

2. ASSESSMENT PROCESS

This section of the Application for an Environmental Assessment Certificate (the Application) describes the environmental assessment (EA) process for the Kemess Underground Project (the Project), provides an overview of federal and provincial EA process requirements including substitution, and identifies key provincial and federal authorizations that will be required to develop the Project.

2.1 BRITISH COLUMBIA ENVIRONMENTAL ASSESSMENT ACT REQUIREMENTS

Part 3 of the British Columbia (BC) *Environmental Assessment Act* (BC EAA; 2002) requires proposed mine projects or modifications to existing mine projects that exceed thresholds defined in the Reviewable Projects Regulation (BC Reg. 370/2002) undergo an EA and obtain an Environmental Assessment Certificate (EAC) before projects can proceed. Section 7(1) of the BC EAA (2002) also allows a proponent who proposes a project that is not a reviewable project under the BC EAA to apply to the Executive Director of the BC Environmental Assessment Office (EAO) for the project to be designated as a reviewable project. Since the Kemess Underground Project did not meet thresholds for a modification to an existing facility under section 7(1) of the Reviewable Projects Regulation (BC Reg. 370/2002)¹, the Proponent requested the Project be designated as a reviewable project. An Order under section 7(3) of the BC EAA was issued on February 7, 2014, for this purpose.

Once a Project is deemed reviewable and a Project Description (PD) submitted and checked for completeness, a section 10 Order is issued by the EAO requiring that the project obtain an EAC. This is followed by a section 11 Order which specifies the scope of the Project and the assessment, and establishes reporting and consultation requirements during the EA process. The provincial EA process is supported by three key documents: a Valued Components (VCs) Scoping Summary (ERM 2014), an Application Information Requirements (AIR; BC EAO 2016) that acts as a terms of reference, and an Application for an EAC (Application), which contains the effects assessment analyses and mitigation and environmental management plans.

The BC EAA and accompanying regulations and guidance documents establish the overarching regulatory framework for undertaking EAs in BC. Within this framework, the scope, procedures, and methods of each assessment are tailored specifically to the circumstances of the proposed project. This approach allows for each assessment to focus on key issues relevant to the project when determining whether or not the project should proceed.

The decision to issue or not issue an EAC for a mining project is made by the Minister of Energy and Mines and by the Minister of Environment (the responsible Ministers). In making their decision, the

¹ This is because, although the production capacity exceeds the regulation trigger of 75,000 tonnes or more per year of mineral ore per year, it will not exceed the threshold of either 750 hectares of land that was not previously permitted for disturbance or an area of land that was not previously permitted for disturbance and at least 50% of the area of land that was previously permitted for disturbance.

ministers must consider the Assessment Report (prepared by the EAO) and any recommendations accompanying the Assessment Report, and may consider any other matters they consider relevant to the public interest. If the project is allowed to proceed, an EAC is issued under Section 17(3) of the BC EAA with conditions to the certificate that the ministers consider necessary. An EAC is comprised of general provisions, a description of the physical works and activities of the project (Schedule A, Certified Project Description [CPD]), and conditions (Schedule B, Table of Conditions [ToC]). The EAC specifies a time limit by which a project must have substantially started, which is generally at least three years and not more than five years, after the issue date of the EAC. The holder of the EAC may apply for a one-time extension to the EAC. Once the project has substantially started construction, the EAC remains in effect for the life of the project unless suspended or cancelled for breaches of the conditions. Proponents may apply to amend their EAC as project circumstances change.

The BC EAA is supported by the following regulations: Reviewable Projects Regulation (BC Reg. 370/2002), the Prescribed Time Limits Regulation (BC Reg. 372/2002), the Public Consultation Policy Regulation (BC Reg. 373/2002), the Concurrent Approval Regulation (BC Reg. 371/2002), and the Environmental Assessment Fee Regulation (BC Reg. 50/2014). These are all described below.

2.1.1 Reviewable Projects Regulation (BC Reg. 370/2002)

The Reviewable Projects Regulation (BC Reg. 370/2002) establishes the criteria for determining whether proposed projects should be subject to the BC EAA; thresholds for mining projects are described in Part 3 of the regulation and, as discussed above, were not exceeded for this Project.

2.1.2 Prescribed Time Limits Regulation (BC Reg. 372/2002)

The Prescribed Time Limits Regulation (BC Reg. 372/2002) establishes time limits, in calendar days, for different stages of the assessment process. Section 2 prescribes a 30-day time limit for screening of the Application by the Executive Director, while section 3(a) establishes a 180-day period for the review of the Application. There is also a 45-day time limit for making a decision after the Application has been referred to the Ministers (section 4). This regulation also specifies time limits for proponents to provide information for the Application, and conditions around suspending time limits.

2.1.3 Public Consultation Policy Regulation (BC Reg. 373/2002)

The Public Consultation Policy Regulation (BC Reg. 373/2002) applies to reviewable projects under the BC EAA where a section 10 Order has been issued. The regulation requires proponents to undertake a public consultation program, as well as provide a summary and evaluation of public consultation activities carried out during the pre-Application and Application stages of the assessment process. The regulation also outlines the obligations of the proponent and the Executive Director in providing adequate time for public consultation and review in accordance with the Prescribed Time Limits Regulation (BC Reg. 372/2002).

