nations, including reducing redundancy of technical representation on the TAC and coordination of an Indigenous nation's internal review processes with TAC meetings and activities.

## Federal Authorities and Provincial Agencies

Federal authorities and provincial agencies will be invited to participate in the TAC where applicable and provide advice to the EAO. The authorities and agencies may include:

- Federal:
  - Impact Assessment Agency of Canada;
  - Fisheries and Oceans Canada;
  - Environment and Climate Change Canada;
  - Health Canada; and
  - Natural Resources Canada.
  
- Provincial:
  - Ministry of Environment and Climate Change Strategy;
  - Ministry of Water, Land and Resource Stewardship;
  - Ministry of Forests;
  - Ministry of Energy, Mines and Low Carbon Innovation;
  - Interior Health Authority; and
  - Ministry of Transportation and Infrastructure.

Aside from their involvement in the TAC throughout the assessment process, federal authorities will also make their specialist or expert information and knowledge available upon request on elements within their mandate to the Agency for the assessment. The Agency will work with federal authorities as appropriate to identify potential departmental or whole-of-government solutions to concerns raised by Indigenous nations in areas of federal jurisdiction.

## Local Governments

The EAO's engagement with local governments and regional districts will inform their participation in the assessment (for example in the TAC and/or CAC). The local governments and regional districts may include:

- District of Sparwood (B.C.);
- Town of Fernie (B.C.);
- District of Elkford (B.C.);
- Regional District of East Kootenay (B.C.); and
- Municipality of Crowsnest Pass (Alberta).

## United States Agencies

Federal, state, and tribal agencies from the United States of America (US) will be invited to participate in the TAC where applicable and provide advice to the EAO. The US agencies may include:

- United States Environmental Protection Agency;
- United States Department of the Interior;
- Montana Department of Fish, Wildlife and Parks;
- Montana Department of Environmental Quality;
- Confederated Salish and Kootenai Tribes; and
- Kootenai Tribe of Idaho.



# Assessment Process Phases

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## EIS/A Development Phase<sup>3</sup>

The Proponent develops its EIS/A to meet the requirements of the Agency's EIS Guidelines as well as the EAO's AIR and Orders (including Section 11, Section 13, and Transition Orders). The Proponent will engage the Agency, the EAO, Indigenous nations, federal authorities, provincial agencies and other stakeholders as applicable while developing its EIS/A.

### Deliverables

The Proponent will develop the following deliverable during EIS/A Development:

- EIS/A.

### Timeline

Once the Proponent has collected the information and completed the studies required in the EIS Guidelines and AIR, the Proponent develops and submits its EIS/A to the Agency and EAO for review.

Federally, the Proponent must submit all information or studies required by the EIS Guidelines to the Agency by August 28, 2026. This includes the time required by the Agency to review the EIS/A, consult with Indigenous nations, engage participants, and for the Proponent to address any deficiencies.

Provincially, the EAO may vary provincial timelines throughout the assessment to maintain alignment with the federal process, in accordance with the BC EAA.

## Objectives of Crown Consultation and Engagement with Indigenous nations

The objectives of Crown consultation and engagement with Indigenous nations during EIS/A Development include:

- identifying potential impacts and effects on Indigenous peoples, their communities and their rights and interests, as well as mitigation, accommodation and follow-up measures in collaboration with Indigenous nations;
- notifying Indigenous nations of the status of the assessment process; and

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<sup>3</sup> This phase corresponds to the time the Proponent develops its EIS under the federal process and the provincial Application Development phase.

- supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the way we strive to meet the above objectives.

## Objectives of Public Engagement

The objectives of public engagement during EIS/A Development include:

- increasing public awareness of the assessment process and how to meaningfully participate; and
- notifying the public of the status of the assessment process.

## Roles and Responsibilities

Table 2 outlines the roles and responsibilities of assessment participants during EIS/A Development.

**Table 2: Roles and Responsibilities of Assessment Participants during Environmental Impact Statement/Application Development**

Participant	Roles and Responsibilities
<p><b>The Proponent</b></p>	<ul style="list-style-type: none"> <li>• Develop the EIS/A and submit it to the Agency and the EAO</li> <li>• Conduct studies and/or modelling to provide required information identified by the EIS Guidelines, the AIR and the Transition Order, including information to support the assessment of potential impacts and effects on Indigenous peoples, their communities and their rights and interests</li> <li>• Discuss data collection methods and results with appropriate federal and/or provincial agencies well in advance of EIS/A submission</li> <li>• Identify any data to be submitted to federal and/or provincial warehouses where they exist at the time of submission of the revised EIS/A (See the EAO’s <a href="#">Effects Assessment Policy</a>)</li> <li>• Track and address comments received during EIS/A development</li> <li>• Engage with assessment participants to incorporate input in the EIS/A, and as directed by the EIS Guidelines and the AIR, to address issues raised</li> <li>• Engage with Indigenous nations on the development of the EIS/A</li> <li>• Obtain information for inclusion in the EIS/A from Indigenous nations, including Indigenous knowledge</li> </ul>

Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• Obtain community knowledge for inclusion in the EIS/A</li> <li>• Engage with the Agency and the EAO to request feedback during development of the EIS/A</li> </ul>
<b>The Agency</b>	<ul style="list-style-type: none"> <li>• Provide the Proponent feedback during development of the EIS/A</li> <li>• Follow progress of the Proponent’s development of its EIS/A and facilitate engagement of Indigenous nations and federal authorities</li> <li>• Review draft chapters of the EIS/A as appropriate, and facilitate issues resolution as required</li> <li>• Work with federal authorities to identify and resolve any policy gaps, and provide regulatory context to assessment participants</li> <li>• Engage federal authorities on early issues identification</li> </ul>
<b>The EAO</b>	<ul style="list-style-type: none"> <li>• Provide the Proponent feedback during development of the EIS/A</li> <li>• Direct the Proponent to work with Indigenous nations to gather and incorporate Indigenous knowledge</li> <li>• Follow progress of the Proponent’s development of its EIS/A and facilitate engagement of Indigenous nations and members of the TAC by the Proponent as per the provincial orders</li> <li>• Direct the Proponent to engage with assessment participants as required throughout the development of the EIS/A</li> <li>• Facilitate issues resolution as required</li> <li>• Work with provincial agencies to identify and resolve any policy gaps, and provide regulatory context to assessment participants</li> </ul>
<b>Crown Consultation – The Agency and the EAO</b>	<ul style="list-style-type: none"> <li>• Provide training opportunities on the assessment process</li> <li>• Provide process updates and links to key documents</li> <li>• Provide guidance on how to protect confidential Indigenous knowledge</li> <li>• Collaborate with each Indigenous nation regarding their unique Interests and information needs and prepare for the assessment of any impacts and effects on those Interests during the upcoming phases of the EIS/A</li> <li>• Seek consensus in an ongoing and collaborative dialogue with each separate Indigenous nation that includes issue identification and resolution throughout the process, and the EAO formally determines if consensus has been reached at process milestones in the following EA phases</li> </ul>



