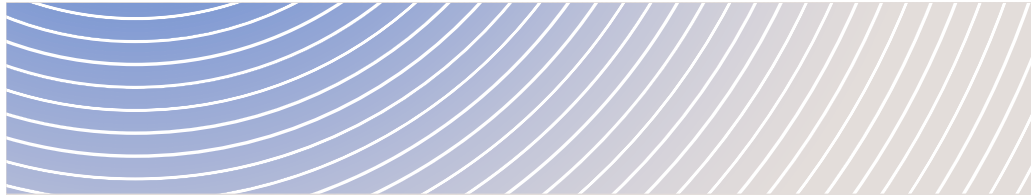




Permitting Plan



NEW NUCLEAR AT WESLEYVILLE PROJECT

July 10, 2026

Table of Contents

1.	Introduction.....	3
2.	Project Description	4
3.	Required Regulatory Authorizations Identification and Justification	4
4.	Information on Required Regulatory Authorizations	7
5.	Interpretation	24
6.	Contact Information	25

1. Introduction

On April 2, 2026, the Impact Assessment Agency of Canada (IAAC) determined that an impact assessment is required for the New Nuclear at Wesleyville Project (the project), pursuant to section 16 of the *Impact Assessment Act* (IAA). On the same day, IAAC, on behalf of the Minister of Environment, Climate Change and Nature (Minister) referred the impact assessment to a review panel. The project includes physical activities regulated under the IAA and the *Nuclear Safety and Control Act* (NSCA). Pursuant to section 43 of the IAA, the Minister must refer to a review panel designated projects that include physical activities regulated under the NSCA. The review panel will conduct an integrated impact assessment (integrated assessment) that includes regulatory requirements from IAAC and the Canadian Nuclear Safety Commission (CNSC) and follows the framework outlined in the [Memorandum of Understanding on Integrated Impact Assessments Under the Impact Assessment Act between the Impact Assessment Agency of Canada and the Canadian Nuclear Safety Commission](#) (MOU).

This permitting plan was developed by IAAC, in collaboration with the CNSC, to outline the federal permits, licences and regulatory authorizations that may be required for the project should the Minister issue a decision statement to the proponent with enforceable conditions to allow the project to proceed to regulatory decision making. The federal permits, licences and authorizations described below are related to powers, duties or functions from federal authorities or the CNSC. IAAC, the CNSC, federal departments and the proponent will work together to develop a Detailed Permitting Plan that will set out a workplan and timelines for federal permits required to begin site preparation. It should be noted that permits, licences and authorizations required at the provincial and municipal level are not described in this document. For further information on anticipated authorizations required at the provincial level, please see the project's [Cooperation Plan](#).

Although federal authorities may be prohibited from issuing authorizations during the integrated assessment, certain information and consultation requirements for federal authorizations can potentially be completed at the same time as the integrated assessment. In some cases, the same information may be used to inform the integrated assessment and other federal authorizations. During the integrated assessment, IAAC will assume the role of the Federal Crown Consultation Coordinator and will work to coordinate consultation activities with all relevant Federal Departments and Agencies who may have a permit or authorization requirement in relation to the project to ensure an efficient and effective approach to consultation for the project. The proponent is encouraged to discuss opportunities for coordination of federal authorizations with IAAC early in the process. Further information is available in the guidance document [Coordination of Federal Authorizations through the Impact Assessment Process](#), available on IAAC's website. Collecting this additional information during the integrated assessment process may expedite subsequent federal authorizations, should the project proceed.

IAAC and the CNSC may revise the permitting plan during the integrated assessment process in response to new information or advice from the proponent, jurisdictions or other participants in the process, and in order to accommodate any changes with respect to the project that may occur during the integrated assessment.

The list of regulatory instruments may not be exhaustive and are subject to change. The Government of Canada may revise the plan in response to new information or advice from the proponent, First Nations and other Indigenous communities, the public, jurisdictions or other participants in the process, and in order to accommodate any changes to the project.

2. Project description

Ontario Power Generation Inc. (the proponent) is proposing the construction of a new nuclear power plant in the Municipality of Port Hope, Ontario. As proposed, the New Nuclear at Wesleyville project would provide up to 10,000 megawatts of new nuclear generating capacity and operate for 78 years. Several nuclear reactor technologies will be considered for the project. The project assessment and initial licence application review are being conducted in collaboration with the CNSC.

As part of the integrated assessment process, the proponent will be submitting the balance of the required information to complete the application for a licence to prepare site (LTPS). The proponent may pursue subsequent licences to construct, operate, decommission at later stages, should the project be approved.

For more information on the project, please review the proponent's Initial Project Description. For more information on the integrated assessment of the project, visit the Canadian Impact Assessment Registry (the Registry) at [New Nuclear at Wesleyville Project](#).

3. Required regulatory authorizations identification and justification

The following regulatory authorizations^{1, 2} may be required for the project. Further information on required regulatory instruments is detailed in Section 4.

3.1. Licence under section 24 of the *Nuclear Safety and Control Act*

Designated projects under the IAA may include activities regulated under the NSCA, and associated regulatory authorizations, which are under the authority of the CNSC. For the project, the following are the activities included in the IAA's *Physical Activities Regulations* that are regulated under the NSCA:

- 27** The site preparation for, and the construction, operation and decommissioning of, one or more new nuclear fission or fusion reactors if

¹ Based on information available at the time of this Plan's publication, there may be regulatory requirements under the *Canadian Aviation Regulations* 601.24(1) if any building, structure or object is expected to be over 90 meters. The proponent must meet these requirements and may submit an Aeronautical Assessment Form (AAF); however, it is not expected that Transport Canada will issue permits or approvals related to this regulation.

² The Proponent should consider its obligations under the *Nuclear Liability and Compensation Act* as well as the Nuclear Fuel Waste Act around the time of applying for a Licence to Operate. The proponent should engage with Natural Resources Canada in advance of submitting its application for a Licence to Operate, to ensure they are prepared to meet the regulatory requirements of these acts..

