

Schedule B – Joint Assessment and Engagement Plan

FOR THE
FORDING RIVER EXTENSION PROJECT

PROPOSED BY
EVR OPERATIONS LIMITED

ISSUED BY
THE ENVIRONMENTAL ASSESSMENT OFFICE
AND THE IMPACT ASSESSMENT AGENCY OF CANADA

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ACRONYMS AND ABBREVIATIONS

AIR	Application Information Requirements
B.C.	British Columbia
BCEAA	<u>Environmental Assessment Act (2018)</u>
CAC	Community Advisory Committee
CEAO	Chief Executive Assessment Officer
EA	Environmental Assessment
EAC	Environmental Assessment Certificate
EAO	Environmental Assessment Office
ECCC	Environment and Climate Change Canada
ENV	B.C. Ministry of Environment and Parks
EPIC	the <u>EAO's Project Information Centre</u>
EVR	Elk Valley Resources Operations Limited
FRX	Fording River Extension
IAA	<u>Impact Assessment Act</u>
IAAC	Impact Assessment Agency of Canada
JAEP	Joint Assessment and Engagement and Plan
MCM	B.C. Ministry of Mining and Critical Minerals
Permitting Plan the Project the Registry	Joint Detailed Permitting Plan the Fording River Extension Project <u>the Canadian Impact Assessment Registry</u>
TAC	Technical Advisory Committee
WLRS	B.C. Ministry of Water, Land and Resource Stewardship

Joint Assessment and Engagement Plan

FORDING RIVER EXTENSION PROJECT

1.0 INTRODUCTION

Elk Valley Resources Operations Limited (EVR) proposes the Fording River Extension (FRX) Project (the Project) to extend the lifespan of its Fording River Operations, an existing coal mine near Elkford, British Columbia (B.C.) by expanding currently authorized mining operations to include Castle Mountain. The Project will allow Fording River Operations to maintain an average production rate of nine million metric tonnes of clean coal per year. EVR anticipates that all coal for Fording River Operations will come from FRX by the late 2030s and extend the life of Fording River Operations through to the early 2070s. The Project as proposed will produce an estimated 280 million metric tonnes over its operational life and will disturb 4,326 hectares, including 2,031 hectares of currently permitted mining disturbance and 2,330 hectares of new disturbance.

FRX is a reviewable project under the *Environmental Assessment Act* (2018 (BCEAA) pursuant to Part 1, 4(1)(c)(ii) of the [Reviewable Projects Regulation](#) (B.C. Reg. 187/2023), because it includes a clearance of 600 hectares or more of land. A reviewable project must obtain an environmental assessment certificate (EAC) or exemption order before it can be constructed.

On October 24, 2025, the Impact Assessment Agency of Canada (IAAC) decided that, under subsection 16(1) of the *Impact Assessment Act* (IAA), an impact assessment is required for the project. This decision was made following the consideration of factors described in subsection 16(2) of the IAA. IAAC concluded that the carrying out of the designated project may cause adverse effects within federal jurisdiction or direct or incidental adverse effects, and a federal impact assessment is required. These effects include, among others, potential effects to fish and fish habitat including fish species at risk, migratory birds, to boundary waters, international waters, or interprovincial waters that would be caused by pollution, and changes to the health, social, economic, and environmental conditions of Indigenous Peoples. The Project may also adversely impact the exercise of rights of Indigenous Peoples.

The following list summarizes milestones leading up to the environmental assessment of the Project:

- The Project entered Early Engagement under the BCEAA with the acceptance of the Initial Project Description and the Engagement Plan - **April 9, 2020**;
- Canada's Minister of Environment and Climate Change determined that the Project warrants designation, pursuant to subsection 9(1) of the IAA – **August 19, 2020**;
- The Project entered the Planning Phase under the IAA with the acceptance of the Initial Project Description – **October 14, 2020**;
- Following a request from the Proponent, IAAC suspended the federal timeline for the Planning Phase – **November 19, 2020**;
- The Proponent filed a Detailed Project Description for FRX, pursuant to Section 15 of the BCEAA which formally began a readiness decision phase - **July 29, 2021**;
- The Ktunaxa Nation Council initiated dispute resolution in relation to the Environmental Assessment Office's (EAO) recommendation for the Readiness Decision – **April 8, 2022**;
- The dispute resolution facilitator submitted a report to the EAO concluding the dispute resolution process – **December 16, 2022**;

- The Chief Executive Assessment Officer (CEAO) directed the Proponent to provide a revised Detailed Project Description to address deficiencies in the 2021 Detailed Project Description – **February 21, 2023**;
- EVR submitted a [revised Detailed Project Description](#) to the EAO to address the deficiencies and provide the information required by the CEAO in their February 2023 decision - **July 4, 2025**;
- The CEAO made a Readiness Decision to consider the Project under Section 18 of the BCEAA, allowing the Project to proceed to the Process Planning phase of an Environmental Assessment (EA) – **October 10, 2025**;
- The Proponent submitted the revised Detailed Project Description and Response to the Summary of Issues to IAAC pursuant to subsections 15(1) and 15(1.1) of the IAA – **October 10, 2025**;
- IAAC accepted the Detailed Project Description and Response to the Summary of Issues, and resumed the federal timeline – **October 20, 2025**; and,
- IAAC decided that an impact assessment was required for the Project and posted its Section 16 decision on the Canadian Impact Assessment Registry website – **October 24, 2025**.

1.1. Coordinated Provincial and Federal Review

In 2020 the federal Minister of Environment and Climate Change designated the Project under the federal IAA. The EAO and IAAC are conducting a coordinated environmental assessment/impact assessment process under the [Impact Assessment Cooperation Agreement Between Canada and British Columbia](#) (the cooperation agreement), which enables the drafting of joint documents, coordinated engagement with assessment participants, and facilitates a coordinated approach to consultation with Indigenous Nations.

1.2. Indigenous Nations

The EAO and IAAC will seek to engage with Indigenous governments through collaborative approaches to assessing FRX in support of Indigenous, provincial, and federal decision-making. This engagement will recognize the inherent jurisdiction and authority Indigenous leaders have over their communities concerning major projects. A goal of this engagement is to build shared understanding of the Indigenous Nation’s history, culture, traditions and connection to the land and resources in the FRX project area and how they may be impacted by Project activities. This includes how the Indigenous Nation has determined its priorities, visions, governance and land use planning aspirations into the future. Section 4 of the Joint Assessment and Engagement and Plan (JAEP) provides more detail on Indigenous Nations’ participation.

1.3. Technical Advisory Committee

Pursuant to [Section 21 of the BCEAA](#), the EAO will form a Technical Advisory Committee (TAC) to advise the EAO and participating Indigenous Nations on technical matters related to the assessment and to review the EVR Application for an EAC. For more information, please see the TAC Terms of Reference, posted [here](#).¹

To maximize cooperation between the federal and provincial assessment processes, IAAC will also rely upon the TAC as the joint venue to discuss and resolve technical issues related to the federal assessment. IAAC will thus actively participate in the TAC 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.

¹ https://projects.eao.gov.bc.ca/api/public/document/6998a9f470c9b046fc13fb00/download/FRX_TAC_Terms_of_Reference_Final-CLEAN.pdf

2.0 PURPOSE OF THE JOINT ASSESSMENT AND ENGAGEMENT PLAN

The JAEP describes opportunities and methods to create meaningful engagement and consultation with potentially affected Indigenous Nations, the public, technical advisors and community advisors throughout the coordinated assessment of the Project. The JAEP specifies the following for the remaining phases of the coordinated assessment of the Project:

- Methods and procedures for the development of the Application/federal Impact Statement (the Application);
- Who will be engaged in the development and review of information;
- Timelines for each phase;
- The roles and responsibilities of each of the EA participants, which include:
 - EVR;
 - The EAO;
 - IAAC;
 - Indigenous Nations (including participating Indigenous nations under the BCEAA);
 - Local and regional governments;
 - The TAC;
 - The Community Advisory Committees (CACs); and,
 - The Public and other stakeholders.

The JAEP includes procedures and methods for conducting the three remaining phases of the assessment for the Project, which are:

- Application Development and Review Phase;
- Effects Assessment and Recommendation Phase/Impact Assessment (Effects Assessment Phase); and,
- Decision-Making/Decision (Decision Phase).

The JAEP does not preclude the EAO or IAAC from making changes to the approaches described in this Plan in order to accommodate changes that may occur during the assessment. To simplify access and minimize overlap across documents, the federal Indigenous Engagement and Partnership Plan and the Public Participation Plan have been incorporated into the JAEP.

3.0 PUBLIC PARTICIPATION

Public and stakeholder 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 and stakeholder participation opportunities are designed to take into account diverse needs and interests of the participants. Throughout the assessment process the EAO and/or IAAC will notify participants of key steps in the process. Views heard throughout the process will be considered and will inform decision-making.