2.1.4 Concurrent Approval Regulation (BC Reg. 371/2002)

The Concurrent Approval Regulation (BC Reg. 371/2002) allows proponents with a reviewable project undergoing assessment to apply for concurrent review and approval of eligible provincial authorizations (e.g., *Mines Act* permit) which are needed to construct, operate, undertake and decommission a project. This regulation provides time limits by which: permit applications must be

submitted (on or within 7 days of the Application being submitted); permitting agencies must identify whether additional information is needed (within 75 days of the Application being accepted); and permitting decisions to issue, refuse or postpone a decision must be made (within 60 days after the EA Certificate is issued). For this Project, the Proponent is proceeding with synchronous permitting whereby permit applications are provided to agencies in parallel with the Application; however, agencies are not bound by review timelines (see Section 2.4 below).

2.1.5 Environmental Assessment Fee Regulation (BC Reg. 50/2014)

The Environmental Assessment Fee Regulation (BC Reg. 50/2014) came into force in April 2014 and requires project proponents and EAC holders to pay stipulated fees at certain times during the assessment of a project. Pursuant to Section 3 of the regulation, the Proponent is required to pay an assessment fee of \$75,000.

2.1.6 Guidance Documents

This Application has been prepared with reference to the provincial EA process guidance documents listed below:

- Environmental Assessment Office User Guide (BC EAO 2011);
- Environmental Assessment Office Public Comment Policy (CEAA BC EAO 2012);
- Guideline for Selection of Valued Components and Assessment of Potential Effects (BC EAO 2013c);
- Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process (BC EAO 2013b);
- Proponent Guide for Providing Treaty Nation Consultation Information - Treaty Nations (BC EAO 2013f);
- Proponent Guide for Providing First Nation Consultation Information - Non-Treaty First Nations (BC EAO 2013e).
- Application Information Requirements Template (BC EAO 2013a, 2015).

2.2 CANADIAN ENVIRONMENTAL ASSESSMENT ACT, 2012 REQUIREMENTS

The legislative basis for federal EA requirements is the *Canadian Environmental Assessment Act, 2012* (2012). The Regulations Designating Physical Activities (SOR/2012-147) identify thresholds for projects that may be subject to a federal EA process. If a project is described in the regulation (i.e., considered a Designated Project), a PD must be submitted to one of the named Responsible Authorities (RAs); for mining projects, the RA is the Canadian Environmental Assessment Agency (CEA Agency). Since the Project exceeded production rate thresholds for a gold mine of 600 tonnes per day (section 16 (c)), a PD was submitted to the CEA Agency for the purposes of determining whether a federal EA was required for the Designated Project. The PD was then screened to determine if there are potential adverse effects in areas of federal jurisdiction under section 5 of CEAA 2012. The PD must also be posted for public comment. At the same time, if a request for substitution has been received by the CEA Agency, the CEA Agency must seek comments on the request. The Minister of

the Environment must determine whether the process to be substituted is an appropriate substitute (i.e., meets all of the conditions set out in subsection 34(1) of CEAA 2012, including subsection 19(1) of CEAA 2012) and timelines for the review process.

If it is determined a federal EA is required, then at the end of a 45-day review period, the CEA Agency posts a Notice of Determination and issues a Notice of Commencement. At the same time, the CEA Agency will post notice of the Substitution Decision. On April 8, 2014, the Minister of the Environment approved the substitution of the federal EA by that of the Government of BC for the Designated Project. Although the procedural aspects of substituted EA projects are undertaken by the EAO, both governments still take a decision to approve or deny the issuance of an EA Certificate (EAO) or EA Decision Statement (CEA Agency). The substituted EA process is described in more detail in section 2.3.

Under section 52 of CEAA 2012, the federal decision to approve or reject the EA for designated projects where the CEA Agency is the RA is made by the Minister of the Environment. In making a ministerial decision for substituted projects, the information presented in EAO's final Assessment Report and the implementation of mitigation measures are considered with respect to the potential for the designated project to cause significant adverse environmental effects. If it is determined the designated project is likely to cause significant adverse environmental effects, then the Minister of the Environment must refer to the Governor in Council (GiC) the matter of whether those effects are justified in the circumstances. The GiC must decide whether the significant adverse environmental effects that the designated project is likely to cause are justified. If it is decided that the designated project is not likely to cause significant adverse environmental effects or the GiC decides that the significant adverse environmental effects that the designated project are likely to cause are justified in the circumstances, then conditions must be set with which the proponent must comply. For this purpose, the Minister of the Environment will issue an EA Decision Statement containing the conditions the proponent must meet, including any mitigation measures and/or follow-up programs. Federal authorities are prohibited from exercising any power or performing any duty or function that could permit a project to be carried out in whole or in part unless the EA Decision Statement indicates that the designated project is not likely to cause significant adverse environmental effects or that significant adverse environmental effects are justified in the circumstances.

CEAA 2012 is supported by a number of regulations and operational policy statements that apply to projects undergoing an EA under CEAA 2012. Note that the Cost Recovery Regulation (SOR/2012-146) is only applicable to review panel EAs and, therefore, is not described here.

The Project has not been designated as a major resource project pursuant to the federal Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects (MPMO 2012).

2.2.1 Regulations Designating Physical Activities (SOR/2012-147)

The Regulations Designating Physical Activities (SOR/2012-147) identify the types of physical activities that are considered "designated projects" and thus subject to the requirements of CEAA 2012.

2.2.2 Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148)

Pursuant to CEAA 2012, the proponent of a designated project must submit a PD to the CEA Agency. The Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148) sets out the information that must be included in the PD.