(a) that activity is located within the licensed boundaries of an existing Class IA nuclear facility and the new reactors have a combined thermal capacity of more than 900 MWth;

The CNSC is Canada's nuclear regulator. A proponent for a nuclear reactor project is required to apply for multiple CNSC licences over the project's lifetime. If an application is approved, a licence would be issued under subsection 24(2) of the NSCA. The proponent is currently seeking a site preparation licence through the integrated assessment.

The CNSC's regulatory framework consists of the NSCA and regulations, licences and other regulatory documents that the CNSC uses to regulate the nuclear industry. Regulatory authorizations set out both requirements (mandatory conditions that must be met to obtain a CNSC licence) and guidance (direction on meeting requirements).

All CNSC regulatory requirements specific to the LTPS have been tailored to the project and are reflected in the [Integrated Tailored Impact Statement Guidelines](#) (the Integrated Guidelines). The proponent will be required to demonstrate how they meet all regulatory requirements and criteria in the Impact Statement. Further information on NSCA regulatory authorizations that pertain to the project's Licence to Prepare Site application, see Section 4 of this document.

3.2. Authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*

An authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* may be required for proposed works, undertakings or activities that could result in the death of fish or harmful alteration, disruption or destruction of fish habitat.

3.3 Authorization under paragraph 73(1) of the *Species at Risk Act*

A permit under subsection 73(1) of the *Species at Risk Act* (SARA) may be required if the project may affect wildlife and aquatic species listed on Schedule 1 of SARA as extirpated, endangered, or threatened, any part of their critical habitat, or the residences of their individuals, in a manner prohibited under subsection 32(1), section 33, subsection 58(1), and section 61 of SARA.

Notably, a permit may be required under subsection 73(1) of SARA if the project may damage or destroy the residence of a species at risk that is a migratory bird species protected under the *Migratory Birds Convention Act*.

The proponent is encouraged to:

- consult the SARA Public Registry periodically (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>) for any new regulations or prohibition orders affecting species at risk, their residences and critical habitat that may come into effect; and
- understand all general prohibitions and permitting requirements under the SARA including the Guidelines for permitting under Section 73 of SARA (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/policies-guidelines/permitting-under-section-73.html>).

Additional SARA resources are listed in the [Compendium](#) of the [Integrated Guidelines](#) for the project.

3.4. Permits for migratory bird nests: Permits to relocate or destroy migratory bird nests under the *Migratory Birds Regulations, 2022*

The *Migratory Birds Regulations, 2022* (MBR 2022) protect migratory birds and their eggs and nests by prohibiting activities that may harm them.

The nests of species listed in Schedule 1 are protected at all times, unless the following conditions are met:

- a notice of the unoccupied nest has been submitted/received via the Abandoned Nest Registry; and
- the waiting time stipulated in Schedule 1 has passed, during which time the nest has not been occupied by a migratory bird.

In certain situations, it may be possible to obtain a permit to relocate or destroy a migratory bird's nest.

3.5. Approvals under the *Canadian Navigable Waters Act*

Based on the available project information provided to date, an approval under the *Canadian Navigable Waters Act* (CNWA) may be required. An approval is required for any major work on any navigable waters, whether listed or not in the Schedule to the CNWA (paragraph 5(1)(a)). An approval is required for a work, other than a minor work (subsection 4(1)), on navigable waters listed on the Schedule (paragraph 5(1)(b)). A work, other than a major or minor work, on a navigable water body that is not listed in the Schedule to the CNWA, requires either an approval (paragraph 10(1)(a)) or a public notice and a deposit of information (paragraph 10(1)(b)).

An exemption from the Governor in Council (section 24) is required for deposit of stone, gravel, earth, cinders, ashes or other material or rubbish that is liable to sink to the bottom in navigable waters or in a watercourse flowing through navigable waters (section 22) and for the dewatering or lowering of water levels in navigable waters (section 23).

3.6. Compliance with *Transportation of Dangerous Goods Act, 1992*

Based on the available project information provided to date, compliance with the *Transportation of Dangerous Goods* (TDG) *Act* and *Regulations* may be required for transportation activities. An Emergency Response Assistance Plan (ERAP) approved by Transport Canada would be required for the transport of radioactive material in quantities exceeding the ERAP Index specified in the TDG Regulations. An Equivalency Certificate would be required to conduct transportation activities in a way that deviates from the TDG Act or Regulations.

3.7. License for explosives and magazines under subsection 7(1) of the *Explosives Act*

Based on the available project information provided to date, the project will require the use of explosives. Natural Resources Canada (NRCan), through its role in the administration of the *Explosives Act*, issues

authorizations for the manufacturing and/or storage of explosives that would enable the project to proceed.

4. Information on required regulatory authorizations

4.1. Authorizations under the *Nuclear Safety and Control Act*

4.1.1. Licence to Prepare Site

The proponent is seeking a LTPS for the project and is therefore subject to the licensing requirements under the NSCA and associated regulations. Section 26(e) of the NSCA provides that no proponent shall, except in accordance with a licence, prepare a site for a nuclear facility. To carry out site preparation activities, the proponent must apply for a licence to prepare site for which the Commission (or in the case of an integrated assessment – the integrated review panel) is authorized to issue as per Section 24 of the NSCA.

The CNSC regulations stipulate the regulatory requirements for a licence to prepare site application. The [*General Nuclear Safety and Control Regulations*](#) paragraphs 3(1)(a-m) and [*Class I Nuclear Facilities Regulations*](#) paragraphs 3 (a-k) and paragraphs 4 (a-e) establish the licensing requirements for site preparation activities for Class I nuclear facilities. The [*Nuclear Security Regulations*](#) define security-related information requirements and general obligations. At the site preparation stage, the security program is primarily focused on protection of prescribed information. The [*Radiation Protection Regulations*](#) outline the regulatory requirements associated with the proponent's assessment of doses to workers and the public as relevant for activities to be encompassed by the licence to prepare site. Further, the proponent must provide a description of the arrangements, as applicable to site preparation, that will permit the CNSC to discharge Canada's obligations and provide information to the International Atomic Energy Agency. This regulatory requirement is set-out in the [*Nuclear Non-Proliferation Import and Export Controls Regulations*](#).

The Integrated Guidelines will describe the information expected to be submitted as part of the proponent's Impact Statement to meet regulatory requirements associated with a licence to prepare site. This guidance is also featured in [*REGDOC-1.1.1, Site Evaluation and Site Preparation for New Reactor Facilities*](#).