Any individual including, but not limited to, members of the public, non-governmental and governmental organizations, and Indigenous Nations, as well as the Proponent, 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 EAO’s Project Information Centre (EPIC) and the Canadian Impact Assessment Registry (the Registry), published in newspapers, including online versions, and broadcast on the radio;
- Social media posts;
- Interactive community and information sessions (in-person and/or virtual presentations, with questions and answers);
- Printed copies of key documents held in viewing centres, if requested;
- Public comment periods to gather participants’ input on key documents; and,
- Other tools based on input from participants during the comment period on this joint assessment and engagement plan and during the assessment process.

3.1. Objectives

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

- Engage the public early and often, including at each key stage of the process;
- Engage the public on key documents, and provide information in a timely manner;
- Select engagement opportunities and mechanisms considering diverse needs and interests for timing, accessibility, supportive services (e.g. dependent-care, transport) to ensure broad participation of diverse subgroups within communities (e.g., youth, elders, women);
- Provide all potentially impacted communities are provided an equal opportunity to participate at events;
- Coordinate events where possible with other jurisdictions involved in the assessment; and,
- Track diverse community values and public views heard during engagement events to inform decision making.

3.2. Interested Public Participants

In the context of an assessment, public typically refers to the general population, or residents, without reference to geographical limits of any city, town or province. Community typically means a group of people living in the same region or area. Communities can also be groups of people that share values, activities, interests, goals, or an identity.

For additional information about the implementation of meaningful public participation, please refer to the [Interim Policy Context for Public Participation in Impact Assessment](#) and [Interim Guidance for Public Participation in Impact Assessments](#).

The following communities and associations have indicated an interest in participating in the Project assessment.

- American Rivers,
- Amnesty International Canada,
- Backcountry Hunters & Anglers BC and Montana Chapter,
- BC Chamber of Commerce,
- BC Mining Law Reform Network,
- BC Nature,
- Mining Association of Canada,
- MiningWatch Canada,
- Montana Environmental Information Center,
- Montana Trout Unlimited,
- Montana Wildlife Federation,
- Montana Wilderness Association,
- Nature Canada,

- Canadian Parks and Wilderness Society,
- Conservation Northwest,
- East Kootenay Wildlife Association,
- Elk River Alliance,
- Elk Valley Métis Association,
- Elkford Chamber of Commerce,
- Elkford's Snowmobile Association,
- Fair Mining Collaborative,
- Fernie Chamber of Commerce,
- First Nations Women Advocating for Responsible Mining,
- Flathead Valley Trout Unlimited,
- Flathead Wildlife,
- Headwaters Montana,
- Idaho Conservation League,
- Kootenai Valley Trout Unlimited,
- National Parks Conservation Association,
- Northern Confluence Initiative,
- Offroad Vehicle Association,
- RAVEN (Respecting Aboriginal Values and Environmental Needs),
- Resource Works,
- Rivers Without Borders Canada,
- Salmon Beyond Borders,
- SalmonState,
- Sierra Club BC,
- Sierra Club (including Montana and Idaho Chapters),
- SkeenaWild Conservation Trust,
- West Kootenay EcoSociety,
- Wildsight Society, and
- Yellowstone to Yukon Conservation Initiative

3.3. Submitting Public Comments

Comments may be submitted during public comment periods on the EAO's EPIC.engage site (<https://engage.eao.gov.bc.ca/>) and, at any time during the process by using the "Submit a comment" feature on the Project's page on the Registry (reference number 80702, at <https://iaac-aeic.gc.ca/050/evaluations/proj/80702>).

If you have any difficulties with the submission process, please contact the EAO and IAAC, using the contact information below. Comments may also be submitted by regular mail or email to fording@iaac-aeic.gc.ca.

Comments and other documents received by the EAO and IAAC will form part of the Project record and will be posted on [EPIC](#), EPIC.engage, and the Registry. The EAO's [Commenting on Projects](#) webpage sets out comment posting guidelines.

IAAC'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 IAAC's [Privacy Notice](#). If you do not want your comment to be posted to the Registry, please contact IAAC before submitting your comment.

3.4. Community Advisory Committees

As described in [Section 22\(1\)](#) of BCEAA, the purpose of a CAC is to advise the EAO on the potential effects of the proposed project on the community.

The purpose of a CAC is to:

- Support information sharing between the EAO, community members and other stakeholders;
- Foster community learning about the environmental assessment process and the proposed project;
- Provide a venue for interested local community residents or local organizations in providing advice to the EAO on the effects of the project on the community, the environment and the use of the proposed project area;
- Provide details of opportunities to provide their input and advice; and

- Provide relevant information to the EAO to inform the assessment of the proposed project, which must be considered in the development of the decision materials that the EAO sends to the decision makers.

The scope of the CAC is to provide advice on the unique potential effects of the project on the community and its use of the project area and surrounding environment, that is not provided by the TAC, participating Indigenous nations, and/or local and regional governments. Although members of the CAC may have technical expertise, it is not required to participate on the CAC. It is not the role of individual members of the public nor the CAC to assess or otherwise commission studies or reports that would duplicate the technical review or responsibilities of the TAC. The CAC may describe concerns regarding project design, but the CAC is not able to require the proponent to change project design or mitigations.

The CAC was established at the end of Process Planning with the finalization of the JAEP. If, after the Process Order is issued, the CEAO determines there is sufficient potential for disproportionate impacts from a proposed project on a distinct population, the CEAO may establish an additional CAC to ensure that such potential impacts are understood.

4.0 ENGAGEMENT AND CONSULTATION WITH INDIGENOUS NATIONS

Recognizing that each Indigenous Nation is unique, the EAO and IAAC will work with all potentially affected Indigenous Nations to understand how their distinct rights, interests, and relationship to their territory might interact with the proposed Project. Indigenous interests are described as interests related to an Indigenous Nation and their rights recognized and affirmed by [Section 35 of the Constitution Act, 1982](#), including Treaty rights and Aboriginal rights and title that may be impacted by the Project.

Sections 5 through 8 below include specific detail regarding how the EAO and IAAC will engage and consult with Indigenous Nations during the remainder of the environmental assessment. In addition to the consultation that the EAO and IAAC will undertake, some procedural aspects of consultation will be undertaken by EVR on behalf of the EAO and IAAC, as set out in the roles and responsibilities tables for each subsequent phase of the environmental assessment.

The EAO and IAAC have encouraged EVR to support Indigenous Nations' involvement following the Early Engagement phase, including the Process Planning phase and the subsequent phases described in this plan. This support may require ongoing discussions between EVR and Indigenous Nations regarding capacity funding required to participate in a meaningful way.

4.1. Participating Indigenous Nations under BCEAA

If there is a reasonable possibility that an Indigenous Nation or its Section 35 rights may be adversely affected by a proposed project, they can notify the CEAO, under Section 14 of BCEAA, of their intention to participate in the assessment of the project – these Indigenous Nations are referenced as participating Indigenous nations in this plan. The following participating Indigenous nations have been identified for the purpose of the assessment of FRX in accordance with Section 14 of BCEAA:

- ʔakisqnuʔ, ʔaq am, and Yaqaan nuʔkiy, represented by the Ktunaxa Nation Council Society,
- Yaqit ʔa-knuqʔit,
- Shuswap Band,
- Piikani Nation,
- Blood Tribe/Kainai,
- Siksika Nation, and
- Bearspaw First Nation, Chiniki First Nation, and Goodstoney First Nation, represented by the Stoney Tribal Administration.

and the Proponent will engage with these groups to address potential adverse impacts to their asserted or established rights. Although the Province does not recognize Métis as holding land-based section 35 rights in B.C., the EAO will still consider and assess impacts to Métis land-based practices or social and cultural values that have the potential to be impacted by the Project.

It should be noted that the Elk Valley Métis Association is no longer affiliated with the Métis Nation British Columbia and is participating in the Project directly with IAAC as a public participant at this time.

4.4. U.S. Tribes

The EAO and IAAC engage with the Confederated Salish and Kootenai Tribes and the Kootenai Tribe of Idaho through the TAC, consistent with the commitments made in Memorandums of Understanding between the Province and the Idaho Department of Environmental Quality (Environmental Cooperation Agreement) and the State of Montana (Environmental Cooperation Arrangement).