2.2.3 Guidance Documents

This Application has been prepared using the policy statements and guidance documents detailed below. These documents provide guidance for the conduct of EAs subject to CEAA 2012 and are included here for general reference purposes:

- Operational Policy Statement: Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2013c);
- Practitioners Glossary for the Environmental Assessment of Designated Projects under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2013d);
- Operational Policy Statement: Addressing “Purpose of” and “Alternative Means” under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2013b);
- Reference Guide: Considering Aboriginal Traditional Knowledge in Environmental Assessments Conducted under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2013a);
- Technical Guidance for Assessing Physical and Cultural Heritage or any Structure, Site or Thing that is of Historical, Archeological, Paleontological or Architectural Significance under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2014c); and
- Draft Technical Guidance for Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2014a).

2.3 SUBSTITUTED ASSESSMENT PROCESS FOR THE DESIGNATED PROJECT

Substituted EA projects are conducted by the EAO and CEA Agency in accordance with a Memorandum of Understanding (MOU; 2013c), which establishes expectations, roles, and procedures for implementing substituted EA review processes in BC. On February 19, 2014, the EAO requested substitution for the Project under section 32 of CEAA 2012, committing to fulfill the conditions for substitution under section 34 of CEAA 2012. Under section 32 of CEAA 2012, where there is an appropriate EA process in place to substitute the federal EA process, the Minister of the Environment must approve the substitution request.

2.3.1 Substitution Conditions

The following conditions must be met for a substituted EA process:

- *The substituted process will include a consideration of the factors set out in subsection 19 (1) of CEAA 2012.*
- *The public will be given an opportunity to participate in the environmental assessment.*

- *The public will have access to records in relation to the environmental assessment to enable their meaningful participation.*
- *At the end of the environmental assessment, BC will submit a report to the CEA Agency that includes the findings and conclusions of the environmental assessment with respect to the factors as set out in subsections 19 (1) of CEAA 2012.*
- *The report will be made available to the public.*

The federal Minister of the Environment has also established additional conditions in its substitution decision (CEA Agency 2014b) for the proposed Project, as follows:

- *BC will involve expert federal authorities in the BC process.*
- *BC will provide the environmental assessment report to the CEA Agency within the time frame that will enable the Minister to make decisions under subsection 52 (1) of CEAA 2012 within the time limits set out in CEAA 2012.*
- *BC will conduct procedural aspects of Aboriginal Consultation in accordance with the process set out in the Memorandum of Understanding.*
- *BC will make available to Aboriginal groups funding provided by the CEA Agency to support Aboriginal Consultation during the substituted environmental assessment (BC EAO 2013d).*

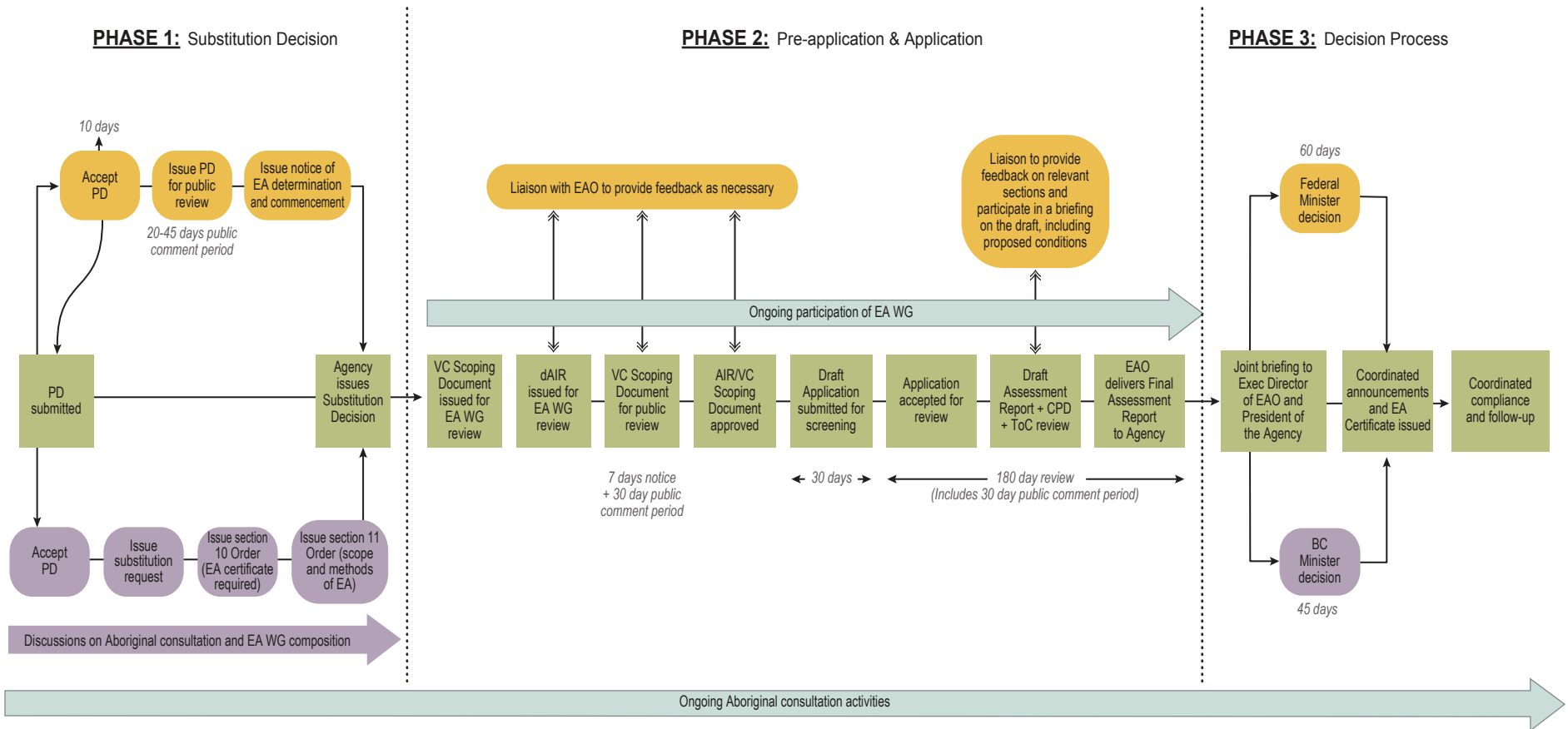
The substituted assessment process consists of three phases (see Figure 2.3-1):