4.1.2. Lifecycle regulation

If the project is approved, the CNSC would be the lead regulator for the rest of the project's lifecycle, and the Commission would be solely responsible for subsequent authorizations under the NSCA.

The CNSC's [*regulatory framework*](#) provides for the issuance of licences for site preparation, construction, operation, decommissioning, and abandonment (i.e., release from licensing). Should the proponent receive a licence to prepare site for the project, the proponent must seek approval from the CNSC for a licence to construct, licence to operate, licence to decommission, and licence to abandon in accordance with sections 26 (a) to (f) of the NSCA. Guidance related to these subsequent licences are outlined in the CNSC regulatory documents, including:

- [*REGDOC-1.1.2, Licence Application Guide: Licence to Construct a Reactor Facility*](#)

- [REGDOC-1.1.3, Licence Application Guide: Licence to Operate a Nuclear Power Plant](#)
- [REGDOC-1.1.4, Licence Application Guide: Licence to Decommission Reactor Facilities](#)

An NSCA authorization can have licence conditions attached. The enforceable conditions can be associated with different phases in the nuclear facility lifecycle, such as those that must be complied with before construction, those that must be complied with during construction and post construction, and those that must be complied with during the operation and maintenance phase. Some conditions impose requirements for the last phase of the lifecycle, that is, the abandonment phase. One example of the latter is a requirement for a proponent to have mechanisms in place that will provide adequate funds to pay for future abandonment. The proponent, as a licensee, will have to comply with any licence conditions attached to its authorization.

Throughout the lifecycle of an approved project, the licensee must operate within the bounds of its licensing basis and comply with the NSCA, associated regulations, licence conditions, and safety and control areas. The CNSC conducts ongoing regulatory oversight activities such as:

- verifying compliance with regulatory requirements and legislation;
- reviewing and assessing the filings related to licence conditions;
- conducting environmental protection reviews; and
- conducting verification activities, including assessments of licensee documentation and compliance inspections.

The CNSC verifies that the licensee satisfies regulatory requirements to operate and maintain its facilities safely and fulfills its obligations to protect health, safety, security and the environment.

The Commission ensures that all of its licensing decisions and environmental reviews under the NSCA, and other relevant legislation uphold the honour of the Crown and uphold Indigenous Peoples' potential or established Indigenous or treaty rights pursuant to section 35 of the *Constitution Act*, 1982.

4.1.3. References

Nuclear Safety and Control Act (S.C. 1997, c.9)

<https://laws-lois.justice.gc.ca/eng/acts/n-28.3/index.html>

General Nuclear Safety and Control Regulations (SOR/2000-202)

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2000-202/index.html>

Class I Nuclear Facilities Regulations (SOR/2000-204)

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2000-204/page-1.html#h-657069>

Nuclear Security Regulations (SOR/2000-209)

<https://laws.justice.gc.ca/eng/regulations/sor-2000-209/page-1.html>

Nuclear Non-proliferation Import and Export Control Regulations (SOR/2000-210)

<https://laws.justice.gc.ca/eng/regulations/sor-2000-210/page-1.html>

Radiation Protection Regulations (SOR/2000-203)

<https://laws.justice.gc.ca/eng/regulations/sor-2000-203/page-1.html>

4.1.4. Contact information

For more detailed guidance on an authorization under the NSCA, contact the CNSC:

Canadian Nuclear Safety Commission
Suite 280 Slater Street
Ottawa ON K1P 1C2
Phone: 613-995-5894
Toll free: 1-800-668-5284
Email: wesleyville@cnscccsn.gc.ca
Website: Nuclearsafety.gc.ca

4.2. Authorization under paragraph 34.4(2)(b) or 35(2)(b) of the *Fisheries Act*

4.2.1. Description

This authorization is the responsibility of Fisheries and Oceans Canada (DFO).

Subsection 34.4(1) of the *Fisheries Act* states: No person shall carry on any work, undertaking or activity, other than fishing, that results in the death of fish. Under paragraph 34.4(2)(b) of the *Fisheries Act*, the Minister of Fisheries, Oceans, and the Canadian Coast Guard may issue an authorization with conditions relating to the carrying on of the work, undertaking or activity.

Subsection 35(1) of the *Fisheries Act* prohibits carrying on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat. However, under paragraph 35(2)(b) of the *Fisheries Act*, the Minister of Fisheries, Oceans, and the Canadian Coast Guard may issue an authorization with conditions relating to the carrying on of the work, undertaking or activity that results in harmful alteration, disruption and destruction to fish habitat.

4.2.2. Regulatory process

The Fish and Fish Habitat Protection Program from DFO ensures compliance with the provisions of the *Fisheries Act* and the *Species at Risk Act* (SARA). The program considers any proposed work, undertaking or activity that may result in adverse effects on the fish and its habitat.

New provisions of the *Fisheries Act* regarding the protection of fish and fish habitat came into force on August 28, 2019. The proponent is encouraged to consult DFO's [Projects near water](#) website to understand the changes made and ensure compliance of the project with the new provisions of the *Fisheries Act*.

4.2.2.1. Application submission

The proponent should request DFO's review of the project using the Request for Review form, available on DFO's [Request a review of your project near water](#) website.

An authorization will be required if DFO considers that the project may result in the death of fish (paragraph 34.4(2)(b)) or in harmful alteration, disruption or destruction of fish habitat (paragraph 35(2)(b)). In order to seek an authorization under paragraph 34.4(2)(b) and/or paragraph 35(2)(b) of the *Fisheries Act*, the proponent must submit an application to the Minister of Fisheries, Oceans, and the

Canadian Coast Guard in accordance with the *Authorizations Concerning Fish and Fish Habitat Protection Regulations* (hereafter the *Fish and Fish Habitat Regulations*). This application is transmitted to the relevant regional office of Fisheries and Oceans Canada.