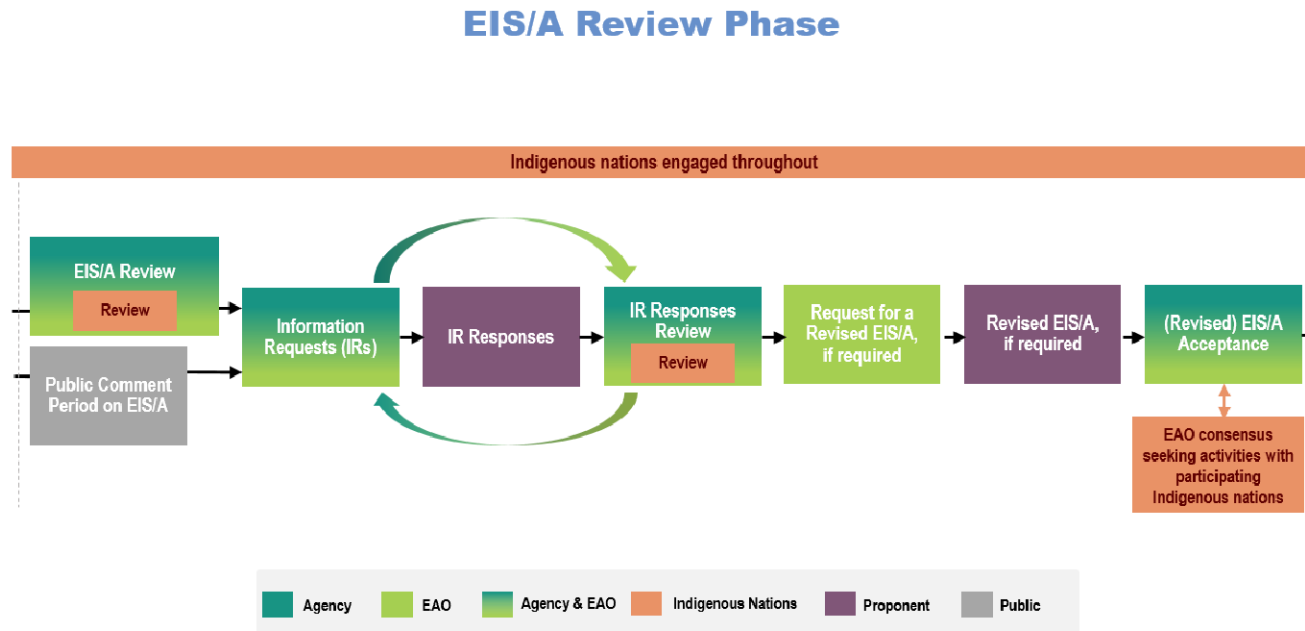
Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• Collaborate as necessary to attempt to resolve issues identified in the Proponent’s engagement during the development of the EIS/A and any issues identified by Indigenous nations</li> <li>• Facilitate engagement between the Proponent and Indigenous nations to resolve issues</li> <li>• Direct the proponent, as appropriate, to develop measures to identify, avoid, mitigate and/or accommodate impacts and effects on Indigenous peoples, their communities, and their rights and interests</li> <li>• Work with Indigenous nations on early issues identification and resolution</li> </ul>
<b>Indigenous nations</b>	<ul style="list-style-type: none"> <li>• Provide information, including Indigenous knowledge, to be applied or incorporated throughout the assessment process</li> <li>• Provide direction to Proponent on how to incorporate and protect Indigenous knowledge</li> <li>• Identify potential impacts on Indigenous peoples, their communities and their rights and interests</li> <li>• Work with the Proponent to collect relevant information about the Project’s potential positive and adverse impacts and effects (direct and incidental), as well as mitigation and enhancement measures and where appropriate, to co-draft sections of the EIS/A</li> <li>• Participate in the Proponent’s development of the EIS/A</li> <li>• Collaborate with the Proponent, the Agency and the EAO to inform and assess the Project’s potential impacts and effects on Indigenous peoples, their communities, and their rights and interests</li> <li>• May undertake community engagement and inform the Proponent, the Agency and the EAO on community engagement requirements and outcomes</li> <li>• Collaborate on preferred ways to participate</li> <li>• Work with the Agency and the EAO on early issues identification and resolution</li> </ul>
<b>TAC</b>	<ul style="list-style-type: none"> <li>• Confirm participation in the TAC</li> <li>• Review and provide input to the Proponent on information required by the AIR (and, in the case of federal authorities, the EIS Guidelines)</li> <li>• Participate in TAC meetings and calls led by the EAO</li> </ul>

Participant	Roles and Responsibilities
<b>Local governments</b>	<ul style="list-style-type: none"> <li>Review information and provide input to the Proponent</li> </ul>
<b>CAC</b>	<ul style="list-style-type: none"> <li>None – the CAC will be established during the EIS/A Review Phase</li> </ul>
<b>Public</b>	<ul style="list-style-type: none"> <li>Remain informed on the assessment process and how to participate once the EIS/A is submitted</li> </ul>



## EIS/A Review Phase<sup>4</sup>

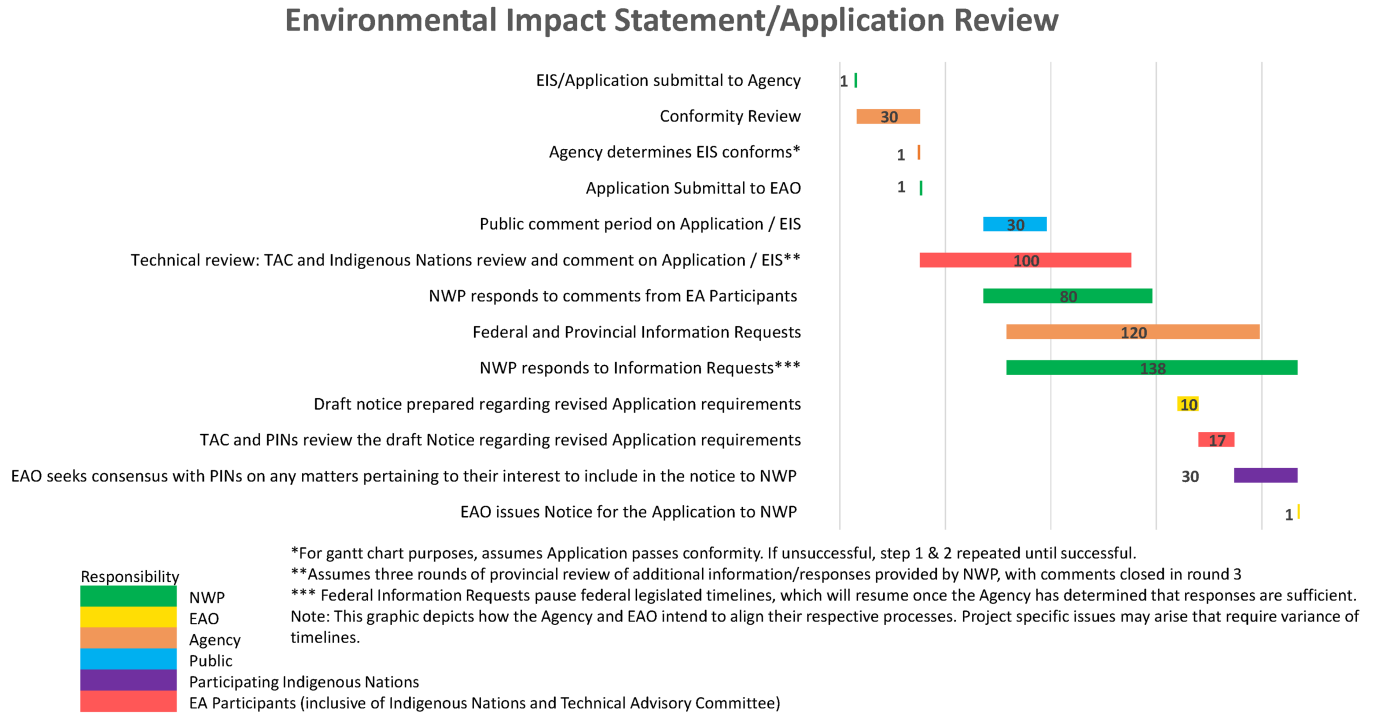
Figure 2: Visual overview of the Environmental Impact Statement /Application Review Phase



This overview is intended for information purposes only. For detailed information, please consult the EIS/A Review Phase section of the Plan.

<sup>4</sup> This phase corresponds to the federal Environmental Impact Statement Review phase and the provincial Application Review phase.

Figure 3: Key tasks during the Environmental Impact Statement/Application Review Phase



The chart reflects EAO and Agency assessment timelines designed to meet required legislated timelines. Throughout the EA process, the EAO and Agency will continue to coordinate planned timelines with potentially affected Indigenous Nations processes and timelines

## Conformity Review

The Proponent submits the EIS/A to the Agency. The Agency reviews the EIS/A against the EIS Guidelines to confirm that the information required has been provided, and that the EIS/A contains sufficient information to proceed to a detailed review. If necessary, the Agency may ask for more information or revisions to the EIS/A before starting EIS/A Review.<sup>5</sup> The EAO is not involved with conformity review as this is a federal process only.

Once the Agency determines that the EIS/A conforms to the requirements of the EIS Guidelines and the Proponent submits the EIS/A to the EAO, the EIS/A Review phase begins.

## EIS/A Review

Concurrent with the public comment period, Indigenous nations, federal authorities and provincial advisory committees will review the EIS/A.