- *Phase 1: Substitution Decision* – The PD is reviewed by both governments and, if requested, a substitution decision is made.
- *Phase 2: Pre-Application & Application* – The EAO works with the Proponent to conduct the EA according to prescribed timelines. The CEA Agency acts as a liaison, reviewing and providing feedback as necessary on relevant sections of EA documents, including participating in the review of the draft Assessment Report and proposed conditions. The EAO produces a final Assessment Report containing the findings and conclusions of the EA process.
- *Phase 3: Decision Process* – The EAO and CEA Agency make a joint briefing to decision-makers and refer the project for an EA decision. Both governments coordinate the announcement and issuance of EA approvals. Once the decisions have been taken, the Assessment Report will be made available to the public.

2.3.2 Phase 1: Substitution Decision

As described earlier, the EA process for the Project started with the submission of the PD in February, 2014, to BC EAO and the CEA Agency. The EAO issued a section 7 Order designating the Project as reviewable on February 7, 2014, and issued a section 10 Order on February 18, 2014, requiring the Proponent to obtain an EAC prior to the Project proceeding. The CEA Agency posted the PD and substitution request for a 20-day public comment period on the CEA Agency Registry Internet Site (CEARIS) on February 21, 2014. No public comments were received. Once the substitution decision was posted on April 8, 2014, the EAO assumed responsibility for the substituted EA process.

Figure 2.3-1
Assessment Process for
Substituted Environmental Assessments



Notes:

- In addition to the process steps in this diagram, EAO and the Agency will provide each other with any relevant approvals, additional Orders, or other statutory instruments, and wherever possible, with advance notice of public meetings and media releases.

Source: Modified from the Agency and BCEAO (2013).

Colour Legend



The EAO issued a section 11 Order on May 14, 2014 which outlined the scope, procedures, and methods to undertake the EA, including government agency, public, and Aboriginal consultation requirements. Schedules B and C² of the Order define the Aboriginal groups who must be consulted during the EA process. On June 23, 2014, the EAO issued an Order under section 13 of the EAA to amend the section 11 Order by moving the Kwadacha First Nation to Schedule B. Schedule B Aboriginal groups are identified as the Takla Lake First Nation, Tsay Keh Dene Nation, and Kwadacha Nation. Schedule C First Nations include Gitksan Wilp Nii Kyap, Treaty 8 First Nations, and the Métis Nation of BC.

2.3.2.1 *Scope of the Proposed Project*

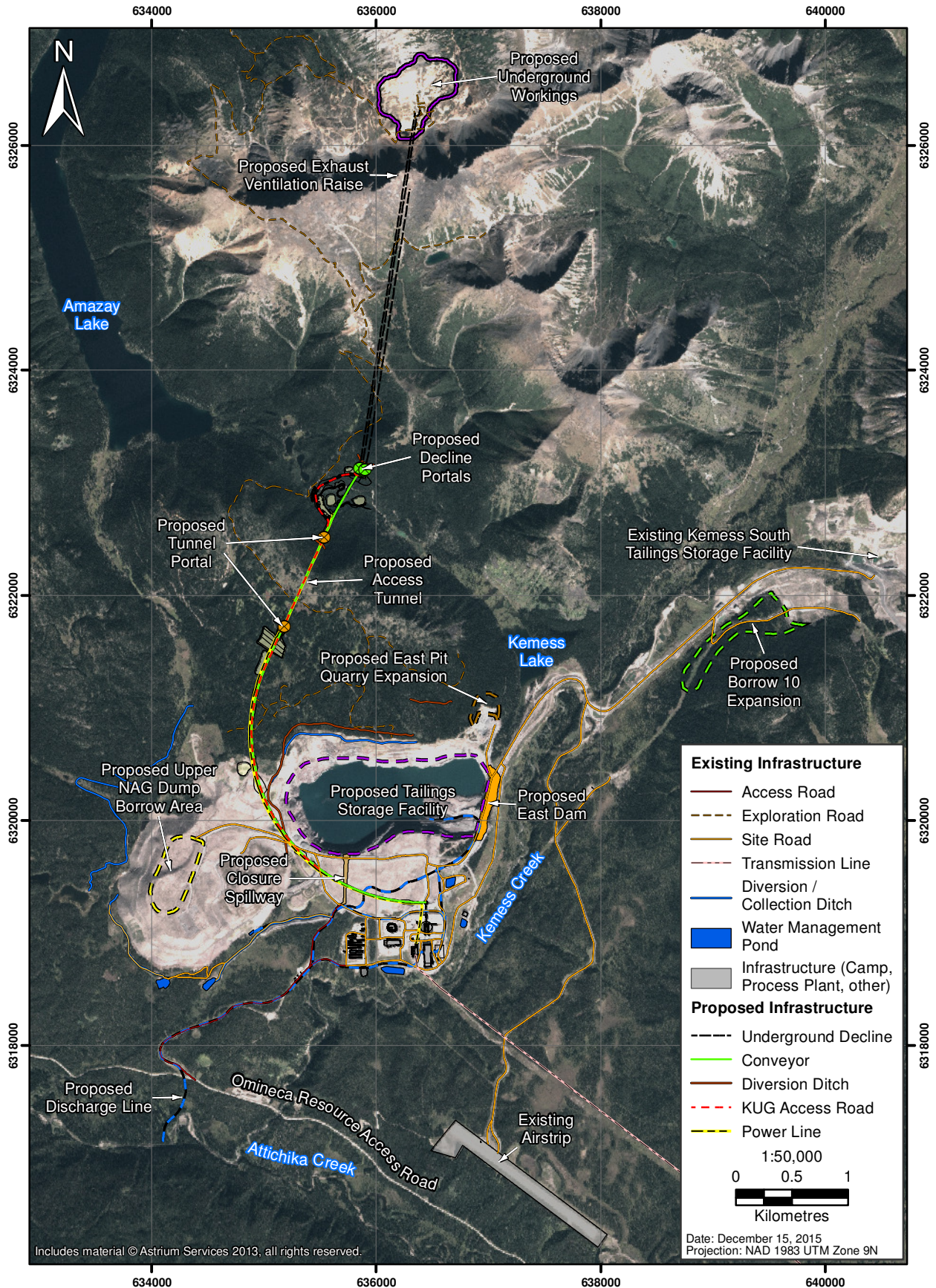
The section 11 Order established the Project scope as consisting of the following on- and off-site components and activities established in Part B of the Order³ (Figure 2.3-2):