4.2.2.2. Application analysis and consultation

Once an application for authorization is received, it is reviewed to ensure the information and documentation are complete. The information and documentation that must be submitted in an application for authorization are laid out in schedule 1 of the “*Authorizations Concerning Fish and Fish Habitat Protection Regulations*”. Among others, the following information is required when submitting an application:

- description of proposed work, undertaking or activity;
- phases and schedules;
- location (maps);
- description of fish and fish habitat (aquatic environment);
- description of effects on fish and fish habitat;
- measures and standards to avoid or mitigate death of fish or harmful alteration, disruption or destruction of fish habitat;
- residual death of fish or harmful alteration, disruption or destruction of fish habitat after the implementation of avoidance and mitigation measures;
- offsetting plan (if required);
- summary of public and Indigenous engagement activities; and
- financial guarantee to cover the cost for the implementation of the offsetting plan.

A decision as to whether the information is complete must be issued within 60 days of receipt of the application. If the application is incomplete or inadequate, the applicant will be informed and provided an opportunity to provide the information or documentation to complete the application. Once the application is deemed complete and adequate, the applicant will be notified.

4.2.2.3. Regulatory decision

The authorization decision under the *Fisheries Act* is made during the 90-day period following the notification that the application is complete and adequate. The process for reviewing the application can be ceased under certain circumstances, which may include: awaiting the outcome of other federal requirements, such as a federal impact assessment; addressing requirements under SARA; consultation with First Nations and other Indigenous communities relative to the potential effects of the authorization decision on Indigenous and Treaty rights; and additional or amended information required to make the decision. Therefore, this decision can only be made after the Minister of the Environment and Climate Change’s decision statement relative to the impact assessment is posted on the Registry. Several factors are taken into consideration when making a determination as to whether to issue an authorization, those factors are laid out in section 34.1(1) of the *Fisheries Act*.

4.2.3. References

Fisheries Act (R.S.C. 1985, c F-14).

<https://laws-lois.justice.gc.ca/eng/acts/F-14/>

Authorizations Concerning Fish and Fish Habitat Protection Regulations (SOR/2019-286).

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-286/index.html>

Applicant's Guide Supporting the "Authorizations Concerning Fish and Fish Habitat Protection Regulations".

<https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/applicants-guide-candidats-eng.html>

Request a review of your project near water.

<http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-001-eng.html>

4.2.4. Contact information

For more detailed guidance on this authorization, please contact the DFO Fish and Fish Habitat Protection Program:

Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
Ontario and Prairie Region
867 Lakeshore Road
Burlington, Ontario L7S 1A1
Email: FisheriesProtection@dfo-mpo.gc.ca

4.3. Permits under section 73 of the *Species at Risk Act*

4.3.1. Description

Permits are required by those persons conducting activities affecting species listed on Schedule 1 of the *Species at Risk Act* (SARA) as Extirpated, Endangered, or Threatened and which contravene the Act's prohibitions or regulations where they are in force.

Pursuant to sections 32 and 33 of SARA (general prohibitions), it is prohibited to:

- kill, harm, harass, capture or take an individual of a species listed under SARA as extirpated, endangered or threatened;
- possess, collect, buy, sell or trade an individual of a species listed under SARA as extirpated, endangered or threatened, or any part or derivative of such an individual;
- damage or destroy the residence of one or more individuals of a listed endangered or threatened species or of a listed extirpated species if a recovery strategy has recommended its reintroduction into the wild in Canada.

The general prohibitions apply to federal species (migratory birds, as defined by the *Migratory Birds Convention Act, 1994*, and aquatic species covered by the *Fisheries Act*) everywhere in Canada and to other listed species where found on federal land.

Permits are also required by those persons conducting activities that contravene the Act's critical habitat destruction prohibitions (subsection 58(1)). The Act requires that critical habitat on federal lands, or for aquatic species anywhere, be legally protected. A ministerial Order may be used to bring the SARA prohibitions relative to critical habitat into force in these circumstances.

Prohibitions may be in force on land other than federal land pursuant to other orders under SARA including, but not limited to, under s.34, 61, and 80. Permits may also be required for activities that contravene regulations made under s.53, 59, and 71.

Under section 73, the competent minister may enter into an agreement or issue a permit authorizing a person to engage in an activity affecting a listed wildlife species, any part of its critical habitat, or the residences of its individuals if the proposed activity falls under one or more of the following purposes:

- the activity is scientific research relating to the conservation of the species and conducted by qualified persons;
- the activity benefits the species or is required to enhance its chance of survival in the wild;
- affecting the species is incidental to the carrying out of the activity.

Responsibility for implementing SARA in Canada lies with the Ministers responsible for Environment and Climate Change Canada (ECCC), Parks Canada Agency (PCA), and DFO.

- DFO is responsible for issuing permits for aquatic species (as defined by SARA), other than species in waters found on federal lands administered by the PCA.
- PCA is responsible for issuing permits for species that occur on federal lands administered by PCA, including aquatic species (as defined by SARA) as well as terrestrial species.
- ECCC is responsible for issuing permits for all listed species not described above. This includes for all terrestrial species on federal land and any land affected by a SARA protection order, and for migratory birds wherever they are found.

SARA Permits for aquatic species must be obtained from DFO. An “aquatic species” under SARA includes:

- fish, shellfish, crustaceans and marine animals including any parts thereof;
- all of their life stages, such as eggs, sperm, spawn, larvae, spat and juvenile stages of fish; and
- marine plants, including algae and phytoplankton.

4.3.2. Regulatory process

4.3.2.1. Application analysis and consultation

An analysis of the application is conducted by the responsible department or agency (ECCC, PCA, or DFO) upon receipt of the application, although there may be occasions when the reviewing department or agency will require additional information. A focus of the analysis is on how the application meets the pre-conditions listed under subsection 73(3). Authorizations may be issued only if the competent minister is of the opinion that all three of the following pre-conditions are met:

- 1) all reasonable alternatives to the activity that would reduce the impact on the species have been considered, and the best solution has been adopted;

- 2) all feasible measures will be taken to minimize the impact of the activity on the species, its critical habitat or the residences of its individuals;
- 3) the activity will not jeopardize the survival or recovery of the species.

During this analysis stage, and before the regulatory decision, ECCC, DFO, or PCA may undertake additional Indigenous consultation activities, as required under s. 73(4) and s. 73(5).