<sup>5</sup> Time taken for the conformity review is not included within the 365-day time limit for the Agency to complete assessments under CEAA 2012.



If information gaps are identified or clarifications are needed, the Agency and/or the EAO will issue information request(s) to the Proponent, as informed by advice provided by the Indigenous nations, federal authorities, provincial advisory committees, and the public. The Proponent is responsible for responding to the information request(s) within the timelines provided by the Agency and/or the EAO.

If necessary, the EAO may request a revised EIS/A. The EAO will issue a notice to the Proponent on how to prepare the revised EIS/A and will direct the proponent to incorporate any additional information requested by the Agency in this document. The revised EIS/A will be submitted to both the Agency and the EAO for further review.

## Public Comment Period

A joint public comment period of at least 30 days will be held early in this phase. The Agency and the EAO will hold an open house(s) to provide information on the assessment process and the Project. The public comment period and open house(s) will be coordinated by the Agency and the EAO and they will be advertised by the Proponent at least seven days in advance of the comment period. The Proponent will attend the open house(s) to provide information on their EIS/A.

## Consensus Seeking

The EAO will work with participating Indigenous nations on any matters that pertain to their interests to inform the EAO's notice to the Proponent respecting the revised EIS/A. Once the Proponent prepares and submits a revised EIS/A to the Agency and the EAO, and prior to the decision on whether to accept the revised EIS/A, the EAO will seek consensus with participating Indigenous nations as to whether or not the revised EIS/A contains the information required by the AIR, provincial orders and responds to matters set out in the EAO's notice to the Proponent regarding its EIS/A. By the end of the EIS/A Review phase, points of consensus and non-consensus, and actions taken to attempt to reach consensus and the outcome(s) will be documented. It may be that issues:

- have been resolved;
- are being carried forward to a subsequent phase for further consensus-seeking or may be carried forward to a subsequent regulatory (e.g., permitting) process;
- are out of scope of the EA and may be better addressed through other avenues;
- have not achieved consensus and will not be addressed in later phases; and
- may require dispute resolution.

Some of the activities that are anticipated to support consensus seeking in the EIS/A Review phase include:

- meetings, including community meetings and meetings of technical experts, related to both technical and process-related matters;



- documenting points of consensus and non-consensus using an appropriate consensus tracking tool;
- identifying the participating Indigenous nation's internal process and decision-making steps and the timing of these steps;
- undertaking a comprehensive review of consensus and non-consensus points at the end of the EIS/A Review phase to allow for the ongoing and iterative resolution of issues through a clear identification of the steps required to achieve resolution; and
- establishing collaborative working groups that allow for consensus-seeking to provide the opportunity for issues-resolution prior to Dispute Resolution (if applicable) and where appropriate, sharing the outcomes of this consensus-seeking with other provincial agencies to inform subsequent regulatory processes.

## Completion of EIS/A Review

EIS/A Review is complete when the Agency is satisfied that the Proponent submitted all the information and studies required by the EIS Guidelines, and the EAO accepts the revised EIS/A through a consensus seeking process with participating Indigenous nations that issues have been adequately addressed by the Proponent.

## Deliverables

The following deliverables will be developed during EIS/A Review:

- the Agency's results on conformity review
- comment tracking table(s) of comments from Indigenous nations, federal authorities, provincial advisory committees, and members of the public;
- the Proponent's responses to comments in the comment tracking table(s);
- permitting/regulatory coordination issues tracking table for the EAO;
- information request(s) issued to the Proponent by the Agency and/or the EAO informed by input from potentially affected Indigenous nations and TAC;
- the Proponent's response(s) to information request(s);
- the Proponent's Aboriginal Consultation Report for the EAO;
- the Proponent's Public Consultation Report or the EAO;
- provincial notice to the Proponent requesting a revised EIS/A, if required;
- the Proponent's revised EIS/A to the Agency and the EAO addressing information requirements in the provincial notice and federal information request(s);
- data collected by the Proponent in support of the development of the EIS/A to the EAO and provincial databases following Appendix 2 of the [Effects Assessment Policy](#);
- provincial notice of acceptance of the EIS/A or the revised EIS/A; and
- the Agency determination as to whether the Proponent has provided all required information or studies by August 28, 2026.



## Timeline

Federally, the Proponent must submit the information or studies required by the EIS Guidelines by August 28, 2026. This includes the time required by the Agency to review the EIS/A, and for the Proponent to address any deficiencies.

Under the provincial timeline, the EAO has up to 180 days following submission of the EIS/A to issue a notice to request a revised EIS/A as required. Once the notice is issued, the Proponent has up to 1 year to submit their revised EIS/A.

The Agency and the EAO will work together to coordinate the process steps and activities during this phase to meet their respective requirements and timelines.

## Objectives of Crown Consultation and Engagement with Indigenous nations

The objectives of Crown consultation and engagement with Indigenous nations during EIS/A Review include:

- ensuring Indigenous nations are provided with opportunities for meaningful participation;
- obtaining comments and views of Indigenous nations on the EIS/A;
- collaborating with Indigenous nations, continuing to identify potential impacts and effects on Indigenous peoples, their communities and their rights and interests, as well as mitigation, accommodation and follow-up measures;
- the EAO seeking consensus with participating Indigenous nations with respect to the sufficiency of the revised EIS/A; and
- supporting the implementation of the Declaration in the way we strive to meet the above objectives.

## Objectives of Public Engagement

The objectives of this phase for public engagement during EIS/A Review include:

- increasing public awareness of the assessment process and how to meaningfully participate;
- notifying participants of key steps in the process such as the public comment period on the EIS/A; and
- obtaining comments and views on the EIS/A.

## Roles and Responsibilities

Table 3 lists the roles and responsibilities of the assessment participants during EIS/A Review. Note that the roles and responsibilities of the TAC and CAC are further detailed by the TAC Terms of Reference and CAC Terms of Reference, respectively.

**Table 3: Roles and Responsibilities of Assessment Participants during Environmental Impact Statement/Application Review**

Participant	Roles and Responsibilities
<p><b>The Proponent</b></p>	<ul style="list-style-type: none"> <li>• Submit EIS/A to the Agency for conformity review</li> <li>• Submit EIS/A to the EAO at the appropriate time to coordinate with the completion of the conformity review by the Agency</li> <li>• Respond to information request(s) issued by the Agency and/or the EAO</li> <li>• Respond to comments raised by Indigenous nations, federal authorities, provincial advisory committees and members of the public</li> <li>• Make the EIS/A available at accessible public locations</li> <li>• Record the concerns raised by all participants and measures being implemented to avoid, reduce or otherwise address them</li> <li>• Submit public consultation reports to the EAO within 60 days of the close of the public comment period on the EIS/A, consistent with the Plan</li> <li>• Provide to the EAO and Indigenous nations the Aboriginal Consultation Reports, no later than 120 days from the commencement of EIS/A Review phase or at any time specified by the EAO, consistent with the Plan. Upon submission, the Proponent must advise the EAO how such Indigenous nations were engaged about the Aboriginal Consultation Report and what feedback they provided and how any concerns were resolved</li> <li>• Participate in meetings with Indigenous nations, provincial advisory committees and/or the public as required by the Agency and/or the EAO</li> <li>• Participate in open house(s) and/or virtual information sessions during the joint public comment period, as directed by the Agency and EAO</li> <li>• Engage Indigenous nations to support the inclusion of information required by the EIS Guidelines, the AIR and provincial orders</li> </ul>



Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• If a revised EIS/A is required, document changes made and supporting rationale</li> <li>• Submit any identified data to the EAO and provincial warehouses where they exist (see the <a href="#">Effects Assessment Policy</a>) at the time of submission of the revised EIS/A</li> </ul>
<b>The Agency</b>	<ul style="list-style-type: none"> <li>• Conduct conformity review of the EIS/A to verify that it conforms with the EIS Guidelines or if additional information is required to proceed to EIS/A review</li> <li>• Issue information request(s) to the Proponent for information or studies required to satisfy the EIS Guidelines</li> <li>• Facilitate issue resolution as required</li> <li>• Review the Proponent’s responses to information request(s) against the EIS Guidelines</li> <li>• Engage federal authorities in the review of EIS/A and development of information request(s)</li> <li>• Facilitate information flow between Indigenous nations and federal authorities as necessary</li> <li>• Follow up on timelines for federal authorities to provide comments and follow up with the Proponent to respond to information request(s)</li> <li>• Post public notices on the Registry announcing participation opportunities</li> <li>• Post EIS/A and Summaries for public review and comment</li> <li>• Administer public comment period through the Registry</li> <li>• Administer participant funding for eligible members of the public to support their participation in the assessment process</li> <li>• Conduct engagement with the public in accordance with the Plan</li> </ul>
<b>The EAO</b>	<ul style="list-style-type: none"> <li>• Review the EIS/A against the AIR and provincial orders</li> <li>• Issue information request(s) to the Proponent</li> <li>• Ensure that the assessment will provide enough information to meet the requirements of the Act as well as the Crown’s duty to consult, and where appropriate, to accommodate</li> <li>• Facilitate issue resolution as required</li> <li>• Issue notice to the Proponent requesting a revised EIS/A, if required</li> <li>• Review the revised EIS/A against the AIR, provincial orders, and EAO’s notice requesting a revised EIS/A</li> </ul>

Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• Review Aboriginal Consultation Reports to determine if the report is sufficient for approval by the EAO</li> <li>• Lead TAC review of EIS/A and development of information request(s)</li> <li>• Lead TAC meetings, calls and provide secretariat role for this committee</li> <li>• Coordinate the CAC</li> <li>• Track information requests and Proponent’s responses, provide to TAC to review adequacy of responses</li> <li>• Follow up on timelines with members of the TAC to provide comments and follow up with the Proponent to respond to information request(s)</li> <li>• Facilitate information flow between Indigenous nations and members of the TAC as necessary</li> <li>• Post EIS/A for public review and comment</li> <li>• Post the Proponent’s responses to comments on EPIC</li> <li>• Administer a public comment period through EPIC</li> <li>• Conduct engagement with the public and other stakeholders in accordance with the Plan</li> <li>• Develop the key mitigation measures and follow-up programs that will be recommended EAC conditions, considering advice from Indigenous nations, the TAC, the Agency, and the CAC and lead issue resolution as required</li> </ul>
<p><b>Crown Consultation – The Agency and the EAO</b></p>	<ul style="list-style-type: none"> <li>• Government-to-government engagement and partnership with Indigenous nations</li> <li>• Administer participant funding for eligible Indigenous nations to support their participation, consultation and collaboration in the assessment process</li> <li>• Work with Indigenous nations to implement the Plan</li> <li>• Provide Indigenous nations with process updates, and links to key documents</li> <li>• Develop information requests, as needed, by advice or input provided by Indigenous nations, the TAC, the CAC, and the public and issue any requests to the Proponent with set timelines for response</li> <li>• Follow up on timelines for Indigenous nations to provide comments and follow up with the Proponent to respond to information request(s)</li> </ul>



Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• Provide Indigenous nations with opportunity to review and comment on EIS/A</li> <li>• Pro-actively and collaboratively identify matters with Indigenous nations to include in federal information request(s) and provincial notice respecting the revised EIS/A</li> <li>• Track Proponent’s responses and provide to Indigenous nations to review adequacy of responses</li> <li>• Communicate to Indigenous nations how their comments have been addressed</li> <li>• Provide training opportunities on the assessment process</li> <li>• Share guidance on how to protect confidential information</li> <li>• Consult and collaborate with Indigenous nations to produce a preliminary assessment and understand each nation’s views on the Project’s potential impacts on Indigenous peoples, their communities and their rights and interests, and identify mitigation, accommodation, and follow-up measures, as appropriate</li> <li>• The EAO seeks consensus with each participating Indigenous nation on the sufficiency of the revised EIS/A</li> </ul>
<p><b>Indigenous nations</b></p>	<ul style="list-style-type: none"> <li>• Government-to-government engagement and partnership with the Agency and the EAO</li> <li>• Coordinate participant funding by the Agency to support engagement during EIS/A review</li> <li>• Work with the Agency and the EAO to implement the Plan</li> <li>• Review and provide feedback on the EIS/A, including participating in the comment period, and reviewing the adequacy of proponent responses, as applicable</li> <li>• Collaboratively develop information request(s) with the Agency and notice to the Proponent respecting the revised EIS/A with the EAO, as appropriate</li> <li>• Review and assess adequacy of the Proponent’s responses to information request(s), comment tracking table(s) and revised EIS/A</li> <li>• Participate in TAC meetings and calls*</li> <li>• Consult and collaborate with the Agency and EAO to produce a preliminary assessment and provide views on the Project’s potential impacts and effects on Indigenous peoples, their communities and their rights and interests, and identify</li> </ul>

Participant	Roles and Responsibilities
	<p>mitigation, accommodation, and follow-up measures, as appropriate</p> <ul style="list-style-type: none"> <li>• Participate in consensus seeking with the EAO on the sufficiency of the revised EIS/A*</li> <li>• Engage with and report back to community members</li> </ul>
<b>TAC</b>	<ul style="list-style-type: none"> <li>• Review and provide advice on EIS/A, clarify information requirements related to its specialist or expert information and knowledge</li> <li>• Participate in TAC meetings and calls coordinated by the EAO</li> <li>• Review new information or issues raised during public comment period, provide advice to the EAO and/or the Agency as required to inform responses</li> <li>• Engage collaboratively with other TAC members or levels of government on issues of common responsibility or expertise</li> <li>• Support and participate in Crown consultation and public engagement activities related to the review of the EIS/A</li> <li>• Attend public open houses and other public forums, upon request of the EAO and/or the Agency</li> <li>• Provide advice as requested by the EAO and/or the Agency during the review of the revised EIS/A</li> <li>• Provincial and federal agencies identify regulatory issues and any policy or technical gaps</li> </ul>
<b>Local governments</b>	<ul style="list-style-type: none"> <li>• Identify potential effects of the Project on the community and areas of interest to local governments</li> <li>• Identify individuals that may hold local knowledge</li> <li>• Review and provide advice on the EIS/A</li> <li>• Review and assess adequacy of the Proponent's responses</li> <li>• Participate in provincial TAC meetings and calls</li> <li>• Provide advice as requested by the EAO during the review of the revised EIS/A</li> </ul>
<b>CAC</b>	<ul style="list-style-type: none"> <li>• Identify potential effects of the Project on the community and areas of interest to CAC</li> <li>• Review and comment on EIS/A during public comment period</li> <li>• Provide advice on the potential effects of the Project as it pertains to the community (positive and negative)</li> <li>• Review Proponent's responses</li> </ul>



Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• Participate through CAC and public engagement activities of the EAO and the Proponent</li> </ul>
<b>Public</b>	<ul style="list-style-type: none"> <li>• Identify potential effects of the Project based on local knowledge</li> <li>• Submit comments and views on the EIS/A to the Registry and EPIC during public comment period</li> <li>• Participate in public engagement activities of the Agency, the EAO and the Proponent</li> </ul>
<b>Facilitator</b>	<ul style="list-style-type: none"> <li>• Individual selected to assist in provincial dispute resolution (should it be triggered) to help the EAO seek consensus on the sufficiency of the revised EIS/A</li> <li>• Prepares Dispute Resolution Report for the EAO (if dispute resolution is triggered)</li> </ul>