- Underground mine with a production capacity of up to 30,000 tonnes per day.
- Underground infrastructure including:
 - decline tunnels;
 - block cave gallery;
 - gyratory crusher;
 - ventilation system and exhaust raise;
 - underground conveyor;
 - electrical network, including a substation;
 - explosives magazines;
 - water sumps and pumps; and
 - garage, warehouse, refuge, and storage areas.
- Underground activities including:
 - blasting, undercutting, ore extraction, crushing and transport; and
 - operational dewatering.
- Portal area surface infrastructure and activities including:
 - construction office;
 - stockpiles;
 - construction laydown areas;
 - construction concrete plant;
 - fuel storage;

² Schedule B First Nations are included as members of the Environmental Assessment Working Group (EAWG). Schedule C First Nations are notified of key EA milestones and receive copies of EA documents (e.g., the Application).

³ Exploration activities or activities required to prepare the Application are not part of the reviewable project for the purposes of the assessment.

Figure 2.3-2
Proposed Keness Underground Project



- electrical distribution; and
- water-handling infrastructure including a dewatering pipeline, sedimentation pond, pump house, water treatment plant and diversion infrastructure.
- Surface infrastructure connecting the underground and Kemess South (KS) Mine areas including:
 - ventilation access road from the portal area to the exhaust ventilation raise above the deposit;
 - access corridor including an access road and a tunnel from the portal to the KS mill stockpiles;
 - conveyor from portal area to mill stockpiles; and
 - power line from the portal area connecting to the existing KS substation.
- Use of the existing KS open pit to store tailings, including:
 - a dam on the east side of the KS open pit;
 - discharge of water from the KS open pit to allow construction of the east dam; and
 - water-discharge pipeline from the tailing storage facility, formerly the KS open pit, to Attichika Creek.
- Use of existing KS Mine infrastructure for the purposes of the proposed Project.

2.3.2.2 *Scope of the Assessment*

The following scope of the assessment was established by the EAO in Part C of the section 11 Order which includes consideration of:

- potential adverse environmental, economic, social, heritage, and health effects of the proposed Project, including cumulative effects, and practicable means to avoid, minimize, or otherwise manage any such potential adverse effects; and
- potential adverse effects of the proposed Project on an Aboriginal group's Aboriginal interests, and, to the extent appropriate, ways to avoid, mitigate, or otherwise accommodate such potential adverse effects.

The scope of the EA must also take into account the factors under section 19 (1) of CEAA 2012, including, but not limited to, any environmental effects as defined by Section 5 of that Act.

2.3.2.3 *Environmental Assessment Working Group*

Part D of the section 11 Order requires the EAO to establish an EA Working Group (EAWG) to review and comment on key EA documents, including the VCs Scoping Summary, AIR, the Application, and the Assessment Report. Typical membership of an EAWG includes representatives from all levels of government (federal, provincial, regional, and municipal), and potentially affected Aboriginal groups (Schedule B Aboriginal Groups). The EAO established an EAWG and began holding Project-related meetings in June, 2014. The members of the EAWG for the Project are identified in Table 2.3-1.