4.3.2.2. Aquatic species at risk

Based on the information available regarding the project's activities, it is possible that DFO will be required to issue a permit for aquatic species at risk as defined under SARA. To seek a permit under SARA from DFO, the proponent must submit an application to the relevant regional office of the Fish and Fish Habitat Protection Program. The timing of when the application is submitted is determined by the proponent. If the proponent is also seeking a *Fisheries Act* Authorization (FAA), the process to apply for a SARA permit can be combined with the process to seek a FAA. See 4.2 Authorization under paragraph 34.4(2)(b) or 35(2)(b) of the *Fisheries Act*.

4.3.2.3. Non-aquatic species at risk

The proponent must submit an application to the competent minister in a manner and form that is satisfactory to that minister. The following information is required in the application:

- names of listed species that will be affected;
- description, purpose (research, benefit for species, or incidental) and objective of activity;
- detailed location of the activity (maps, UTM coordinates, Borden Number for archeological sites, latitude and longitude coordinates);
- planned start and end dates;
- a description of: field collection methods, study techniques, project design, animal handling activities;
- supporting documentation, such as information provided as part of environmental assessments, industry standards, and research protocols, etc.;
- when applicable, copies of other relevant permits, authorization (e.g., provincial permits, Canadian Council on Animal Care approved animal protocols or equivalent);
- documentation in support of the project from the Band Council, or First Nation if it takes place on a reserve or any lands managed or owned by Crown-Indigenous Relations and Northern Affairs Canada;
- any information that the applicant may have on whether asserted Indigenous rights could be affected and any consultation/engagement work that they have done with First Nations and other Indigenous communities; and
- an explanation of any uncertainty associated with the impacts of the project on the species, its critical habitat or the residences of its individuals and the effectiveness of any proposed mitigation measures.

4.3.2.4. Regulatory decision

The *Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations* specify that the competent minister must issue a permit or notify the applicant that the permit has been refused within 90 days following the receipt of the application. This time limit is suspended if the application is incomplete and the applicant is notified. The time limit suspension ends when all the information is received from the applicant.

The *Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations* also specify that the 90-day time limit does not apply in the following circumstances:

- additional consultations are necessary, including consultations with wildlife management boards and bands under the *Indian Act* which are required by subs. 73(4) and (5) of SARA;
- another Act of Parliament or land claims agreement requires that a decision be made before the competent minister issues or refuses to issue a permit;
- the terms and conditions of a permit previously issued to the applicant have not been met;
- the applicant requests or agrees that the time limit not apply; or
- the activity described in the permit application is modified before the permit is issued or refused.

For activities requiring a decision under the IAA, permit applications are not subject to the 90-day timeline because another Act of Parliament requires that a decision be made before the competent minister issues or refuses to issue a SARA permit. These applications can be reviewed concurrently with the impact assessment to facilitate alignment of the authorization securing processes.

If wildlife surveys are necessary to obtain more baseline information about SARA listed species at risk that may be impacted by a project, SARA permits may be required if these surveys affect individuals of species, their residence or critical habitat (for example, if they require capture, handling, fencing, baiting, disturbing of normal behaviour, etc.). Permit applications for these baseline surveys would be subject to the 90-day timeline.

It is the proponent's responsibility to identify and carry out all species at risk surveys necessary to support the permit application and review, and to monitor for additional species being listed during the planning of their project. Proponents are invited to consult early with the Canadian Wildlife Service on survey plans.

4.3.3. References

Species at Risk Act (S.C. 2002, c. 29).

<https://laws-lois.justice.gc.ca/eng/acts/S-15.3/>

Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations (SOR/2013-140).

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2013-140/index.html>

Permitting under the *Species at Risk Act* for aquatic species at risk.

<https://www.dfo-mpo.gc.ca/species-especes/sara-lep/permits-permis/index-eng.html>

Permits, agreements and exceptions for *Species at Risk Act*.

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/permits-agreements-exceptions.html>

SARA E-permitting System.

<https://wildlife-species.canada.ca/SPLEP-SARAPS/index.cfm?fuseaction=home.main&lang=En>

Guidelines for Permitting Under Section 73 of the *Species at Risk Act*.

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/policies-guidelines/permitting-under-section-73.html>

4.3.4. Contact information

For more information on the Species at Risk permit for aquatic species, please contact the Fish and Fish Habitat Protection Program.

For more information on the Species at Risk permit for non-aquatic species at risk, please contact the regional office of the Canadian Wildlife Service:

Canadian Wildlife Service, Ontario Region
Email: wildlifeontario@ec.gc.ca

4.4. Permit under the *Migratory Birds Convention Act, 1994*

4.4.1. Description

The authorization is the responsibility of ECCC.

Pursuant to section 5 of the *Migratory Birds Convention Act, 1994* (MBCA), it is prohibited to:

- be in possession of a migratory bird or nest;
- buy, sell, exchange, or give a migratory bird or nest, or make it the subject of a commercial transaction;
- deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area; and
- deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds.

Pursuant to section 5(1) of the *Migratory Birds Regulations, 2022* (MBR 2022), it is prohibited to:

- capture, kill, take, injure, or harass a migratory bird or attempt to do so;
- destroy, take, or disturb an egg; and
- damage, destroy, remove, or disturb a nest, nest shelter, eider duck shelter, or duck box.

The prohibitions apply to migratory game birds, migratory insectivorous birds, and migratory non-game birds referred to in Article 1 of the MBCA anywhere they occur in Canada.

Damage or danger permits are issued under subparagraph 12(1)(b)(i-iii) of the MBR 2022 in accordance with MBR 2022 sections 65, 70, and 71. The danger or damage permit authorizes applicants to scare migratory birds, destroy eggs, or nests; relocate birds or their nests; or kill birds in instances where the

migratory birds, their nests, or eggs themselves are causing damage or danger to human health or public safety, or to agricultural, environmental or other interests.

Damage or danger permits may only be issued to a person who owns, manages, or leases the land on which the migratory bird is causing damage or danger or who holds an easement, servitude, right-of-way, licence of occupation, or holds rights under provincial laws to use that land for public utilities or infrastructure.