5.0 APPLICATION DEVELOPMENT AND REVIEW

Within this phase there are two main stages:

1. Development of the proponent's Application, and
2. Review of the proponent's Application (180-day time limit).

5.1. Application Development

After issuance of the provincial Process Order (and concurrently the federal Notice of Commencement) that includes this JAEP, the AIR, and the Joint Detailed Permitting Plan (the Permitting Plan), the Project moves into the Application Development stage of the coordinated process. During Application Development, EVR will develop its Application for an EAC to meet the requirements of the Process Order and to inform a Decision statement under the IAA. The EAO, IAAC, Indigenous Nations, members of the TAC and any CACs may provide input during the development of the Application. See Appendix A for a Table of possible studies and appropriate TAC reviewers for those studies. The duration of this stage is at the discretion of EVR, however, the information required in the AIR is to be provided within three years from the date of issuance of the provincial Process Order and the federal Notice of Commencement. The Minister of Environment and Parks or the CEO may terminate the assessment as set out in Section 39(b) of BCEAA. IAAC can terminate an assessment where a proponent advises that the project will not proceed, does not provide required information within prescribed timelines, or where the Minister of the Environment, Climate Change, and Nature terminates the assessment under Sections 20, 70, 71, and 73 of the IAA.

5.1.1. Indigenous Nations Engagement

The EAO and IAAC 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.

EAO and IAAC will engage with and seek contributions from Indigenous Nations as EVR develops their Application. During Application Development EVR will also carry out an assessment of effects to the Indigenous interests² identified by each Indigenous Nation; preliminary lists of Indigenous interests can be found in tables 3 to 12 in the AIR.

² Indigenous interests are defined in the EAO's [Effects Assessment Policy](#) as interests related to a First Nation and their rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*, including Treaty rights and Aboriginal rights and title that may be impacted by the proposed project.

5.1.2. Public Engagement

Although there are no formal public engagement requirements during the Application Development stage, members of a CAC may participate in any CAC engagement led by the EAO. As described in Section 22 of BCEAA, if the CEAO considers that there is sufficient community interest in a project, the CEAO must establish one or more CACs to advise the EAO on the potential effects of a proposed project on a community. The CAC provides a venue for interested members of the public to stay informed on the progress of the environmental assessment and upcoming opportunities to provide input and advice. The EAO formalizes any CAC by the end of Process Planning phase in the Process Order. The specific format and structure of the CAC(s) will be determined based on the potential effects of the Project and community interest in the Project.

5.1.3. Deliverables

1. **Engagement Log** – EVR must develop and maintain an engagement log summarizing which documents were provided for review prior to the Application being submitted to the EAO, when they were provided, and identifying who they were provided to,
2. **Issues tracking document** – EVR must outline any feedback received on the documents provided for review and how the feedback was addressed in the Application. This tracking document is submitted to the EAO with the Application, and
3. **Application** – In accordance with the AIR, the proponent submits its Application at the end of Application Development to IAAC for verification review, and on passing verification submits to the EAO and IAAC to commence the Application Review stage.

Federally, once the Proponent submits all information or studies required by the AIR to IAAC, IAAC will complete an assessment of the information provided. IAAC will post all proponent submissions to the [Canadian Impact Assessment Registry](#).

EVR is encouraged to distribute information to reviewers in efficient formats or packages (e.g., grouped by Valued Component or related subjects, consider redline versions) and with adequate notice and time for review (e.g. consider a review schedule to ensure TAC resources are available).

5.1.4. Roles and Responsibilities

Table 1 outlines a list of roles and responsibilities of the environmental assessment participants during the Application Development stage. The roles and responsibilities of the TAC and CACs are further detailed by the TAC Terms of Reference and CAC Terms of Reference, respectively.

Table 1: Roles and Responsibilities of EA Participants during Application Development

Participant	Roles and Responsibilities
EVR	<ul style="list-style-type: none"> • Develop an Application for an EAC. • Conduct studies to provide information identified in the AIR including information to support the assessment of effects to the Indigenous interests identified by each Indigenous Nation. • Conduct studies and/or modelling to provide required information identified in the AIR including information to support the assessment of effects on Indigenous Nations and their rights. • Discuss data collection methods and results with appropriate provincial agencies and federal authorities and identify and submit any data to provincial warehouses where they exist at the time of submission of the Application, if applicable (See Appendix D: <i>Provincial Data Submission Standards</i> of the Application Information Requirement and the EAO’s Effects Assessment Policy here). • Track and address feedback received during Application development. • Engage transparently with EA participants to assist with development of Application and, as directed by the EAO and IAAC, address issues raised.

Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> • Seek information for inclusion in the Application from Indigenous Nations, including Indigenous knowledge. • Engage with Indigenous Nations on co-drafting of Indigenous Nations Rights and Interests chapters, where agreements to do so exist. • Engage with the EAO and IAAC to request feedback prior to, and during, development of Application. • Share updated project information with the EAO, IAAC, Indigenous Nations, and the TAC, where relevant.
EAO	<ul style="list-style-type: none"> • Engage as necessary and upon request to provide EVR feedback prior to, and during, development of the Application. • Follow progress of EVR’s development of the Application and, as necessary, facilitate EVR engagement with participating Indigenous nations, TAC members and CACs. • Engage, as necessary, to attempt to resolve issues identified in EVR’s engagement during the development of the Application and any issues identified by participating Indigenous nations. • Engage, as necessary, with any CAC to provide updates on the progress of the development of the Application and next steps in the EA. • Work with provincial agencies to identify and resolve any policy gaps or capacity issues and provide regulatory context to EA participants. • Facilitate issues resolution and information sharing as required. • Instruct EVR to work with participating Indigenous nations to gather and apply Indigenous knowledge. • Provide participating Indigenous nations with guidance on how to protect confidential information, if provided.
IAAC	<ul style="list-style-type: none"> • Engage as necessary and upon request to provide EVR feedback prior to, and during, development of the Application with a focus on areas of federal jurisdiction. • Engage, as necessary, to attempt to resolve issues identified in EVR’s engagement during the development of the Application and any issues identified by Indigenous Nations. • Work with federal authorities to identify and resolve any policy gaps or capacity issues and provide regulatory context to application participants. • Facilitate issues resolution and information sharing as required. • Facilitate EVR to work with Indigenous Nations to gather and incorporate Indigenous knowledge. • Work with Indigenous Nations to develop and implement Indigenous Nation-specific consultation plans, and to collaborate on Indigenous interests’ assessments. • Notify Indigenous Nations of key steps in the process and opportunities to participate. • Increase Indigenous Nations’ awareness of the assessment process and facilitate meaningful participation. • Instruct EVR to work with Indigenous Nations to gather and apply Indigenous knowledge.
Indigenous Nations	<ul style="list-style-type: none"> • May provide information, including Indigenous knowledge to be applied throughout the environmental assessment process. Nations may work with proponents to include this knowledge in the Application, or it may be provided in some other format. More information can be found in the Guide to Indigenous Knowledge in Environmental Assessments. • Engage with EVR on the development of portions of the Application. • May review and provide input to EVR during the development of the Application. • Building off discussions during Early Engagement regarding understanding of Indigenous interests, identify potential impacts of the Project on the Indigenous Nation and its rights to EVR to assist in Application development. • May undertake community engagement and inform EVR and the EAO on community engagement requirements. • If a participating Indigenous nation is completing an assessment under Section 19(4) of BCEAA, coordinate with the EAO to describe and share assessment methods to be used if different from EAO effects assessment methods and pursuant to process timelines.
Local governments	<ul style="list-style-type: none"> • Review and provide input to EVR during the development of the Application. • Participate in TAC and/or any CAC.
CAC	<ul style="list-style-type: none"> • Participate in any CAC engagement led by the EAO.
TAC	<ul style="list-style-type: none"> • Review and provide input to EVR during the development of the Application, including the methods to consider the matters referenced in <i>Section 25(2)</i> of BCEAA as per the AIR.

Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> Provincial Agencies and Federal Authorities: Identify and address regulatory issues and any policy or technical gaps, provide guidance and information to facilitate preparation and coordinated review of the Application and permit applications.

5.2. IAAC Verification Review

Prior to Application Review EVR will submit their Application to IAAC. IAAC will review the Application against the federal requirements described within the AIR to confirm that the information required has been provided, and that the Application contains sufficient information with respect to these requirements to proceed to Application review. If necessary, IAAC may request more information or revisions to the Application to meet the requirements of the AIR before starting Application Review. The EAO is not involved with this review as this is a federal process only. Once IAAC determines that the Application contains sufficient information on the federal requirements of the AIR and the EVR submits it to the EAO, the Review phase begins.

5.3. Application Review

During Application Review, the EAO and IAAC will lead the review of EVR’s Application. During this time participants including Indigenous Nations, federal authorities, members of the TAC, the CAC, and the public also review the Application and provide comments. These reviews may result in comments on the Application to address information gaps issued to EVR by the EAO and IAAC. EVR is responsible for responding to these comments generated within the timelines provided by the EAO and IAAC.

As per Section 27 (2) of BCEAA, the EAO must provide a Notice regarding the result of Application Review to EVR (the Notice) within 180-days of submission of the Application. The Notice summarizes public comments, advice provided by the TAC and CACs, and any other relevant matter, which can also include direction required revisions of the Application necessary for the Effects Assessment phase of the process.