Table 2.3-1. Environmental Assessment Working Group Members

Member Type	Organization
Provincial agencies	EAO
	Ministry of Forests, Lands and Natural Resource Operations
	Ministry of Energy and Mines
	Ministry of Environment
	Ministry of Jobs, Tourism, and Skills Training
	Ministry of Social Development and Social Innovation
Federal agencies	Northern Health
	CEA Agency
	Environment Canada
	Ministry of Aboriginal Relations and Reconciliation
	Natural Resources Canada
	Transport Canada
	Health Canada
Local government	District of Mackenzie
	Town of Smithers
	Peace River Regional District
Aboriginal Groups ⁴	Takla Lake First Nation
	Tsay Keh Dene Nation
	Kwadacha Nation

Throughout the pre-Application stage, the EAWG has met to review available information, EA process milestones, and any additional issues that arose. As per the section 11 Order, the EAO also organized sub-committees of the EAWG to discuss specific technical issues. A summary of these meetings is provided in Table 2.3-2 in Section 2.3.5. The Proponent was present at all the meetings.

2.3.3 Pre-Application and Application Review

During the pre-Application stage of the assessment process, preparing and finalizing the VCs Scoping Summary (ERM 2014), AIR and the Application are the main objectives. The VCs Scoping Summary and AIR documents provide direction and establish information requirements for the Application.

Aboriginal and public consultation activities also continue throughout this period. For a description of public and Aboriginal consultation activities that occurred during this phase (e.g., Aboriginal and Public Consultation Plans; Consultation Summary Reports), refer to Chapter 3 Information Distribution and Consultation.

⁴ Takla Lake First Nation, Tsay Keh Dene Nation and Kwadacha Nation are collectively self-recognized as Tse Keh Nay.

2.3.3.1 *Valued Components Scoping Summary*

The Proponent submitted a draft of the VCs Scoping Summary to the EAWG for review on June 6, 2014. After making revisions to address EAWG comments, the draft VCs Scoping Summary was posted for public comment from November 26, 2014 to January 5, 2015. No public comments were received and the November 2014 copy of the VCs Scoping Summary (ERM 2014) was approved by the EAO. The VCs selected for assessment are discussed in Chapter 8 Assessment Methodology.

2.3.3.2 *Application Information Requirements*

The Proponent submitted a draft of the AIR to the EAWG for review on October 10, 2014. After undergoing five rounds of review by the EAWG, the AIR was finalized and issued by the EAO in January 2016.

2.3.3.3 *Application for an Environmental Assessment Certificate*

In order to prepare the Application, all required baseline studies were completed and results compiled into baseline study reports and appended to the Application. All baseline reports were provided to the Tse Keh Nay for review and comment. The baseline studies are used to characterize the baseline condition for each selected VC and as inputs into the effects assessment, characterization of residual effects, likelihood and significance determination. The Application identifies any mitigation measures required to avoid, reduce, control, or offset adverse effects. The Application was provided to the Tse Keh Nay for a maximum 45-day review period prior to submission of the Application for screening by the EAO.

2.3.3.4 *Application Screening*

The Application was submitted to the EAO for screening purposes in February 2016. Both hard copies and electronic copies were provided for screening. Once received, the EAO Executive Director must:

- evaluate the Application for completeness against the AIR; and
- determine whether sufficient consultation has occurred during the pre-Application stage.

Within 30 calendar days, the EAO must decide whether to accept the Application for review (although the screening period may be extended at the discretion of the EAO, or as requested by the Proponent).

A Table of Concordance submitted as part of the Application is used to screen the Application against the approved AIR to determine whether the required information has been provided. If the EAO determines the Application to be incomplete, the Proponent must address the identified information deficiencies before the Application will be accepted.

The EAO will also review the consultation record to ensure that consultation activities have been adequately carried out. If consultation activities are deemed insufficient, the Application will not be accepted.

If the Application contains all of the required information and consultation activities are considered adequate, the EAO will notify the Proponent that the Application is accepted for review by the EAWG.

2.3.3.5 *180-Day Application Review*

Once the EAO accepts the Application for review, a legislated 180-day review period commences. The Proponent provides paper and electronic copies of the Application to the EAWG as directed by the EAO. The Application is also uploaded to the EAO's electronic-Project Information Center (e-PIC) and paper copies are distributed to public libraries to facilitate a public-comment period on the Application. Working group meetings will be held throughout the review period to discuss substantive technical issues. EAWG members will submit technical written comments for response by the Proponent. Pursuant to Section 24(2) of the BC EAA, the BC EAO may suspend the 180-day review period if additional information is required from the Proponent.

2.3.3.6 *Assessment Report*

During the latter half of the Application review stage, the EAO will draft an Assessment Report that identifies measures to mitigate adverse effects, identifies and assesses the potential residual effects of the Project and their significance, identifies and assesses the potential cumulative effects and their significance, summarizes public concerns and how they have been addressed, and identifies any outstanding issues. A summary of Aboriginal and EAWG issues that were raised during the assessment process is also included. The Assessment Report contains recommendations for the relevant Ministers to consider when deciding if an EAC should be granted.

The EAO will draft an EAC which consists of a Certified Project Description (CPD) and Table of Conditions (ToC). The CPD is a description of the physical works and activities of the Project and describes how the Project must be constructed, operated, decommissioned, and reclaimed. The ToC identifies conditions that the Proponent must commit to, for example, implementing key mitigation measures, monitoring actions, and/or follow-up requirements that the Proponent must comply with during different phases of the Project.

The Assessment Report and draft Certificate will be provided to the EAWG, the CEA Agency and the Proponent for review and comment prior to being finalized.

2.3.4 Phase 3: Decision Process

After the Assessment Report is finalized, a joint briefing with the President of the Agency and with the Executive Director of the EAO will be held to discuss the Assessment Report and recommendations for whether an approval should be issued for the Project. After considering the Assessment Report, the provincial responsible Ministers will issue a decision within 45 days; the federal Minister of the Environment has up to 60 days to issue a decision. However, to the extent possible, the EAO and CEA Agency will work together to prepare a coordinated announcement and issue the EAC and EA Decision Statement. The Assessment Report will be made available to the public once the federal and provincial decisions have been taken.