4.4.2. Regulatory process

4.4.2.1 Application analysis and consultation

An analysis of the application is conducted by ECCC. Applications are processed on a first-come, first-served basis. Permit decisions are made within the specified number of calendar days upon receipt of the application and any required supporting documents.

Authorizations may be issued only if the Minister of Environment and Climate Change is of the opinion that all the information that they may require respecting the purpose for which the permit is to be used has been received.

Among others, the following information is required when submitting an application:

- history of prior permits applications;
- identification of land where permitted activities will occur;
- current location of migratory birds;
- nature of the situation and activity(ies) that require authorization
- description of long-term preventative measures;
- description of proposed equipment and method proposed to address the problem;
- identification of species of migratory birds causing damage or danger, season the problem is occurring, type of activity(ies) proposed, and estimated number of migratory birds, eggs or nest that will be affected;
- description of the proposed method(s) and location for relocation or disposal for migratory birds, eggs and/or nests.

4.4.2.2. Regulatory decision

The service standard for a damage or danger permit is 35 calendar days, and 90 calendar days for any permit applications which may affect species under SARA. Additional information may be requested if the application is deemed incomplete, and in such an event, the service standard time limit is paused.

4.4.3. References

Instruction sheet: Applying for a migratory bird damage or danger permit under the *Migratory Birds Regulations*, 2022.

<https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/damage-danger/instruction-sheet.html>

Migratory Birds Convention Act, 1994 (S.C. 1994, c.22).

<https://laws-lois.justice.gc.ca/eng/acts/M-7.01/page-1.html#h-357433>

Migratory Birds Regulations, 2022 (SOR/2022-105).

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-105/page-1.html#h-1347611>

Service standards and performance: permits for Migratory Birds Regulations.

<https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/service-standards-regulations.html>

4.4.4. Contact information

For more information regarding migratory bird permits issued under the MBCA or to submit an application:

Canadian Wildlife Service, Ontario Region

Telephone: 613-990-8355

Email: wildlifeontario@ec.gc.ca

4.5. Approval of works under the *Canadian Navigable Waters Act*

4.5.1. Description

Transport Canada is the lead department for the administration of the *Canadian Navigable Waters Act* (CNWA), where the Minister of Transport is responsible for the approval of works that may interfere with navigation. The mandate of the CNWA is focused on assessing impacts of a work/project on navigation.

The CNWA requires owners of “works” to comply with requirements of the Act for the protection of navigation on navigable waters. As per section 2 of the CNWA, a work includes “(a) any structure, device or other thing, whether temporary or permanent, that is made by humans, including a structure, device or other thing used for the repair or maintenance of another work; and (b) any dumping of fill in any navigable water, or any excavation or dredging of materials from the bed of any navigable water.”

Examples of works include dams, bridges, weirs, causeways, aerial cables, and ferry cables.

The CNWA uses a list of waterways (known as the “Schedule”) to identify navigable waters where project proponents must apply to Transport Canada for approval. There are different requirements for owners of works regarding approvals, deposit of information and public notice depending on the type of work, and if the work is located on a navigable water listed on the Schedule. With any application to Transport Canada, the owner is required to deposit information on the proposed work, and to invite interested persons to provide written comments on the owner’s proposal to the Minister of Transport within 30 days after publication of the notice, or within any other period specified by the Minister of Transport. If the owner chooses not to apply to Transport Canada for approval of works, other than a minor work or a major work, on navigable waterways not listed on the Schedule, the owner is instead required to deposit information on the proposed work, and to invite interested persons to provide written comments. This deposit and notice public resolution process requires a 30 day comment period. For works that do not interfere with navigation, the owner is required to deposit information on Transport Canada’s registry and publish a public notice (a 30 day comment period is not required).

Before issuing an approval, Transport Canada's Navigation Protection Program is required by law to consider the following assessment factors:

- the characteristics of the navigable water in question;
- the safety of navigation in that navigable water;
- the current or anticipated navigation in that navigable water;
- the impact of the work on navigation, including as a result of its construction, placement, alteration, rebuilding, removal, decommissioning, repair, maintenance, operation or use (this includes impacts of construction methodology, including temporary works, on navigation);
- the impact of the work, in combination with other works, on navigation, if the Minister is provided with, or has in his or her possession, information relating to that cumulative impact;
- any Indigenous knowledge that has been provided to the Minister;
- any comments received from interested persons within the period provided for under subsection (4);
- the record of compliance of the owner under this Act; and
- any other information or factor that he or she considers relevant.

The Navigation Protection Program attaches terms and conditions to the approval of a work to mitigate risks to navigation.

4.5.1.1. Major works in any navigable water

As per section 5(1)(a) of the CNWA, owners of major works on any navigable waterway, whether it is listed on the Schedule to the Act or not, are required to apply to Transport Canada. The following classes of works established in the Major Works Order, which are designated as likely to substantially interfere with navigation on any navigable water:

- water control structures;
- bridges;
- ferry cables;
- causeways; and
- aquaculture facilities.

4.5.1.2. Works in navigable waters listed on the Schedule

A Schedule of waterways is established under the CNWA to identify navigable waters where project proponents must apply to Transport Canada. As per section 5(1)(b) of the CNWA, the owner of a work - other than a minor work - in, on, over, under, through or across any navigable water that is listed in the Schedule, which may interfere with navigation, must apply to Transport Canada.

4.5.1.3 Works in navigable waters not listed on the Schedule

The owner of a work – other than a major work or a minor work – in, on, over, under, through or across any navigable water that is not listed on the Schedule, which may interfere with navigation, has the option to either:

- apply to the Minister of Transport; or
- seek authorization through the public resolution process.

The owner of a work – other than a major work or a minor work – in, on, over, under, through or across any navigable water that is not listed on the Schedule, which is not likely to interfere with navigation, may proceed if:

- the work, or its construction, placement, alteration, rebuilding, removal or decommissioning, would not interfere with navigation; and
- the owner deposits information and publishes a public notice before beginning the construction, placement, alteration, rebuilding, removal or decommissioning of the work.