Allotted Days/Dates for Notice Issuance: up to 180 days (legislated timeline under Act) following submission of the Application.

When a Revised Application is submitted, the EAO assesses the sufficiency of the Revised Application to ensure it contains the information required by the Process Order and responds to matters set out in the Notice Regarding Application Review.

Allotted Days/Dates for Revised Application Sufficiency review: The EAO business standard of 60 days following submission of the revised Application may be adjusted to account for concurrent permitting activities; see Joint Detailed Permitting Plan for details.

When IAAC determines that all deficiencies and information gaps identified in relation to federal requirements during the Application technical review have been sufficiently addressed to support a robust impact assessment, it will post a notice under subsection 19(4) of the *Impact Assessment Act* on the Registry to signify IAAC is satisfied the proponent has provided all necessary information and studies required to proceed to the next phase of the impact assessment process and collaborate with the EAO to draft the Assessment Report.

5.3.1. EAO Engagement with Participating Indigenous Nations on the Notice Regarding Application Review

The EAO will engage with each participating Indigenous nation on any matters that pertain to that participating Indigenous nation’s interests to include in the EAO’s Notice Regarding Application Review to EVR. Once EVR prepares and submits a Revised Application, and prior to the decision on whether to accept the Revised Application, the EAO will seek consensus with participating Indigenous nations on the sufficiency of the revised Application, specifically considering

whether or not the Revised Application contains the information required by the Process Order, responds to matters set out in the EAO's Notice Regarding Application Review and will sufficiently support the Effects Assessment phase.

5.3.2. Public Engagement

The EAO and IAAC conduct a joint public comment period (typically 30 days) on the Application. During the public comment period, the EAO and IAAC will hold (an) open house(s) and/or (a) virtual information session(s) to provide information on the assessment process and the Project. The open house(s) and/or virtual information session(s) will be coordinated by the EAO and IAAC and advertised by EVR a minimum of seven days in advance of the public comment period commencing.

5.3.3. Deliverables

The following deliverables will be developed during the Application Review stage:

1. Comments on the Application to address information gaps issued to EVR by the EAO and IAAC informed by advice provided by the TAC and CAC, Indigenous Nations, and input from the public.
2. EVR's responses to comments issued by EAO and IAAC, and responses to comments received from Indigenous Nations, the TAC, the CAC, and comments received during the public comment period.
3. The EAO to issue Notice Regarding Application Review under Section 27(2)(b) of BCEAA to EVR respecting the Application.
4. Revised Application submitted by EVR to the EAO addressing the requirements in the Notice Regarding Application Review.
5. Specific data and reports from EVR in support of Application Review.³ For a list of data to be submitted by EVR, see Appendix A.
6. The EAO to provide the Notice regarding revised Application acceptance under Section 27(4) of BCEAA, in which the EAO confirms that the Application meets the requirements of the Process Order and addresses matters in the Notice Regarding Application Review.
7. If accepted, IAAC will post a notice under subsection 19(4) of the IAA to signify that IAAC is satisfied that the proponent has provided all necessary information and studies required to proceed to the next phase.

5.3.4. Timelines

Figure 1 presents the timeline for each step of the 180-day Application Review phase between Application submission and the EAO's issuance of the Notice. The timelines in the JAEP may be further detailed in a project workplan that is developed through engagement with EVR, Indigenous Nations, and members of the TAC. Where possible, IAAC will harmonize its processes, roles and responsibilities and deliverables with these timelines.

³ Proponents may be required to submit specific data and their associated reports, collected in support of the development and review of their Application, to the EAO at various points in the environmental assessment. Proponents are also encouraged to submit this data and associated reports, to the provincial agency responsible for managing that specific type of data, where data standards and data warehouses exist. It will need to meet data submission standards. Data may be subject to quality assurance by the responsible provincial agency, and the proponent can work with the provincial agency to ensure the accuracy of the data. Data may be submitted to the appropriate provincial agency before or at the time the final revised Application is submitted to the EAO.

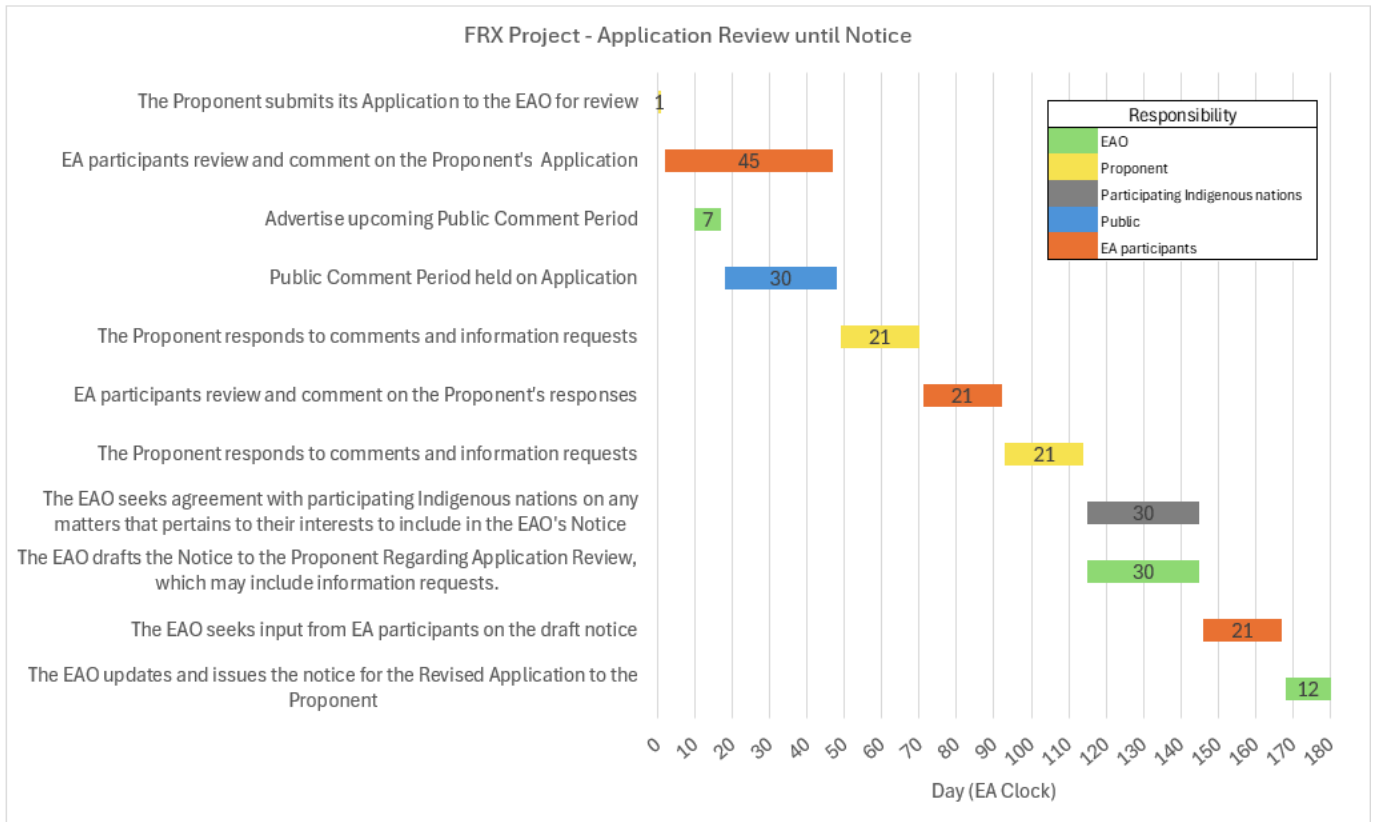


Figure 1: EAO’s Anticipated Schedule and Timelines during Application Review until EAO issues the Notice Regarding Application Review

5.3.5. Roles and Responsibilities

Table 2 is a list of roles and responsibilities of the environmental assessment participants during the Application Review phase. Note that the roles and responsibilities of the TAC and CAC are further detailed in TAC Terms of Reference and CAC Terms of Reference, respectively.

Table 2: Roles and Responsibilities of EA Participants during Application Review

Participant	Roles and Responsibilities
EVR	<ul style="list-style-type: none"> Respond to comments issued by the EAO and IAAC within the timelines set by the EAO. Record the concerns raised by all environmental assessment participants and measures being implemented to avoid, reduce or otherwise address them. Post advertisements reviewed by the EAO and IAAC in local newspapers and/or on digital platforms outlining public participation opportunities. Participate in TAC meetings and public engagement as required by the EAO. Engage Indigenous Nations in reviewing the Application and respond to issues regarding potential deficiencies of the Application, potential project effects, and proposed mitigations. Revise Application based on the EAO’s Notice Regarding Application Review and document changes made and supporting rationale. Submit data to the EAO and IAAC and provincial warehouses where they exist (see the Effects Assessment Policy here) at the time of submission of the revised Application.
EAO	<ul style="list-style-type: none"> Post the Application for public review and comment and administer public comment period through EPIC. Conduct engagement with the public, local government, other stakeholders, CAC and Indigenous Nations in accordance with this JAEP. Lead TAC review of Application. Compile and issue comments on the Application to the EVR, in consideration of advice provided by participating Indigenous nations, the TAC, CACs and input from the public.

Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> • Lead TAC and CAC, including meetings and calls and provide secretariat role for these committees. • Facilitate issue resolution as required. • With advice from participating Indigenous nations and members of the TAC, identify the need for independent advice. • Track comments on the Application and responses, and provide them to the participating Indigenous nations, TAC and CACs for review, and post to EPIC. • Post EVR responses to comments on EPIC. • Manage timelines for participating Indigenous nations and members of the TAC to provide comments and for EVR to respond to comments. • Maintain a consensus tracking tool to keep track of any issues on which the EAO and participating Indigenous nations have not reached consensus on the Application or Revised Application. • Update the Permitting Plan with details regarding how issues have been or will be addressed through the EA and other regulatory requirements or government initiatives. • Facilitate information sharing between participating Indigenous nations and members of the TAC as necessary. • Pro-actively and collaboratively identify matters for the Notice Regarding Application Review with participating Indigenous nations. • Issue Notice Regarding Application Review to EVR. • Manage the review of EVR’s revised Application against the AIR and the EAO’s Notice Regarding Application Review and seek consensus with participating Indigenous nations on the sufficiency of the revised Application.
IAAC	<ul style="list-style-type: none"> • Work with Indigenous Nations to implement the JAEP, to develop and implement Indigenous Nation-specific consultation plans, and to collaborate on Indigenous interests’ assessments. • Notify Indigenous Nations of key steps in the process and opportunities to participate. Increase Indigenous Nations’ awareness of the assessment process and facilitate meaningful participation. Consult with Indigenous Nations on the review of the Application and any potential consideration of required information. • Begin discussions on the suitability of the proponent’s mitigation measures for effects in federal jurisdiction with participating Indigenous nations including exploring provincial mechanisms that may address federal effects. • Work with federal and provincial authorities towards the goal of minimizing impacts of the Project on Indigenous rights and interests. • Administer participant funding to support Indigenous Nations’ participation in the review of the Application, any requests for additional information to meet the federal requirements of the AIR, and the impact on Indigenous interests’ assessment (Funding Programs). • When all federal information gaps have been sufficiently addressed, IAAC will post a notice under subsection 19(4) of the <i>Impact Assessment Act</i> to signify IAAC is satisfied the proponent has provided all necessary information to proceed. It will then proceed to the Effects Assessment.
Indigenous Nations	<ul style="list-style-type: none"> • Review and provide feedback on the Application and revised Application. • Work with the EAO and IAAC to collaboratively identify any missing information necessary for the effects assessment for EVR to address in order to fulfill the AIR requirements. • Review and assesses adequacy of EVR’s responses. • Participate in TAC meetings and calls. • Engage government to government with the EAO. • Seek consensus with IAAC on the sufficiency of EVR’s responses to additional information required to meet the federal requirements of the AIR. • Engage with and report back to community. <p>Participating Indigenous nations under Section 14 of BCEAA:</p> <ul style="list-style-type: none"> • Pro-actively and collaboratively identify matters to be included in the EAO’s Notice Regarding Application Review to EVR. • Seek consensus with the EAO on the sufficiency of the revised Application. • If a participating Indigenous nation is completing an assessment under Section 19(4) of BCEAA, inform the EAO and EVR of any missing information necessary to complete the assessment.
Local governments	<ul style="list-style-type: none"> • Identify potential effects of the project on their community and areas of interest to local governments. • Review and provide advice on the Application. • Review and assess adequacy of EVR’s responses. • Participate in TAC meetings and calls and/or any CAC engagement. • Provide advice as requested by the EAO during the review of the revised Application.

Participant	Roles and Responsibilities
Community Advisory Committee	<ul style="list-style-type: none"> • Identify potential effects of the Project on the community. • During the public comment period, review and comment on the Application with respect to potential positive and negative effects of the Project as it pertains to the community. • Review proponent responses. • Participate through CAC and public engagement activities of the EAO and the proponent.
Technical Advisory Committee	<ul style="list-style-type: none"> • Review and provide advice on the Application. • Participate in TAC meetings and calls led by the EAO. • Work with the EAO and other TAC members to define comments on the Application for specific additional information required. • Review new information or issues raised during public comment periods, provide advice to the EAO as required to inform responses. • Attend public open houses and other public forums, upon request of the EAO or IAAC. • Provide advice as requested by the EAO during the review of the revised Application, if applicable, and any supplementary information. • Provincial Agencies and Federal Authorities: collaborate with the EAO during the updating of the Permitting Plan to provide details with respect to how issues will be addressed through the EA and other regulatory requirements or government initiatives.
Public and Stakeholders	<ul style="list-style-type: none"> • Identify potential effects of the project. • Submit comments to EPIC and/or the Registry during public comment period. • Participate in public engagement activities of the EAO, IAAC, and the proponent. • Apply for participant funding administered by IAAC for participation in the review of the Application.
External Experts (if applicable)	<ul style="list-style-type: none"> • Review and provide advice on Application chapters, as identified. • Provide advice to the EAO as requested (see the EAO’s <i>Process Planning Policy</i>). • Attend TAC meetings, as directed by the EAO. • Provide advice as requested by the EAO during the review of the revised Application.

6.0 EFFECTS ASSESSMENT

The term “Effects Assessment Phase” refers to the coordinated EAO Effects Assessment and Recommendation Phase and IAAC Impact Assessment Phase.

A decision to accept the revised Application under [Section 27\(4\)](#) of BCEAA marks the beginning of this phase and the notice of acceptance of the revised Application will be posted to the EAO’s website. For IAAC, this phase begins after a notice under subsection 19(4) of the IAA is posted to the Registry.

In the Effects Assessment Phase, the EAO and IAAC work with Indigenous Nations, and engage members of the TAC and the CACs, and EVR to complete an assessment of the Project.

Environmental Assessment Office

The EAO develops a draft Referral Package for decision that will include a draft Assessment Report and draft EAC which will include proposed conditions and project description (referred to as the draft Referral Package). The EAO seeks comments on the draft Referral Package from participating Indigenous nations, the TAC, the CACs, EVR, and the public.

The CEAO develops recommendations regarding whether the Project is consistent with the promotion of sustainability ([Section 29\(2\)\(b\)\(i\)](#) of BCEAA), the required assessment matters under Section 25 of BCEAA, the duration of the EAC, and reasons for the recommendation. This phase ends with the final Referral Package being referred to the Minister of Environment and Parks and the Minister of Mining and Critical Minerals for decision.

Impact Assessment Agency of Canada

During the Effects Assessment Phase IAAC will conduct an analysis of Project information and public input to describe the Project’s potential adverse effects within federal jurisdiction, particularly on Indigenous peoples, health, social or economic conditions of Indigenous Peoples, impacts resulting from any change to the environment on the current use of lands and resources for traditional purposes, impacts resulting from any change to the environment on physical and cultural heritage or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance and any adverse impacts on Indigenous rights.

IAAC evaluates the extent of significance of these effects, taking into consideration proposed technically and economically feasible mitigation measures, and documents how Indigenous and public comments and knowledge were considered. IAAC will also prepare draft potential conditions and seek comments from Indigenous Nations, the TAC, the CACs, EVR, and the public. The Joint Assessment Report (intended to meet the requirements of the EAO’s Assessment Report with IAAC’s Impact Assessment Report in one document) ultimately informs the Minister of the Environment, Climate Change, and Nature or Cabinet’s decision on whether the Project’s adverse federal effects are justified in the public interest.

Allotted Days/Dates: up to 150 days under BCEAA.

6.1. EAO Engagement with Participating Indigenous Nations

During this phase, the EAO will carry out an assessment of effects to each participating Indigenous nation and its rights, in collaboration with each participating Indigenous nation. The EAO must seek consensus with participating Indigenous nations on the draft Referral Package and the recommendation regarding whether the Project is consistent with the promotion of sustainability. The consensus-seeking that occurs during the finalization of the Referral Package directly informs the provincial Minister’s decision as to whether to issue an EAC for the Project.

In accordance with [Section 29\(2\)](#) of BCEAA, participating Indigenous nations can provide notice of consent or lack of consent to issuing the EAC and reasons for their decision.

Dispute Resolution: 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.