2.3.5 Assessment Process Milestones and Timeline

Table 2.3-2 lists the EA milestones reached to date.

Table 2.3-2. Kemess Underground Project Substituted Environmental Assessment Process Milestones and Timeline

EA Milestone	Timeline
EAO issued Section 7(3) Order	February 7, 2014
Proponent submitted Project Description to EAO and CEA Agency	February 12, 2014
EAO issued section 10 Order	February 18, 2014
EAO requested substitution	February 19, 2014
CEA Agency initiated 20 day public comment period on Project Description	February 21, 2014
Federal Minister of Environment issued Notice of Environmental Assessment Determination	April 7, 2014
Federal Minister of Environment issued Notice of Commencement of an Environmental Assessment and Substitution Approval	April 8, 2014
EAO issued section 11 Order	May 14, 2014
EAO issued Order to pay fees	May 27, 2014
EAO issued section 13 Order to add Kwadacha First Nation to Schedule B of the section 11 Order	June 23, 2014
EAWG - Site Visit	June 25, 2014
EAWG Kick-off Meeting	June 26, 2014
EAWG Technical Meeting (Fish Tissue Sampling)	July 21, 2014
EAWG Technical Meeting (Health)	July 24, 2014
EAWG Technical Meeting (Aquatic Resources)	July 29, 2014
EAWG Technical Meeting (Surface/Groundwater)	August 5, 2014
EAWG Technical Meeting (Health)	October 9, 2014
EAO issued section 13 Order to add a public comment period for the VCs Scoping Summary	November 19, 2014
EAO initiated 37 day public comment period on draft VCs Scoping Summary	November 26, 2014
EAWG Technical Meeting (Water Discharge Alternatives)	March 17, 2015
EAWG Technical Meeting (Water Discharge Alternatives)	November 5, 2015
EAO issued final AIR	January 11, 2016
Proponent submitted Application to Tse Keh Nay to initiate their review	January 11, 2016
Proponent submitted Application to EAO and EAWG for 30-day screening against the final AIR	February 2016

2.4 PERMITTING

The Proponent intends to submit provincial permit applications required for the Project simultaneously with the Application review. The permitting process will be led by the BC Major Mines Permitting Office (MMPO). No decisions on permits can be made by provincial agencies until the EAC is issued. Federal permit authorizations will also be submitted synchronously.

A number of existing permits for the KS Mine have been in place since 1996 that remain in good standing, authorizing the use of roads, the power line, explosives, and camp- and mill-related functions (e.g., nuclear gauge and boiler use). Table 2.4-1 summarizes the permits held by the Proponent for the KS Mine that are also applicable to the Project; these permits may require amendment or renewal before construction begins.

Table 2.4-2 presents the list of provincial and federal authorizations, licences, and permits that are anticipated to be required for the construction and/or operation of the proposed Project. The list is not intended to be exhaustive and does not suggest the permitting methodology, which may include amendment of existing permits or the requirement for new applications. The Proponent will meet with the appropriate government agencies to discuss permitting requirements related to the Project and to determine the best approach to applying for, or amending as appropriate, the existing permits listed in Table 2.4-1 to support the Kemess Underground Project.

Table 2.4-1. Existing Kemess South Mine Authorizations

Authorization	Date Issued	Statute	Authorized by
Provincial			
Project Approval Certificate M96-03	April 29, 1996	<i>Environmental Assessment Act</i> (1994)	BC Environmental Assessment Office
Permit approving the Work System and Reclamation Program (Permit M206)	July 12, 1996	<i>Mines Act</i> (1996f)	BC Ministry of Energy and Mines
Mining Lease (354991)		<i>Mineral Tenure Act</i> (1994)	BC Ministry of Energy and Mines
Effluent Discharge Permit (PE 15335):	December 8, 1998	<i>Waste Management Act</i> ⁵ (1996h) Municipal Sewage Regulation (BC Reg. 129/99)	BC Ministry of Environment
Solid Waste Permit (PR 14928)	September 9, 1997	<i>Waste Management Act</i> (1996h) Municipal Sewage Regulation (BC Reg. 87/2012)	BC Ministry of Environment
Water License (Conditional) (C110454): Kemess Lake	Re-issued July 23, 2015	<i>Water Act</i> (1996g), <i>Water Protection Act</i> (1996j)	BC Ministry of Forests, Lands and Natural Resource Operations
Water License (Conditional) (C118554): East Kemess Creek, South Kemess Creek, Kemess Creek, Serrated Creek and Attichika Creek	Re-issued July 23, 2015	<i>Water Act</i> (1996g), <i>Water Protection Act</i> (1996j)	BC Ministry of Forests, Lands and Natural Resource Operations
Road Use Permit (RUPOTHO 8003): Omineca Resource Access Road		<i>Forest Act</i> (1996a)	BC Ministry of Forests, Lands and Natural Resource Operations (bonding by MOTI)
Special Use Permit (S24513): Access roads to the power line	October 26, 2006	<i>Forest Practices Code of British Columbia Act</i> (1996b) Provincial Forest Use Regulations (BC Reg. 176/95)	BC Ministry of Forests, Lands and Natural Resource Operations

(continued)

⁵ *Waste Management Act*, RSBC 1996, Chapter 482, repealed by the *Environmental Management Act*, SBC 2003, Chapter 53, Section 174, effective July 8, 2004.