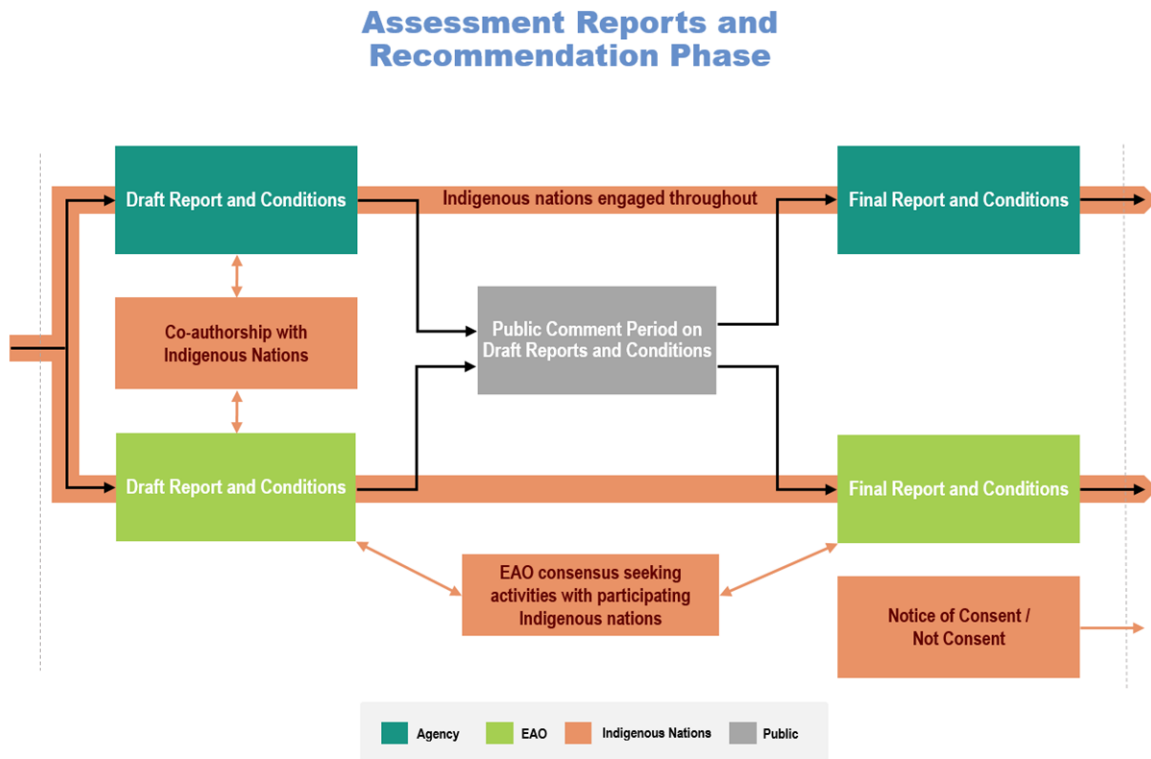
\* Activities specific to Participating Indigenous Nations



## Assessment Reports and Recommendation Phase<sup>6</sup>

The Agency decision that the Proponent has submitted all the information and studies required by the EIS Guidelines and responses to information request(s), and the EAO acceptance of the revised EIS/A, marks the beginning of this phase. In the Assessment Reports and Recommendation phase, the Agency and the EAO will work with Indigenous nations, federal authorities, members of the TAC and CAC and the Proponent to complete the federal and provincial assessments of the Project ( Figure 4).

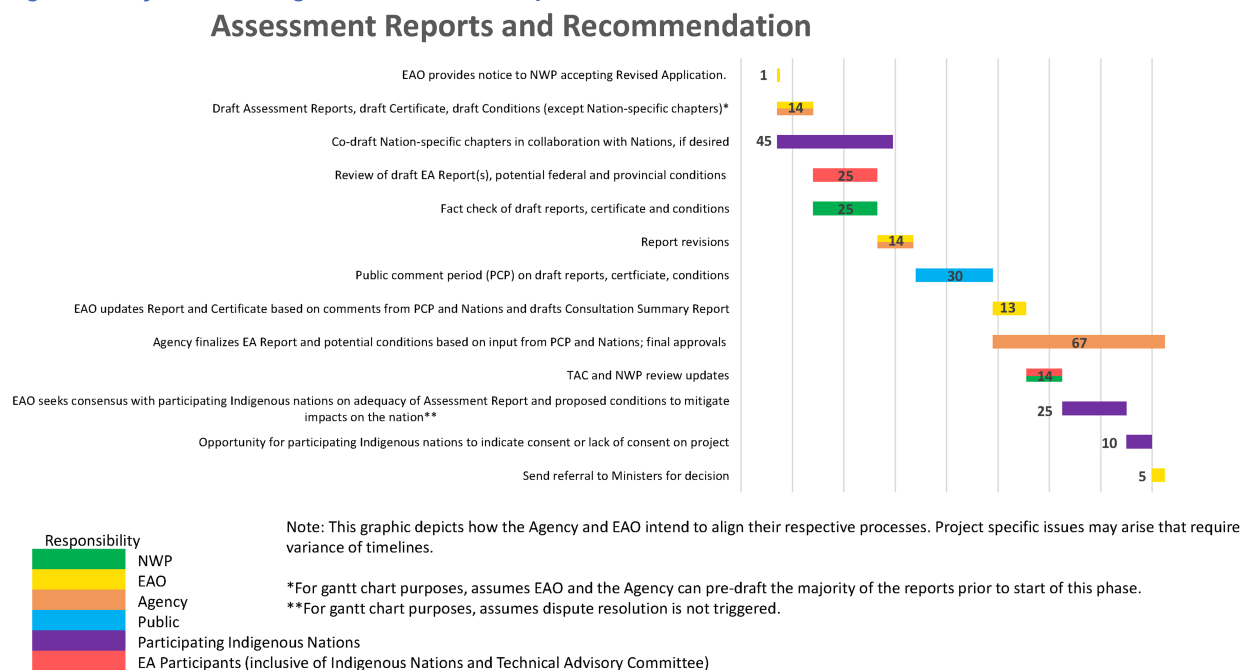
Figure 4: Visual overview of the Assessment Reports and Recommendation Phase



This overview is intended for information purposes only. For detailed information, please consult the Assessment Reports and Recommendation Phase section of the Plan.

<sup>6</sup> This phase corresponds to the federal Environmental Assessment Report Review phase and the provincial Effects Assessment and Recommendation phase.

Figure 5: Key tasks during the Assessment Reports and Recommendation Phase



The chart reflects EAO and Agency assessment timelines designed to meet required legislated timelines. Throughout the EA process, the EAO and Agency will continue to coordinate planned timelines with potentially affected Indigenous Nations processes and timelines.

## Draft Assessment Reports and Conditions

The Agency and the EAO will develop, and to the extent possible, coordinate their respective draft assessment reports (draft reports). This may include the potential for development of a joint report, or summary report, to meet the requirements of both jurisdictions, to be determined later in the process.

Along with its draft Environmental Assessment Report, the Agency will prepare draft potential federal conditions that the federal decision-maker(s) may establish as legally binding conditions on the Proponent. Similarly, the EAO will develop the draft provincial Environmental Assessment Certificate (EAC), including the proposed provincial conditions and certified project description; together with the draft Assessment Report written by the EAO, they are known as the draft Referral Package for the provincial process.

The Agency and the EAO will consult and collaborate with Indigenous nations on the draft reports and draft potential federal and provincial conditions, respectively; discuss the Project's potential impacts and effects on Indigenous peoples, their communities and their rights and interests, the integration of Indigenous knowledge; and mitigation, accommodation and follow-up measures. The EAO will seek consensus with participating Indigenous nations on their draft Assessment Report and draft EAC with draft conditions and project description.

If an Indigenous nation chooses to conduct its own assessment of potential impacts and effects on its rights and interests, the assessment would be delivered during this phase. As much as possible, the Agency and the EAO will collaborate with the Indigenous nation to provide an

efficient process and minimize duplication by incorporating the assessment into the two legislative processes and/or draft reports.

## Public Comment Period

A minimum 30-day public comment period on the draft documents will be held on the Registry and EPIC. The Agency and EAO will strive to coordinate their respective comment periods to the greatest extent possible and would advertise it a minimum of 7 days in advance of the public comment period commencing.

The Proponent will also have the opportunity to comment on the draft documents during this time.

## Completion of the Assessments

Upon completion of the public comment period, the Agency and the EAO will consider, and address comments received, and incorporate them into their respective reports, as appropriate. In addition to finalizing the reports, the Agency will finalize the potential federal conditions and the EAO will seek consensus with participating Indigenous nations to finalize the EAC.

Provincially, the CEAO also develops recommendations regarding whether the Project is consistent with the promotion of sustainability ([subsection 29\(2\)\(b\)\(i\)](#) of the BC EAA), the required assessment matters, the duration of the certificate, and reasons for the recommendation. The CEAO must seek consensus with participating Indigenous nations on the CEAO's recommendations regarding the matters identified in [subsection 29\(2\)\(b\)\(i\)](#) of the BC EAA. At this phase, the CEAO builds upon the consensus-seeking that occurred during the finalization of the Referral Package which directly informs the provincial Ministers decision as to whether to issue an EAC for the Project. There is an opportunity for participating Indigenous nations or the EAO to trigger dispute resolution if consensus is not reached on the draft Referral Package and/or the CEAO's recommendations.