During this phase, IAAC will undertake an assessment of the effects within federal jurisdiction in relation to the Indigenous nations and the impacts on their rights and interests. Federal funding is made available for Indigenous Nations to participate in the review of the Joint Assessment Report. IAAC will consult with Indigenous Nations on federal portions of the Joint Assessment Report, including proposed mitigation measures, draft federal conditions, and federal conclusions on the extent of significance of adverse effects to inform the federal Minister's decision on whether the significant effects of the Project are in the public interest.

6.2. Public Engagement

The EAO and IAAC conduct a joint public comment period (typically 30 days) on the draft Referral Package, including the Joint Assessment Report, as well as draft federal conditions and summarize comments received before referral to Ministers. During the public comment period, the EAO and IAAC will hold open houses and/or virtual information sessions to provide information on the assessment process and the Project. The open house(s) and/or virtual information sessions will be coordinated by the EAO and IAAC and advertised by EVR a minimum of seven days in advance of the public comment period commencing.

6.3. Deliverables

EAO and IAAC will work to jointly prepare a Joint Assessment Report that meets the requirements of both processes, unless the CEO of the EAO or delegate and the President of the Agency or delegate agree that joint preparation of the assessment reports is not practicable or appropriate in the circumstances, as described in the cooperation agreement.

1. EAO Notice Regarding Revised Application Acceptance;
2. Any assessments conducted by participating Indigenous nations as provided for by Section 19 (4) of BCEAA will be provided to the EAO 30 days before the EAO publishes the draft Referral Package referenced below and invites public comment on those documents;
3. Any additional information provided by Indigenous Nations to inform the assessment of effects to Indigenous Nations and their rights;
4. Draft Referral Package including:
 - EAO and IAAC's draft Joint Assessment Report; and,
 - Draft EAC including proposed conditions and project description.
5. Participating Indigenous nations notice of consent or lack of consent;
6. Draft federal potential conditions;
7. Draft CEO Recommendations;
8. Final Referral Package including:
 - The EAO and IAAC's final Joint Assessment Report;
 - Draft EAC including proposed conditions and project description;
 - Notifications of consent or lack of consent from participating Indigenous nations, if any; and,
 - CEO Recommendations.
9. Final federal conditions.

6.4. Timeline

Figure 2 shows the anticipated timeline for the Effects Assessment phase under BCEAA (for example when the EAO produces, and EA participants review, the first draft of the Assessment Report). The timelines in the JAEP are further detailed in a Project Work Plan that is developed by the EAO through engagement with EVR, Indigenous Nations and members of the TAC. The timeline for the development of the EAO’s final Referral Package is up to 150 days following the acceptance of EVR’s revised Application. This timeline is legislated under Section 29(2) of BCEAA. A minimum 30-day public comment period on the draft Referral Package will be held during this phase. Where possible, IAAC will harmonize its processes, roles and responsibilities and deliverables with these timelines.

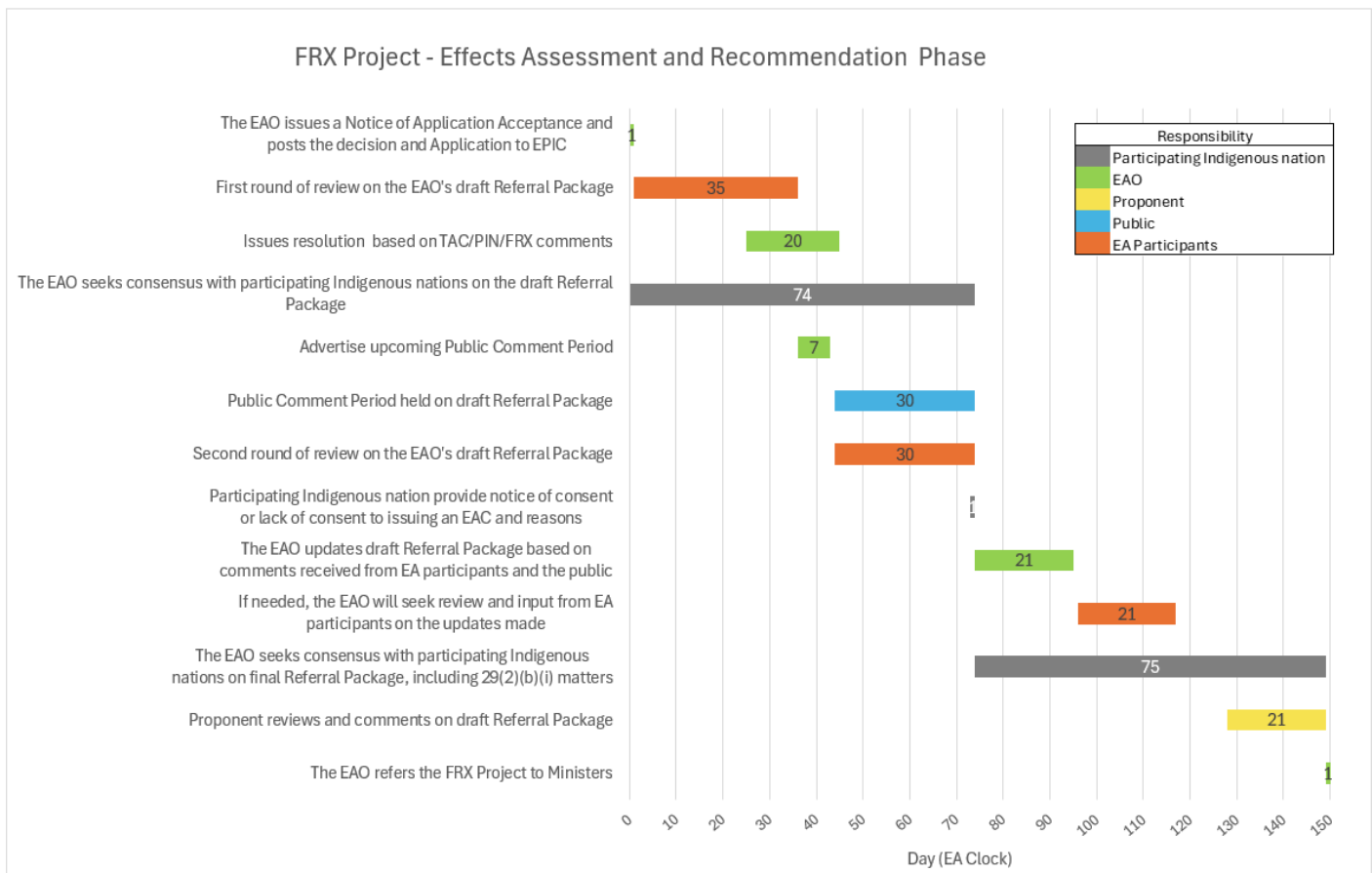


Figure 2: EAO’s Anticipated Schedule and Timelines during Effects Assessment Phase

6.5. Roles and Responsibilities

Table 3 lists the roles and responsibilities of the environmental assessment participants during the Effects Assessment and Recommendation phase for the Project:

Table 3: Roles and Responsibilities of EA Participants during the Effects Assessment and Recommendation Phases

Participant	Roles and Responsibilities
EVR	<ul style="list-style-type: none"> • Provide responses to comments from the TAC, the CACs, public, or Indigenous Nations as directed by the EAO and IAAC. • Review and provide feedback to the EAO on draft Referral Package. • Respond to comments on the Application if directed by the EAO and IAAC.