4.5.2. Regulatory process

4.5.2.1. Application submission

There are different requirements for owners of works regarding approvals, deposit of information and public notice depending on the type of work, and if the work is located on a navigable water listed on the Schedule. With any application to Transport Canada, the owner is required to deposit information on the proposed work, and to invite interested persons to provide written comments on the owner's proposal to the Minister within 30 days after publication of the notice, or within any other period specified by the Minister. For works that do not interfere with navigation, the owner is required to deposit information on Transport Canada's registry and publish a public notice (a 30 day comment period is not required).

The application process is done online through Transport Canada's External Submission Site. The submission timing depends on the proponent who should consider their operational needs and the time required to process the application. The proponent shall describe the proposed work that could affect navigation and potential alternatives and mitigation strategies to ensure continued navigability.

The minimum information needed to apply for an approval is:

- a completed Application for Approval;
- a map showing the work's exact project location;
- the legal site description and position of the work in latitude and longitude;
- the plan view drawings (top down) with all related dimensions;
- the profile view drawings (side view) with all related dimensions;
- the general arrangement drawing (depicting new and entire existing work);
- a detailed project description;
- the construction methodology explaining how the work will be done; and
- the expected start and end dates.

4.5.2.2. Application analysis and consultation

Transport Canada analyzes the application to see if the file is complete and if the work will have an impact on navigation. Transport Canada may conduct a site visit and may request additional information.

Should Transport Canada have a role in the project and it is determined that there will be the potential for adverse impacts to section 35 Indigenous and/or Treaty rights as a result of Transport Canada's Crown Conduct, the department will consult with First Nations and other Indigenous communities. Where possible, consultation activities will be coordinated with other departments, ministries, and the proponent to streamline the consultation process. Information may be provided by the proponent or by First Nations and other Indigenous communities, if possible, as part of the federal impact assessment process. If information is missing or coordination of consultation is not feasible, Transport Canada will consult independently with First Nations and other Indigenous communities to address questions or concerns related to Transport Canada's role in the project.

Before issuing an approval, the Navigation Protection Program is required by law to consider the following assessment factors:

- the characteristics of the navigable water in question;
- the safety of navigation in that navigable water;
- the current or anticipated navigation in that navigable water;
- the impact of the work on navigation, including as a result of its construction, placement, alteration, rebuilding, removal, decommissioning, repair, maintenance, operation or use (this includes impacts of construction methodology, including temporary works, on navigation);
- the impact of the work, in combination with other works, on navigation, if the Minister is provided with, or has in his or her possession, information relating to that cumulative impact;
- any Indigenous Knowledge that has been provided to the Minister;
- any comments that the Minister receives from interested persons within the period provided for under subsection 7(4);
- the record of compliance of the owner under CNWA; and
- any other information or factor that he or she considers relevant

4.5.2.3. Regulatory decision

If the project proposes a Prohibited Activity (dewatering of a navigable waterbody, throwing or depositing of materials), the proponent must submit an Application for a Governor in Council Exemption. The Exemption process can take one to two years from submission of the completed Application for Exemption. The timeline is subject to the processes and requirements of the Governor in Council and is independent of the IAA. If the project proposes to construct, place, alter, rebuild, remove or decommission a work in, on, over, under, through or across any navigable water, the works will be subject to the CNWA and may require approval by the Minister of Transport.

The Minister of Transport issues terms and conditions with the approval of a work to mitigate navigation safety risks and protect the public right to navigation.

4.5.3. References

Canadian Navigable Waters Act (R.S.C., 1985, c. N-22).

<https://laws.justice.gc.ca/eng/acts/N-22/>

A Guide to the Navigation Protection Program's Notification, Application and Review Requirements.

<https://www.tc.gc.ca/eng/programs-673.html>

Apply to the Navigation Protection Program.

<https://www.tc.gc.ca/eng/programs-623.html>

Navigation Protection Program External Submission Site.

<https://npp-submissions-demandes-ppn.tc.canada.ca/>

4.5.4. Contact information

For more detailed guidance on the CNWA approval process, please contact the Transport Canada regional office:

Navigation Protection Program
Transport Canada, Marine Office
100 South Front Street, 1st Floor
Sarnia ON N7T 2M4
Phone: 519-383-1863
Fax: 519-383-1989
Email: NPPONT-PPNONT@tc.gc.ca

4.6. Compliance with the *Transportation of Dangerous Goods Act*

4.6.1. Description

In Canada, the transportation of dangerous goods is strictly regulated under the *Transportation of Dangerous Goods Act, 1992*. This Act and the *Transportation of Dangerous Goods Regulations* were developed to ensure public safety (of people, property and the environment) and security during the transportation of dangerous goods.

Transport Canada develops safety standards and regulations, undertakes risk-based monitoring and oversight, and provides expert advice on the transportation of dangerous goods to promote public safety in the transportation of dangerous goods by the four modes regulated by Transport Canada (air, marine, rail and road). TDG research and data analysis are also part of the TDG program, as is international collaboration to ensure the safe and secure transport of dangerous goods worldwide.

Transport Canada is responsible for the monitoring of emergency response assistance plans (ERAPs). Designed to assist emergency responders, an ERAP describes what to do in the event of an actual or expected release of certain high-risk dangerous goods during transport.

4.6.2. Regulatory process

If a person wishes to carry on an activity related to transporting dangerous goods in a way that is not in compliance with the *Transportation of Dangerous Goods Act* or *Regulations*, he or she must apply for an Equivalency Certificate following the information requirements in Part 14 of the *Transportation of Dangerous Goods Regulations* and must show that the way in which the activity will be carried on will provide a level of safety equivalent to complying with the Regulations.

As per section 6.1 of the *Transportation of Dangerous Goods Regulations*, any person handling, offering for transport or transporting dangerous goods must be properly trained and hold a valid training certificate.

Also, an ERAP may be required for the transportation of a substance, based on its classification and the quantities involved. Such ERAP must be approved by the Transportation of Dangerous Goods Directorate of Transport Canada.

4.6.3. References

Transportation of Dangerous Goods Act, 1992 (S.C. 1992, c. 34).

<https://www.laws-lois.justice.gc.ca/eng/act/T-19.01/>

Transportation of Dangerous Goods Regulations (SOR/2001-286).