By the end of the Assessment Reports and Recommendation phase, points of consensus and non-consensus, and actions taken to attempt to reach consensus and the outcome(s) will be documented. It may be that issues:

- have been resolved;
- are being carried forward to a subsequent phase for further consensus-seeking or may be carried forward to a subsequent regulatory (e.g., permitting) process;
- are out of scope of the EA and may be better addressed through other avenues;
- have not achieved consensus; and
- may require dispute resolution.

Some of the activities that are anticipated to support consensus seeking in the Assessment Reports and Recommendation phase include:

- meetings, including community meetings and meetings of technical experts, related to both technical and process-related matters;
- documenting points of consensus and non-consensus using an appropriate consensus tracking tool;
- identifying the participating Indigenous nation's internal process and decision-making steps and the timing of these steps;
- undertaking a comprehensive review of consensus and non-consensus points at the end of the Assessment Reports and Recommendation phase to allow for the ongoing and iterative resolution of issues through a clear identification of the steps required to achieve resolution; and
- establishing collaborative working groups that allow for consensus-seeking to provide the opportunity for issues-resolution prior to Dispute Resolution (if applicable) and where appropriate, sharing the outcomes of this consensus-seeking with other Provincial agencies to inform subsequent regulatory processes.

This phase ends with the Agency providing the Final Environmental Assessment Report and potential federal conditions to the federal Minister, and the EAO referring the final Referral Package to provincial Ministers for decision.

## Deliverables

The following draft documents will be developed during the Assessment Reports and Recommendation Phase, they will be posted to the Registry and EPIC, and a public comment period of at least 30 days will be held on these documents during this phase:

- Draft Environmental Assessment Report developed by the Agency;
- Draft potential federal conditions recommended by the Agency that may form part of the decision statement;
- Draft Referral Package by the EAO, including
  - The Draft Assessment Report developed by the EAO; and
  - The EAC, including the proposed provincial conditions and a certified project description.

Following the completion of the public comment period, the Agency will prepare a final Environmental Assessment Report and potential federal conditions, revised to reflect Crown consultation and engagement with Indigenous nations and public comments, and submit them to the federal Minister for decision-making.

The EAO will prepare the following final documents, revised to reflect Crown consultation and engagement with Indigenous nations and public comments, and post them to EPIC:

- Final Referral Package by the EAO, including:
  - Final Assessment Report developed by the EAO;

- EAC including proposed provincial conditions and certified project description;
- Notices of consent or lack of consent from participating Indigenous nations, if any;
- CEAO Recommendations (see Section 29(2) of the BC EAA); and
- Information, if any, on any arrangement reached with a participating Indigenous nation over potential impacts and effects on Indigenous peoples, their communities and their rights and interests.

## Timeline

CEAA 2012 does not specify a specific federal time limit in which this phase must be completed. However, overall time limits provided by CEAA 2012 must be respected. The provincial timeline for this phase is up to 150 days, which is legislated under [subsection 29\(2\)](#) of the BC EAA.

A minimum 30-day public comment period on the draft documents described in the previous section will be held during this phase.

## Objectives of Crown Consultation and Engagement with Indigenous nations

The objectives of Crown consultation and engagement with Indigenous nations during the Assessment Reports and Recommendations Phase include:

- increasing awareness of the assessment process and promote participation;
- developing and consulting on the Agency's and the EAO's preliminary analysis and conclusions related to potential impacts and effects on Indigenous peoples, their communities and their rights and interests;
- seeking consensus on the EAO's draft Referral Package;
- obtaining comments from nations on the Agency's draft Environmental Assessment Report and potential conditions, as well as the recommendations by the EAO;
- working with the Agency and the EAO to co-draft Nation-specific chapters of the reports, as appropriate; and
- supporting the implementation of the Declaration in the way we strive to meet the above objectives.

## Objectives of Public Engagement

The objectives of public engagement during EIS/A Review include:

- increasing public awareness of and promote participation in the assessment process, including the administration of public funding through the Agency ([Funding Programs](#));
- obtaining comments on the draft reports and potential conditions; and

- verifying information in the EIS/A and gather any additional information that the Agency and the EAO needs to finalize the reports, which will include a summary of public comments.

## Roles and Responsibilities

Table 4 is a list of roles and responsibilities of the assessment participants during the Assessment Report and Recommendation Phase. Note that the roles and responsibilities of the TAC and CAC are further detailed by the TAC Terms of Reference and CAC Terms of Reference, respectively.

**Table 4: Roles and Responsibilities of Assessment Participants during the Assessment Reports and Recommendation Phase**

Participant	Roles and Responsibilities
<b>The Proponent</b>	<ul style="list-style-type: none"> <li>• Provide responses to comments from Indigenous nations, TAC, CAC, and the public as directed by the Agency and/or the EAO</li> <li>• Review and provide feedback to the Agency, the EAO, and Indigenous nations on the draft reports, draft potential federal conditions and draft provincial EAC.</li> <li>• Respond to information request(s) if directed by the Agency and the EAO</li> <li>• Participate in meetings with Indigenous nations, including Indigenous community meetings, upon Nation’s request</li> <li>• Participate in TAC or CAC meetings if requested by the EAO</li> </ul>
<b>The Agency</b>	<ul style="list-style-type: none"> <li>• Develop draft Environmental Assessment Report and draft potential federal conditions</li> <li>• Develop final Environmental Assessment Report and potential federal conditions based on advice from Indigenous nations, federal authorities, the public, and other stakeholders</li> <li>• Engage the Proponent during development of the draft Environmental Assessment Report and draft potential federal conditions</li> <li>• Facilitate issues resolution as required</li> <li>• Seek advice from federal authorities on the draft Environmental Assessment Report and draft potential federal conditions</li> <li>• Seek advice from federal authorities to respond to comments, if required</li> <li>• Post public notices announcing participation opportunities on the Registry</li> </ul>

Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• Administer participant funding to support participation in reviewing documents of this phase (<a href="#">Funding Programs</a>)</li> <li>• Post draft Environmental Assessment Report and draft potential federal conditions for public review and comment</li> <li>• Administer public comment period on the Registry</li> <li>• Conduct engagement with the public and other stakeholders in accordance with the Plan</li> <li>• Address comments received and incorporate them into the final Environmental Assessment Report and potential federal conditions as appropriate</li> </ul>
<p><b>The EAO</b></p>	<ul style="list-style-type: none"> <li>• Develop draft Referral Package</li> <li>• Update the comment tracking table with details with respect to how issues have been addressed through the environmental assessment or will be addressed through other regulatory requirements or government initiatives</li> <li>• Seek consensus with participating Indigenous nations on the draft Referral Package and collaborate on implementing feedback.</li> <li>• The EAO must include an Indigenous nation’s consent or lack of consent (with reasons) to issuing the EA Certificate, if any, in the Referral Package to the Minister, pursuant to <a href="#">subsection 29(2)(c)</a> of the BC EAA</li> <li>• Incorporate information from the Aboriginal Consultation Reports into the Assessment Report</li> <li>• Identify the need for independent advice, with advice from participating Indigenous nations and members of the TAC</li> <li>• Conduct engagement with the public, local government, stakeholders and CAC in accordance with the Plan</li> <li>• Develop final Referral Package</li> <li>• Engage the Proponent during development of the draft Referral Package</li> <li>• Facilitate issues resolution as required</li> <li>• Order the Proponent to provide further information pursuant to <a href="#">subsection 19(2)(c)(i)(B)</a>, as required</li> <li>• Seek advice from members of the TAC and CAC on the draft Referral Package</li> <li>• Seek advice from the members of the TAC to respond to public comments, if required</li> </ul>





Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• Post draft Assessment Report and draft EAC for public review and comment and administer public comment period on EPIC; post comments and responses to EPIC</li> <li>• Coordinate responses to public comments in response document or by making changes to the draft Referral Package to address the comments received</li> <li>• The EAO seeks consensus with participating Indigenous nations on the CEAO’s recommendations regarding the matters identified in <a href="#">subsection 29(2)(b)(i)</a> of the BC EAA</li> </ul>
<p><b>Crown Consultation – The Agency and the EAO</b></p>	<ul style="list-style-type: none"> <li>• Collaborate with Indigenous nations to implement the Plan</li> <li>• Send direct communications with process updates and links to key documents on the Registry and EPIC to Indigenous nations</li> <li>• Consult and, where appropriate, co-develop sections of the draft reports, draft potential federal conditions, draft EAC, and draft provincial Referral Package with Indigenous nations relating to the potential impacts and effects on Indigenous peoples, their communities and their rights and interests, and accommodations and mitigation measures. The level of participation and collaboration on the areas indicated will be determined at the discretion of each Indigenous nation.</li> <li>• Provide Indigenous nations with opportunity to comment on preliminary assessment of potential impacts and effects on Indigenous peoples, their communities and their rights and interests, as well as proposed mitigation, accommodation and follow-up measures. Incorporate the feedback received and make appropriate changes to the draft Referral Package.</li> <li>• The Agency administers participant funding with eligible Indigenous nations to support participation in reviewing documents of this phase</li> <li>• Build an EA Report that reflects the collaborative work that has been done with Indigenous nations to ensure a good outcome for all</li> </ul>
<p><b>Indigenous nations</b></p>	<ul style="list-style-type: none"> <li>• Participate with the Agency and EAO, where appropriate, in co-developing the draft reports, draft potential federal conditions, draft EAC, and draft provincial Referral Package relating to the potential impacts and effects on Indigenous peoples, their communities and their rights and interests. The level of participation and collaboration on the areas indicated will be determined at the discretion of each Indigenous nation.</li> </ul>



Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• Review and comment on draft reports, draft potential federal conditions and draft EAC, and facilitate consideration by Indigenous nations’ decision makers</li> <li>• Provide additional information to inform the Agency’s and EAO’s preliminary analysis on potential impacts and effects on Indigenous peoples, their communities and their rights and interests, integration of Indigenous knowledge, proposed mitigation, accommodation and follow-up measures</li> <li>• Present their views concerning the adequacy of the consultation throughout the assessment process</li> <li>• Coordinate participant funding by the Agency to support engagement on the draft Environmental Assessment Report and draft potential federal conditions</li> <li>• Participate in the provincial consensus seeking process leading to the draft and final provincial Referral Package*</li> <li>• Facilitate consideration of draft Referral Package by Indigenous nations’ decision makers to inform notification of consent or lack of consent*</li> <li>• Seek consensus with the CEAO regarding the CEAO’s recommendations regarding the matters identified in subsection 29(2)(b)(i) of the BC EAA*</li> <li>• Respond to a request from the EAO to provide notice (with reasons) of their community’s consent or lack of consent to the issuance of an EAC during the public comment period*</li> <li>• Participate in advisory committee meetings and calls*</li> </ul>
<b>TAC</b>	<ul style="list-style-type: none"> <li>• Provide advice as directed by the EAO and/or the Agency to inform the assessment</li> <li>• Review, provide feedback and advise the EAO on the assessment in the draft Report and draft EAC, including potential conditions (in the case of federal authorities, provide feedback and advice to the Agency on the draft Environmental Assessment Report and potential federal conditions)</li> <li>• Participate in TAC meetings and calls by the EAO</li> <li>• Support and participate in Crown consultation and public engagement activities related to the draft reports to understand, assess and address potential impacts and effects on Indigenous peoples, their communities and their rights and interests</li> </ul>



Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>Engage collaboratively with other TAC members or levels of government on issues of common responsibility or expertise</li> </ul>
<b>Local governments</b>	<ul style="list-style-type: none"> <li>Advise the EAO and/or the Agency and participating Indigenous nations on potential effects of the Project on the community and areas of interest to local governments</li> <li>Review and provide input on the draft Referral Package and/or the draft Environmental Assessment Report and potential conditions to ensure local issues and concerns raised by local governments are accurately reflected</li> <li>Participate in TAC and/or CAC meetings and calls</li> </ul>
<b>CAC</b>	<ul style="list-style-type: none"> <li>Advise the EAO on potential effects of the Project on the community</li> <li>Review and provide comments on the draft provincial Referral Package during the public comment period</li> </ul>
<b>Public</b>	<ul style="list-style-type: none"> <li>Provide comments on the draft reports, draft potential federal conditions and draft provincial conditions and certified project description during public comment period</li> <li>Apply for participant funding administered by the Agency for participation in the review of the draft Environmental Assessment Report and draft potential federal conditions</li> <li>Participate in public engagement activities of the Agency and EAO (i.e., public comment period)</li> </ul>
<b>Facilitator</b>	<ul style="list-style-type: none"> <li>Individual selected to assist in provincial dispute resolution (should it be triggered) to help the EAO seek consensus on the draft assessment report, draft EAC conditions and draft project description</li> <li>Prepares Dispute Resolution Report for the EAO (if dispute resolution is triggered)</li> </ul>

\* Activities specific to Participating Indigenous Nations

## Decision-Making Phase<sup>7</sup>

Recognizing that the decisions by both governments are separate, the Agency and the EAO will keep each other informed regarding the timing of the respective decisions and will coordinate the announcements of decisions to the extent practicable.

### Federal Decision-Making Phase

This phase begins when the final Environmental Assessment Report, including potential federal conditions, is submitted to the federal Minister. If the federal Minister determines that the designated project is not likely to cause significant adverse environmental effects, the Minister will issue a decision statement with conclusions, and enforceable conditions with which the Proponent must comply.

If the federal Minister's decision is that the Project is likely to cause significant adverse environmental effects, the matter is referred to the Governor in Council. The Governor in Council will then decide if the likely significant adverse environmental effects are justified in the circumstances. The conclusions of the Governor in Council are included in the federal Minister's decision statement.

### Provincial Decision-Making Phase

This phase begins when the final Referral Package is submitted to provincial Ministers under [Section 29\(1\)](#) of the BC EAA and ends when the Ministers decide whether to issue or refuse an EAC and publish reasons for their decision. When deciding on whether the Project should receive an EAC, the provincial Ministers must consider the materials in the final Referral Package, the sustainability and reconciliation purposes of the EAO, and other prescribed matters, if any. The provincial Ministers may consider any other matters that they consider relevant to the public interest.

If the recommendation of the CEAO respecting the Project's consistency with the promotion of sustainability is contrary to the consent or lack of consent indicated by participating Indigenous nations, the provincial Ministers must, before deciding, offer to meet with the Indigenous nation that provided the notice. If the offer is accepted within three days of being made, the provincial Ministers will provide notice to the Proponent that a meeting is taking place. Provincial Ministers will attend the meeting to attempt to achieve consensus with the Indigenous nation on the decision. If new information is provided by the Indigenous nation, the EAO must share this information with the Proponent.

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<sup>7</sup> This phase corresponds to the federal Environmental Assessment Decision phase and the provincial Decision phase.

Whatever the decision, reasons for the decision must be published. Additionally, the provincial Ministers must provide reasons if the decision to issue an EAC is contrary to the consent or lack of consent indicated by a participating Indigenous nation.

In some circumstances, it is possible that dispute resolution between a participating Indigenous nation and the CEAO could be appropriate following referral to the provincial Ministers but prior to the Ministers' decision under [subsection 29\(4\)](#) of the BC EAA, to address matters not captured in the final Referral Package. This facilitation could be in addition to or in conjunction with a participating Indigenous nation's meeting with provincial Ministers pursuant to [subsection 29\(6\)](#) of the BC EAA.

## Deliverables

The following deliverables will be achieved in the Decision-Making Phase:

- Decision statement (federal); and
- Decision with reasons (provincial) – decision made by the provincial Ministers to issue or refuse to issue an EAC and reasons for decision, as well as reasons if the decision is contrary to the consent or lack of consent indicated by a participating Indigenous nation.

## Timeline

Under CEAA 2012, the federal Minister must issue their decision statement with respect to the environmental assessment of the Project within 365 days from the posting of the Notice of Commencement (Note: this does not include the time required by the Proponent to prepare its EIS/A or respond to information request(s) from the Agency). This timeline may be extended by the federal Minister by an additional 90 days to permit cooperation with another jurisdiction or to consider circumstances that are specific to the Project. The Governor in Council may, on the recommendation of the federal Minister, further extend these timelines.