Participant	Roles and Responsibilities
EAO	<ul style="list-style-type: none"> • Participate in meetings with Indigenous Nations and the TAC, as directed by the EAO and IAAC. • Issue Notice Regarding Application acceptance. • Complete draft Referral Package with IAAC and participating Indigenous nations and considering advice from any other Indigenous Nations and members of the TAC and the CACs. • Identify whether independent advice, with advice, per Section 26(1) of BCEAA, is required from participating Indigenous nations and TAC. • Seek consensus with participating Indigenous nations on the draft Referral Package. • Engage EVR during development of the draft Referral Package. • Engage agencies when updating the Permitting Plan if necessary to describe any issues that may need to be considered during permitting processes (if an EAC is issued). • Post draft Joint Assessment Report and draft EAC including proposed conditions and project description for public review and comment and administer public comment period on EPIC, post comments and responses to EPIC. • Engage the public, the CAC(s) and other Indigenous Nations on the draft Referral Package. • Facilitate issues resolution as required. • Coordinate responses to public comments in a public comment summary document or by making changes to the draft Referral Package to address the comments received. • Order EVR to provide further information pursuant to Section 19(2)(c)(i)(B) of BCEAA, as required. • Seek advice from the members of the TAC to respond to public comments, if required. • Seek consensus with participating Indigenous nations on the CEO's recommendations regarding the matters identified in Section 29 of BCEAA. • Develop final Referral Package.
IAAC	<ul style="list-style-type: none"> • Administer participant funding to support Indigenous nations' participation in the review of the draft Joint Assessment Report and draft federal conditions. • Consult with Indigenous nations on any outstanding impacts on Indigenous rights and interests. • Collaborate with Indigenous nations on the draft Joint Assessment Report, including the assessment and conclusions related to federal effects on Indigenous rights and interests and draft federal conditions. • Coordinate with EAO on the revision of draft Joint Assessment Report • Draft potential federal conditions based on comments from Indigenous nations and the TAC. • Participate in the resolution of issues as required.
Indigenous Nations	<ul style="list-style-type: none"> • Provide identified information to inform the assessment of effects to the Indigenous Nation and their rights. • Work with the EAO and IAAC in updating the Permitting Plan to provide details with respect to how issues are or will be addressed through other regulatory requirements or government initiatives and drafting of the EAC to help ensure it aligns with future permitting and regulatory processes. • Participate in TAC meetings and calls. • Engage with and report back to community. • Review and provide feedback on draft federal conditions. <p>Participating Indigenous nations under Section 14 of BCEAA:</p> <ul style="list-style-type: none"> • Complete the assessment under Section 19(4), (if a participating Indigenous nation elected to undertake this assessment) and provide it to the EAO and proponent for review and comment 30 days prior to the public comment period. • Support the EAO in developing the draft Referral Package as it pertains to the interests of the Nation. • Seek consensus with the EAO on the draft Referral Package. • Facilitate consideration of draft Referral Package by their Nation's decision makers to inform their notification of consent or lack of consent. • Provide notice, pursuant to Section 29(2)(c) of BCEAA, of its Nation's consent or lack of consent to the issuance of an EAC with reasons during the public comment period. • Seek consensus with the CEO regarding the CEO's recommendations regarding the matters identified in Section 29(2)(b)(i) of BCEAA.
Local governments	<ul style="list-style-type: none"> • Advise the EAO, IAAC and Indigenous Nations on effects of the Project on the community and areas of interest to local governments. • Review and provide input on the draft Referral Package to ensure local issues and concerns raised by local governments are accurately reflected.

Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> Participate in TAC meetings and calls.
CAC	<ul style="list-style-type: none"> Advise the EAO on potential effects of the Project on the community. Review and provide comments on the draft Referral Package and federal conditions during the public comment period. Engage with and report back to community.
TAC	<ul style="list-style-type: none"> Provide advice as directed by the EAO to inform the assessment. Review, provide feedback and advise the EAO on the effects assessment in the draft Assessment Report and draft EAC. Collaborate with the EAO and IAAC during the updating of the Permitting Plan to provide details with respect to how issues will be addressed through other regulatory requirements or government initiatives and drafting of the EAC to help ensure it aligns with future permitting and regulatory processes. Advise IAAC on the drafting of federal conditions. Participate in TAC meetings and calls.
Public and Stakeholders	<ul style="list-style-type: none"> Provide comments to the EAO and/or IAAC during the public comment period. Participate in public engagement activities of the EAO and IAAC. Apply for participant funding administered by IAAC for participation in the review of the draft Report and draft potential federal conditions.
External Experts (if applicable)	<ul style="list-style-type: none"> Review, provide feedback and advise the EAO on the effects assessment and draft EAC. Participate in TAC meetings and calls, as requested by the EAO.

7.0 DECISION

This phase begins when a Referral Package is submitted to Ministers under [Section 29\(1\)](#) of the BCEAA and ends when Ministers decide whether to issue or refuse an EAC and publishes reasons for their decision.

When deciding on whether a project should receive an EAC the Ministers must consider the materials in the Referral Package, the sustainability and reconciliation purposes of the EAO, and other prescribed matters, if any. The Ministers may consider any other matters that they consider relevant to the public interest. When deciding on whether a project should receive an EAC the Ministers must consider the Application, the materials in the EAO’s Referral Package, the sustainability and reconciliation purposes of the EAO, and other prescribed matters, if any.

Under the IAA, the Decision-making phase requires either the Minister of the Environment, Climate Change, and Nature or Cabinet to determine whether the adverse effects of the project in federal jurisdiction are to some extent significant, and if so, whether these adverse effects are justified in the public interest. This decision is based upon review of the Joint Assessment Report and involves two steps. First, the Minister must determine, after considering the implementation of any mitigation measures, whether the adverse effects within federal jurisdiction are likely to be significant to some extent. If significant adverse effects are identified, the Minister must then decide whether those effects are justified, taking into account the factors set out in section 63 of the IAA, including the project’s impacts on Indigenous rights, and the extent to which the project contributes to sustainability and Canada’s ability to meet its environmental obligations and climate change commitments. Public interest factors are only considered if significant adverse effects are found. The federal Decision statement will inform the proponent of the public interest determination made by the decision-maker and will be posted to the Registry. Should the Project be allowed to proceed, the federal Decision statement will outline the mandatory conditions for the Project's construction and operation, with accountability ensured through published reasons and follow-up monitoring.

Allotted Days: 30 days. Under the IAA, if the determination is referred to the Governor in Council, this can take up to 90 days.

7.1. EAO Engagement with Participating Indigenous Nations

If the CEAO’s recommendation for decision is contrary to a notice of consent or lack of consent from a participating Indigenous nation, the Ministers must, before making a decision, offer to meet with the participating Indigenous nation that provided the notice. If the offer is accepted within three days of being made, the Ministers will provide notice to EVR that a meeting is taking place. Ministers will attend the meeting to attempt to achieve consensus with the participating Indigenous nation on the decision. If new information is provided by the participating Indigenous nation, the EAO must share this information with EVR.

Whatever the decision, reasons for the decision must be published. The Ministers must provide reasons for why a decision is made that is contrary to the consent or lack of consent indicated by a participating Indigenous nation.

Dispute Resolution: In some circumstances, it is possible that dispute resolution between a participating Indigenous nation and the CEAO could be appropriate following referral to the Ministers but prior to the Ministers’ decision under [Section 29\(4\)](#) of the BCEAA, to address matters not captured in the final Assessment Report or EAC. This facilitation could be in addition to or in conjunction with a Nation’s meeting with Ministers pursuant to [Section 29\(6\)](#) of the BCEAA.

7.2. Public Engagement

Although there are no formal public engagement requirements during the Decision phase, Ministers may consider any other matters that they consider relevant to the public interest when making their decision.

7.3. Deliverables

The following deliverables will be completed at the end of the Decision phase:

1. Provincial Ministers’ decision whether to issue an EAC and the reasons for decision, and;
2. Federal Minister’s determination on whether any significant adverse effects in federal jurisdiction are justified in the public interest, and if so, the Minister’s Decision statement that enables the project to proceed.

7.4. Roles and Responsibilities

Table 4 is a list of potential and required roles and responsibilities of the EA participants during the Decision phase.

Table 4: Roles and Responsibilities of EA Participants During the Decision Phase

Participant	Roles and Responsibilities
EVR	<ul style="list-style-type: none"> • 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 Section 29(6) of the BCEAA.
EAO	<ul style="list-style-type: none"> • Provide provincial ministers with any additional information requested to inform their decision regarding whether to issue an EAC. • Support participating Indigenous nations’ meeting with Ministers, if needed. • Provide notice to EVR that a meeting with a participating Indigenous nation will be held pursuant to Section 29(6) of the BCEAA. • Provide to EVR any new information a participating Indigenous nation has provided that has the potential to materially impact the decision. • Distribute and post Ministers’ reasons for decision and final Referral Package to the EAO’s EPIC website.
IAAC	<ul style="list-style-type: none"> • Continue engagement with Indigenous nations regarding the federal Decision statement, including the transition to the post-decision phase. • Distribute and post Ministers’ reasons for determination and Decision Statement to the Registry website.

Participant	Roles and Responsibilities
Indigenous Nations	<ul style="list-style-type: none"> Undertake steps necessary to inform Indigenous Nations decision makers. <p>Participating Indigenous nations under Section 14 of the BCEAA:</p> <ul style="list-style-type: none"> If requested by the 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).

8.0 POST DECISION/POST-CERTIFICATE PHASE (IF THE PROJECT IS APPROVED)

Provincially, this phase commences when the EAC is issued. If a provincial EAC is issued, post-certificate activities may include review of management plans developed by the certificate holder as required by the EAC, mitigation effectiveness monitoring, certificate amendments, extensions, transfers, and a substantial start determination. If the Project has not substantially started by the specified deadline in the EAC, the EAC expires. Otherwise, the EAC remains in effect for the life of the Project, subject only to suspension or cancellation, as applicable. EAC’s are legally binding and contain requirements that must be followed for the life of the project to mitigate potential adverse effects. Under Section 32(7) of the BCEAA, the EAO must seek to achieve consensus with participating Indigenous nations with respect to amendments to project EACs.

Applications for other regulatory instruments (e.g., permits or authorizations) 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 and IAAC will maintain a Permitting Plan throughout the assessment in collaboration with potentially affected Indigenous Nations, other provincial and federal agencies and TAC members. The Permitting Plan will include provincial and federal regulatory instruments that may be required should the Project be allowed to proceed.