<https://laws-lois.justice.gc.ca/eng/regulations/sor-2001-286/index.html>

4.6.4 Contact information

For more information on the requirements of the *Transportation of Dangerous Goods Act* or *Regulations*, please contact your regional or modal TDG office:

Ontario Regional Office

Phone: 1-416-973-1868

Email: TDG-TMDOntario@tc.gc.ca

For further guidance on the authorization process for ERAPs, please visit our webpage:

<https://tc.canada.ca/en/dangerous-goods/emergency-response-assistance-plans-eraps> or contact:

Response Operations Program

Phone: 613-302-3581 / TTY: 1-888-675-6863

Email: ERAPapplications@tc.gc.ca

For further guidance on the authorization process to request an equivalency certificate, please visit our webpage: <https://tc.canada.ca/en/dangerous-goods/application-equivalency-temporary-certificate> or contact:

Approvals and Special Regulatory Projects Division

Phone: 1-855-298-1520 (select option 2)

Email: tdgapprovals@tc.gc.ca

4.7. Licences for explosive factories and magazines under subsection 7(1) of the *Explosives Act*

4.7.1. Description

These licences and certificates are the responsibility of Natural Resources Canada (NRCan).

Under section 6 of the *Explosives Act*, it is prohibited to make or manufacture any explosive, either wholly or in part, except in a licenced factory or to store any explosive in a magazine that is not a licenced magazine. Under paragraph 7(1)(a), however, the Minister of Natural Resources (the Minister) may issue licences for factories and magazines.

The Minister may make any licence, permit or certificate referred to in subsection (1) subject to any term or condition, in addition to those prescribed by the regulations, that the Minister considers necessary for the safety of any person or property, including, without limiting the generality of the foregoing, compliance with security or safety standards in respect of any factory or magazine or any class thereof that are supplementary to but not inconsistent with those provided for under paragraph 5(g.1).

To produce explosives and have bulk explosives delivered, a company must operate under either a licence or a certificate. Depending on a project's explosives supply requirements and, in some cases, the proximity of existing licenced factories, an explosive supplier may apply for Division 1 factory licences (factory with or without a wash bay) or Division 2 manufacturing certificates. Part 5 of the *Explosives Regulations, 2013* indicates how to obtain a factory licence or manufacturing certificate and sets out the requirements for manufacturing explosives and how 'manufacturing' is defined.

4.7.1.1. Magazine licences

NRCan issues different types of licences for explosives magazines including User, User Zone and Vendor licences. Magazines may also be licenced as part of a factory. Part 6 of the *Explosives Regulation, 2013* indicates how to obtain a magazine licence and sets out the requirements for storing explosives in a licensed magazine.

In most jurisdictions, magazines located at mine sites and quarries are authorized by provincial or territorial agencies. In Ontario, magazines outside mine sites are licensed by NRCan.

4.7.2. Regulatory process

4.7.2.1 Application submission

Applications for factory licences and certificates are submitted to the Explosives Regulatory Division's Electronic Licence Management System through NRCan eServices Portal at: <https://eservices.nrcan-rncan.gc.ca/web/epp-ppe/login-connexion?goto=https%3A%2F%2Feservices.nrcan-rncan.gc.ca%2Fpriv%2Fepp-ppe%2Fhome-accueil%3Freset%3Dtrue>.

In the case of factory licences, applications must include, several types of plans or drawings are required including area plan, site plan, building layout, process schematics, and piping, instrumentation and equipment layout drawings. Area plan and detailed site plan show the location of the factory site and any neighbouring vulnerable features or hazardous facilities.

Explosives quantity-distance limits are specified in guidelines for bulk explosives and site plans must include information such as distances between explosive operations, including washing/maintenance facilities, ammonium nitrate storage, fuel storage, and magazines; and infrastructure. In addition, a licence application must be supported by spill contingency, emergency response, security and site evacuation plan together with other documents (e.g. operating procedures).

4.7.2.2. Application analysis and Indigenous consultation

Applications are reviewed by NRCan to ensure that they are complete with all the necessary plans to conform with regulations and guidelines. Division inspectors will request additional information and revisions when there are deficiencies or errors in the applications and supporting information. Licences for factories associated with major projects are usually issued to companies contracted to provide explosives supply and related services.

NRCan (Explosives, Regulatory and Business Services Branch) may engage First Nations and other Indigenous communities once an application is received to determine if there are concerns, questions or requests for more information. If consultation on a licence is requested, NRCan will involve the licence applicant in the process. Although basic information about explosives manufacturing and storage facilities is provided and reviewed during impact assessment processes, licence applicants can provide more detailed information for consultation with First Nations and other Indigenous communities including construction plans and operating procedures for the safe and secure operation of explosives facilities.

4.7.2.3 Regulatory decision

NRCan issues factory licences (with or without a wash bay) within 60 days following receipt of a complete application or, for certificates and other licences, within 30 days.

4.7.3. References

Explosives Act, R.S.C., 1985, c. E-17.

<https://laws-lois.justice.gc.ca/eng/acts/E-17/index.html>

Explosives Regulations, 2013 (SOR/2013-211).

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2013-211/page-1.html>

Application Forms for Licences and Certificates.

<https://www.nrcan.gc.ca/maps-tools-publications/publications/explosives-publications/explosives-forms/9939#li1>

Guidelines for Bulk Explosives Facilities.

<https://www.nrcan.gc.ca/explosives/resources/guidelines/9925>

4.7.4. Contact information

For more detailed guidance, please contact the NRCan's Explosives Regulatory Division in Ottawa.

Explosives Regulatory Division
Explosives Safety and Security Branch
Natural Resources Canada
Ottawa ON K1A 0E4
Email: erdmms@nrcan.gc.ca

5. Interpretation

This permitting plan is not a legal document and does not change any existing federal, provincial, or Indigenous legislative or regulatory jurisdiction, right, power, privilege, prerogative or immunity by virtue, nor does it create any new legal powers, duties or legally binding obligations.

6. Contact information

The IAAC office designated for administering the integrated assessment of the project in collaboration with the CNSC is:

Integrated Assessment for the New Nuclear at Wesleyville Project
Impact Assessment Agency of Canada
Review Panel Division
160 Elgin Street, 22nd Floor
Ottawa, Ontario K1A 0H3
Phone: 343-596-8128
Email: wesleyville@iaac-aeic.gc.ca