[Subsection 29\(4\)\(c\)](#) of the BC EAA legislates a 30-day timeline for this phase, however the provincial Ministers have the ability to extend the timeline.

## Objective of Crown Consultation and engagement with Indigenous nations

The objective of this phase for Crown consultation and engagement with Indigenous peoples is to inform Indigenous nations about the federal and provincial decisions and reasons for the decisions.

## Objective of Public Engagement

The objective of public engagement in this phase is to ensure public awareness of the federal and provincial decisions. The federal decision statement and, if applicable, conditions will be posted on the Registry. The provincial decision and reasons for decision will be posted on EPIC.

## Roles and Responsibilities

Table 5 is a list of roles and responsibilities of assessment participants during the Decision-Making Phase.

**Table 5: Roles and Responsibilities of Assessment Participants during the Decision-Making Phase**

Participant	Roles and Responsibilities
<b>The Proponent</b>	<ul style="list-style-type: none"> <li>• Opportunity to be heard, if the reasons for notification of consent or lack of consent are contrary to the recommendations and introduces new information that has the potential to materially impact the decision, or similarly with respect to information provided at a meeting held pursuant to <a href="#">subsection 29(6)</a> of the BC EAA</li> </ul>
<b>The Agency</b>	<ul style="list-style-type: none"> <li>• Brief decision makers</li> <li>• Advise the Proponent, Indigenous nations, and the EAO when the final Environmental Assessment Report is referred to the federal Minister</li> <li>• Distribute and post to the Registry the decision statement, including reasons and, if applicable, federal conditions</li> </ul>
<b>The EAO</b>	<ul style="list-style-type: none"> <li>• Brief decision makers</li> <li>• Advise the Proponent, participating Indigenous nations, and the TAC when the final Assessment Report is referred to the Ministers</li> <li>• Support participating Indigenous nations' meeting with provincial Ministers, if needed</li> <li>• Provide notice to the Proponent that a meeting with a participating Indigenous nation will be held pursuant to <a href="#">subsection 29(6)</a> of the BC EAA</li> <li>• Provide any new information provided by a participating Indigenous nation that has the potential to materially impact the decision to the Proponent</li> <li>• Distribute and post Ministers' reasons for decision and final Referral Package</li> </ul>



Participant	Roles and Responsibilities
<b>Crown Consultation – The Agency and the EAO</b>	<ul style="list-style-type: none"> <li>• Have ongoing dialogue with Indigenous nations on the decisions and next steps</li> </ul>
<b>Indigenous nations</b>	<ul style="list-style-type: none"> <li>• If requested by the Indigenous nation, meet with provincial Ministers (if notice of consent or lack of consent is contrary to the CEAO’s recommendations respecting the project’s consistency with the promotion of sustainability)*</li> </ul>
<b>Public</b>	<ul style="list-style-type: none"> <li>• Be informed of the federal Decision Statement and the provincial Decision and reasons for decision.</li> </ul>
<b>Facilitator</b>	<ul style="list-style-type: none"> <li>• Individual selected to assist in provincial dispute resolution (should it be triggered) to help the EAO seek consensus on the recommendation on whether to issue an EAC and the sustainability recommendation</li> <li>• Prepares Dispute Resolution Report for the EAO (if dispute resolution is triggered)</li> </ul>

\* Activities specific to participating Indigenous nations

## Post-Decision Activities

### Federal Post-Decision Activities

If the Project is approved, the Agency will inform Indigenous nations and the public about the federal post-decision activities (such as compliance and enforcement, and monitoring the effectiveness of mitigation measures), any requests by the Proponent to amend the decision statement, and applicable procedures and consultation requirements.

The Agency will work with Indigenous nations throughout the assessment process to identify and enable opportunities for participation in monitoring, including monitoring potential impacts on rights, and efficacy of mitigation and/or accommodation measures.

Federal environmental assessments that commenced and continue under CEAA 2012 will be subject to enforcement provisions of CEAA 2012 until the Minister issues the Decision Statement. All decision statements issued under CEAA 2012 are enforced under the Impact Assessment Act. The Agency will use enforcement to ensure that the Project is designed, built, operated, and decommissioned or reclaimed in compliance with the legally binding requirements, where required<sup>8</sup>.

### Provincial Post-Certificate Activities

If an environmental assessment (EA) Certificate is issued, post-certificate activities include mitigation effectiveness reports and may include audits, certificate amendments, extensions, and transfers. Certificates are legally binding and contain requirements that must be followed for the life of the project to mitigate potential adverse effects. Under s. 32(7) of the Act, the EAO must seek to achieve consensus with participating Indigenous nations with respect to amendments to project EA Certificates.

Applications for regulatory instruments may be made during the assessment, but an EAC and a federal decision statement allowing the Project to proceed must first be obtained before any subsequent permits or authorizations can be issued. The EAO will maintain a Regulatory Coordination Issues Tracking Table throughout the assessment in collaboration with potentially affected Indigenous nations, other provincial and federal agencies and TAC members. The Table will include provincial regulatory instruments that may be required should the Project be approved.

The Compliance and Enforcement (EAO C&E) branch of the EAO conducts compliance inspections of regulated parties and projects, and, where required, uses enforcement to ensure that projects are designed, built, operated, and decommissioned or reclaimed in compliance

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<sup>8</sup> For additional information on compliance and enforcement activities under the Impact Assessment Act visit: [Compliance Promotion and Enforcement Policy for designated projects subject to the Impact Assessment Act](#)



with the legally binding requirements of the Act, its regulations and any EA Certificates. The EAO coordinates compliance and enforcement activity with our regulatory partners using modernized compliance and enforcement tools. In alignment with the reconciliation objectives of the Act, the EAO C&E enhances the effectiveness and transparency of compliance oversight by engaging Indigenous nations in the conduct of compliance and enforcement activities within their traditional territories and treaty lands.

For more information about Compliance and Enforcement for Environmental Assessment Projects and policies and procedures regarding post-certificate activities, including mitigation effectiveness, amendments and extensions see the following resources on the EAO's website:

- The EAO's [Compliance and Enforcement website](#);
- [Indigenous Nation Guide to EAO Compliance and Enforcement](#) which summarizes how EAO C&E will work to engage Indigenous nations in the conduct of compliance and enforcement activities for projects with EACs; and
- [Inspections with Compliance and Enforcement](#) which summarizes the role of the EAO in the management of major projects within British Columbia and proposes how C&E and Indigenous nations may be able to work together on inspections of these projects.



## Submitting Comments

Comments may be submitted at any time during the process by using the “Submit a comment” feature on the Project’s page on the Registry (reference number 80087, at <https://iaac-aeic.gc.ca/050/evaluations/proj/80087>) and, during a public comment period, on EPIC (<https://www.projects.eao.gov.bc.ca/p/588511f9aaecd9001b828bf0/project-details>).

If you have any difficulties with the submission process, please contact the Agency and the EAO, using the contact information below. Comments may also be submitted by regular mail or email to [crown@iaac-aeic.gc.ca](mailto:crown@iaac-aeic.gc.ca).

Comments and other documents received by the Agency and the EAO will form part of the Project record and will be posted on the Registry and EPIC. The Agency’s [Submission Policy](#) determines what information can be shared publicly and what information should remain private. For more information on how we protect your privacy, please refer to the Agency’s [Privacy Notice](#). If you do not want your comment to be posted on the Registry, please contact the Agency before submitting your comment. The EAO’s [EPIC Posting Order](#) and [EPIC Posting Guide](#) set out what documents are posted to EPIC and service standards for when they are posted.

## Contact Information

The Agency office designated for administering the environmental assessment of the Project is:

Impact Assessment Agency of Canada  
Pacific and Yukon Office  
210A - 757 West Hastings Street  
Vancouver, BC V6C 3M2  
Telephone: 604 666-2431  
Email: [crown@iaac-aeic.gc.ca](mailto:crown@iaac-aeic.gc.ca)

The EAO office designated for administering the impact assessment of the Project is:

British Columbia Environmental Assessment Office  
836 Yates Street  
Victoria, BC V8W 1L8  
Email: To be established during EIS/A Review phase