The Compliance & Enforcement 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 with the legally binding requirements of the BCEAA, its regulations, and the Project’s EAC. Find more information about provincial post-certificate activities and working with partner Agencies and Indigenous Nations on the EAO’s [Guidance webpage](#).

Under the federal legislation, the post decision phase commences when the federal Decision statement is posted. At the federal level, there is no set timeline for this phase but, if the Project is allowed to proceed, the federal Minister would require the Proponent to substantially begin to carry out the Project within a certain period set out in the federal Decision statement. The federal Decision statement would expire if the Proponent does not begin substantial work within that timeframe.

During this phase, IAAC would post follow-up and monitoring documents to the Registry. If applicable, IAAC would post a notice inviting public comment on draft amendments to the federal Decision statement. The comments would inform whether the conditions in the federal Decision statement would be amended. Participants could also be invited to take part in follow-up and monitoring activities and inform IAAC of potential non-compliance with conditions. Depending on the assessment outcomes, IAAC may establish a federal [Monitoring Committee](#) to provide independent oversight of a project's long-term impacts and the proponent's compliance within the federal mandate. Specific membership is tailored to the Project but typically includes Indigenous representation and federal government officials.

IAAC’s Compliance Promotion and Enforcement Unit is responsible for promoting, verifying, and facilitating compliance with the conditions set out in the Decision statement. Any compliance or potential enforcement activities would be posted to the Registry. **Allotted Days:** Ongoing

8.1. Deliverables

The following deliverables will be achieved in the Post Decision/Post-Certificate Phase, if applicable:

1. Follow-up and monitoring documents by IAAC;
2. Amended Decision statement (federal) – including reasons for amending; and,
3. Amended EAC (provincial).

8.2. Roles and Responsibilities

Table 5 is a list of potential and required roles and responsibilities of the assessment participants during the post decision/post-certificate phase.

Table 5: Roles and Responsibilities of Assessment Participants during the Post Decision/Post-Certificate Phase

Participant	Roles and Responsibilities
EVR	<ul style="list-style-type: none"> • Obtain all other applicable regulatory approvals, including public participation opportunities led by other jurisdictions and federal authorities.
EAO	<ul style="list-style-type: none"> • Conduct compliance and enforcement activities and post results, monitoring documents, and follow-up reports to EPIC. • Post Mitigation Effectiveness Monitoring Reports, when applicable. • Carry out the assessment process for EAC amendment applications by consulting with technical advisors from the provincial, federal and local governments, and potentially impacted Indigenous Nations, and engaging with the public if applicable.
IAAC	<ul style="list-style-type: none"> • Conduct compliance and enforcement activities and post results on the Registry. • Post follow-up and monitoring documents to the Registry. • Post a notice inviting public comment on draft amendments to the Decision statement, if applicable. • Post the amended Decision statement and reasons for amending, if applicable. • *Establishes Environmental Monitoring Committees as required.
Indigenous Nations	<ul style="list-style-type: none"> • *May participate in the Monitoring Committee. • Submit comments to IAAC on potential amendments to the Decision statement, should an amendment be required. • May inform IAAC of potential non-compliance through voluntary reporting mechanisms. • Provide comments on EAC amendment applications, should an amendment be required. Participate in amendment application related meetings and calls.
TAC	<ul style="list-style-type: none"> • Provide comments on management plans/follow-up programs at the request of the EAO/IAAC or as required under provincial or federal conditions. • Provide comments and advice on EAC amendment applications, should an amendment be required. • Participate in TAC meetings and calls related to EAC amendment applications.
Public and Stakeholders	<ul style="list-style-type: none"> • *May participate in the Monitoring Committee. • Submit comments to IAAC on potential amendments to the Decision statement, should an amendment be required. • Participate in public engagements on potential EAC amendment applications, if applicable. • May inform IAAC of potential non-compliance through voluntary reporting mechanisms.

*Activities specific to the federal process

9.0 CONTACT INFORMATION

The EAO office designated for the Project is:

British Columbia Environmental Assessment Office
PO Box 9426 Stn Prov Govt
Victoria, B.C., V8W 9V1
Email: EAO.FRX@gov.bc.ca

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

Impact Assessment Agency of Canada
Pacific and Yukon Office
1800 - 1138 Melville Street
Vancouver, B.C., V6E 4S3
Telephone: 604-666-2431
Email: fording@iaac-aeic.gc.ca

APPENDIX A

Table 6: Reviewers identified for studies, plans, assessments and other information required by the AIR

Studies / Analyses	Valued Component or AIR Section	Reviewers*
Acoustic baseline and predictive studies, including vibration	Acoustic	Interior Health, Health Canada
Air Quality baseline and predictive studies, including monitoring, selection of monitoring equipment for air quality and meteorological data, including climate models and projections, and development of air quality modelling plans ⁴	Air Quality	B.C. Ministry of Environment and Parks (ENV), Interior Health, Environment and Climate Change Canada (ECCC), Health Canada
Alternatives assessment, including tailings alternatives assessment, where applicable	AIR Section 1.8	B.C. Ministry of Mining and Critical Minerals (MCM), ECCC, EAO ⁺
Archaeology Impact Assessments, including description of local and Indigenous knowledge as these pertain to archaeology	Archaeological and Heritage Resources	B.C. Ministry of Forests - Heritage Branch
Employment and Economy baseline and predictive studies, including economic impact analysis	Employment and Economy	BC Stats, EAO ⁺
Freshwater Fish and aquatic life baseline and predictive studies, including fish habitat, using BC Water Quality Guidelines and established thresholds (EVWQP; ENV 2025)	Aquatic Resources and Freshwater Fish (including fish as defined in subsection 2(1) of the <i>Fisheries Act</i>)	B.C. Ministry of Water, Land and Resource Stewardship (WLRS), Fisheries and Oceans Canada, ECCC, ENV
Geoscience studies and geotechnical studies	Surface Geology and Terrain	MCM
Greenhouse Gas predictive studies and credible plan to achieve net-zero GHG emissions by 2050	AIR Section 7.1	ECCC, B.C. Climate Action Secretariat
Human Health Risk Assessment, including potential effects on country foods, including contaminant concentrations in the tissues of country foods (i.e., traditional foods) consumed by Indigenous Nations and local communities; as well as including the approximate location on maps and isopleths of likely human receptors, including foreseeable future receptors; sensitivity analysis to increase the level of confidence in the Human Health Risk Assessment (when needed) especially when there is uncertainty in the assessment; and assessment of carcinogenic and non-carcinogenic diesel particulate matter	Human Health	Interior Health, Health Canada, B.C. Ministry of Health, ENV
Hydrogeology baseline and predictive studies	Groundwater	MCM, ECCC, ENV
Infrastructure and Services studies	Infrastructure and Services	EAO, local governments

⁴ For more information, see the [Water and Air Baseline Monitoring Guidance document for Mine Proponents and Operators](#) and the [Air Quality Dispersion Modelling Guideline](#)

Studies / Analyses	Valued Component or AIR Section	Reviewers*
Malfunction and Accidents analyses	AIR Section 7.2	MCM, ENV, ECCC, EAO+
Reclamation plans	AIR Section 1.9	MCM, ECCC
Soil studies, including changes to soil as a result of the project, and how soil would be used for revegetation during site reclamation	Soil	MCM, ENV, ECCC
Surficial hydrology baseline and predictive studies, including pertaining to metal leaching and acid rock drainage (ML/ARD), using appropriate Elk Valley Regional Water Quality Model, including appropriate assessment of transboundary effects. Under the IAA, adverse effects within federal jurisdiction include a non-negligible adverse change that is caused by pollution to boundary waters or international waters, as those terms are defined in subsection 2(1) of the <i>Canada Water Act</i>	Surface Geology and Terrain	ENV, WLRS, ECCC, Interior Health
Unique Geological Landform studies	Surface Geology and Terrain	ENV, EAO+
Vegetation baseline and predictive studies, including identification of which Project components and activities would be permanent, and areas where reclamation or restoration would not occur and rationalization for areas where reclamation or restoration would not occur, demonstration of consistency with other legislation and regulations	Vegetation	WLRS, ENV, ECCC
Visual Resource predicted impacts	Land and Resource Use	B.C. Ministry of Forests
Water Quality baseline and predictive studies	Surface water	ENV, ECCC, Interior Health
Wildlife baseline and predictive studies, including post-closure wildlife habitat reclamation effectiveness, quantification of impacts to habitat availability using established habitat models and provincial mapping layers (e.g., ungulate winter ranges)	Wildlife	WLRS, ENV, ECCC
<p>Notes:</p> <p>*Indigenous Nation may be reviewers for any type of information, based on their identified interest.</p> <p>+ Other ministries may also be identified.</p>		