Table 2.4-1. Existing Kemess South Mine Authorizations (completed)

Authorization	Date Issued	Statute	Authorized by
Provincial (<i>cont'd</i>)			
License of Occupation (703497): Power line alignment	February 4, 1997	<i>Land Act</i> (1996e)	BC Ministry of Forests, Lands and Natural Resource Operations
Special Waste Generator Identification number: BCG07761	February 18, 1998	<i>Waste Management Act</i> (1996h), <i>Hazardous Waste Regulation</i> (BC Reg. 63/88)	BC Ministry of Environment
Gas Permits (2172133)	October 31, 2015	<i>Safety Standards Act</i> (2003b)	BC Safety Authority
Boiler, Pressure Vessel and Refrigeration Permit (Various)	February 12, 2015	<i>Safety Standards Act</i> (2003b)	BC Safety Authority
Food Premises Permit (36704)		<i>Public Health Act</i> (2008), <i>Food Premises Regulation</i> (BC Reg. 210/99)	BC Ministry of Health; Northern Health Authority
Source Water Approval (Potable Water)	June 29, 2015	<i>Drinking Water Protection Act</i> (2001)	Northern Health Authority
Federal			
Radio License (1985c)		<i>Radiocommunication Act</i> (1985c)	Industry Canada
Nuclear Substances License - Fixed gauges (15710-1-17.0)	Re-issued November 10, 2015	<i>Nuclear Safety and Control Act</i> (1997)	Canadian Nuclear Safety Commission
Explosives Magazine License (BC-682): The main magazine storage of explosives and detonators including avalanche control explosives and detonators	Re-issued July 3, 2015	<i>Explosives Act</i> (1985b)	Natural Resources Canada
Corporate Firearm Licence (11750426.0010)	August 4, 2018	<i>Firearms Act</i> (1998) <i>Authorizations to Carry Restricted Firearms and Certain Handguns Regulations</i> (SOR/98-207)	Justice Canada

Table 2.4-2. Anticipated Provincial and Federal Authorizations, Licences, and Permits Required for Kemess Underground Project

Permit/Authorization	Legislation/Regulation	Authorized by
Federal		
Explosives Magazine Licence (Section 7; Section 145 Explosives Regulations, 2013)	<i>Explosives Act</i> (1985a)	Natural Resources Canada
Explosives Storage and Use	<i>Explosives Act</i> (1985a)	Natural Resources Canada; BC Ministry of Energy and Mines
Provincial		
Permit approving the Work System and Reclamation Program (Section 10)	<i>Mines Act</i> (1996f)	BC Ministry of Energy and Mines
Mining Lease	<i>Mineral Tenure Act</i> (1994)	BC Ministry of Energy and Mines
Air Emissions Discharge Permit	<i>Environmental Management Act</i> (2003a)	BC Ministry of Environment
Effluent Discharge Permit	<i>Environmental Management Act</i> (2003a)	BC Ministry of Environment
Solid Waste Discharge to Environment (Section 14)	<i>Environmental Management Act</i> (2003a)	BC Ministry of Environment
License of Occupation (Section 39) and Statutory Right-of-Way (Section 40)	<i>Land Act</i> (1996d)	BC Ministry of Forests, Lands and Natural Resource Operations
Occupant License to Cut	<i>Forest Act</i> (1996a)	BC Ministry of Forests, Lands and Natural Resource Operations
Water Licence (Diversion, Storage, Use)	<i>Water Act</i> (1996i)	BC Ministry of Forests, Lands and Natural Resource Operations
Approval or Notification of “changes in or about a stream” (Section 9)	<i>Water Act</i> (1996i); <i>Water Regulation</i>	BC Ministry of Forests, Lands and Natural Resource Operations
Heritage Inspection Permit	<i>Heritage Conservation Act</i> (1996c)	BC Ministry of Forests, Lands and Natural Resource Operations - Archaeology Branch
Hazardous Waste Registration	<i>Environmental Management Act</i> (2003a), Hazardous Waste Regulation (BC Reg. 63/88)	BC Ministry of Environment
Road Use Permit	<i>Forest Act</i> (1996a)	BC Ministry of Forests, Lands and Natural Resource Operations
Wildlife Salvage and Removal - General Permit (Section 19)	<i>Wildlife Act</i> (1996k)	BC Ministry of Environment

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- 1996b. *Forest Practices Code of British Columbia Act*, RSBC. C. 159.
- 1996c. *Heritage Conservation Act*, RSBC. C. 187.
- 1996d. *Land Act*, RSBC. C. 245.
- 1996e. *Land Act*, RSBC 1996. C. 245.
- 1996f. *Mines Act*, RSBC. C. 293.
- 1996g. *Motor Vehicle Act*, RSBC. C. 318.
- 1996h. *Waste Management Act*, RSBC. C. 482.
- 1996i. *Water Act*, RSBC. C. 483.
- 1996j. *Water Protection Act*, RSBC. C. 485.
- 1996k. *Wildlife Act*, RSBC. C. 488.
1997. *Nuclear Safety and Control Act*, SC. C. 9.
1998. *Firearms Act*, SC 1995. C. 39.
2001. *Drinking Water Protection Act*, SBC. C. 9.
2002. *Environmental Assessment Act*, SBC. C. 43.
- 2003a. *Environmental Management Act*, SBC. C. 53.
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