



Government
of Canada

Gouvernement
du Canada

Major Projects Management Office
Bureau de gestion des grands projets



Guide to Preparing a Project Description for a Major Resource Project

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Canada

Acknowledgements

The Major Projects Management Office Initiative was established by the Government of Canada in order to improve the performance of the regulatory system for major resource projects by creating a more efficient, effective, predictable, accountable, and transparent regulatory review process.

The Initiative is a collaborative effort among key departments and agencies that are responsible for the regulatory review of major resource projects. These departments and agencies include:

- Canadian Nuclear Safety Commission
- Environment Canada
- National Energy Board
- Fisheries and Oceans Canada
- Natural Resources Canada
- Indian and Northern Affairs Canada
- Canadian Environmental Assessment Agency
- Transport Canada

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INTRODUCTION

The Government of Canada is committed to improving the federal regulatory system for major resource projects¹ as a means of enabling a more effective examination and mitigation of environmental impacts. At the same time, the Government is dedicated to promoting innovation and competitiveness within the resource industry sectors of the Canadian economy. The federal regulatory system refers to the environmental assessment (EA) and regulatory review process, including: the permitting, licencing and authorizations that allow physical work or operations to commence; follow-up and compliance monitoring; and, enforcement throughout the life-cycle of a project.

In 2007, the Government of Canada launched the Major Projects Management Office (MPMO) Initiative by issuing the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* (i.e., the “Cabinet Directive”). This initiative marks a new approach to the federal regulatory review of major resource projects.

The Office is dedicated to providing overarching project management and accountability, and to working collaboratively with federal departments and agencies to foster improvements in the federal regulatory system. The Major Projects Deputy Ministers’ Committee, in concert with its supporting senior-level committees, oversees the implementation of the Cabinet Directive and provides executive leadership in directing improvements to the performance of the federal regulatory system. Further, the Deputy Ministers’ Committee has an oversight responsibility in relation to project-specific regulatory reviews.

The objective of the Cabinet Directive is to improve the efficiency and effectiveness of the regulatory system for major resource projects. *The Guide to Preparing a Project Description for a Major Resource Project* (i.e., the “Guide”) supports this goal by providing a greater degree of certainty and consistency regarding the information required to formally launch a federal EA of a proposed major resource project, as stipulated under the *Canadian Environmental Assessment Act (CEA Act)*. For the purposes of major resource projects under the MPMO Initiative, the Guide replaces the Canadian Environmental Assessment Agency (CEA Agency) Operational Policy Statement (OPS) “Preparing a Project Description under the *CEA Act*”. The CEA Agency OPS will continue to apply to non-major resource projects.

The *CEA Act* applies where a federal authority contemplates certain actions or decisions in relation to a major resource project that would enable such an undertaking to proceed, either in whole or in part. A federal EA may be required when a federal authority:

- is the proponent of a project;
- provides financial assistance to a project;
- sells, leases or otherwise disposes of federal lands; or

¹ A *Guide to Identifying a Major Resource Project* is available on the MPMO website at www.mpmo-bggp.gc.ca

- issues a permit, licence or any other approval as prescribed in the *Law List Regulations*.²

PURPOSE OF THE GUIDE

The Guide specifies the information that is required in a major resource project description to:

- Identify the federal authorities that are likely to have regulatory responsibilities in relation to a project, and what regulatory approvals, licences, permits, and/or authorizations may be required.
- Determine whether an EA may be required under the *CEA Act* and, if so, commence the EA.
- Identify the federal authorities that may have other duties, interests or supporting roles in the EA or regulatory review process.
- Identify the federal authorities that may be required to engage, and, where appropriate, consult with Aboriginal groups in respect of the project.
- Inform a preliminary determination of the scope of the project for the purposes of a federal EA³ if one is commenced, and the associated type of EA.
- Facilitate, as much as possible, the coordination of the EA and regulatory review process with any provincial regulatory and EA requirements that may apply to the proposal.

It is recognized that the commencement of an EA may be based on early and possibly incomplete project information. As such, the involvement of federal authorities in an EA may be based on a preliminary determination that federal regulatory approvals and the associated EA are likely to be required in relation to a project. EA requirements (including the scope and the type of EA) may have to be revised as more information is obtained at later stages of the regulatory process.

Proponents are advised that by providing more detailed information at the front end of the regulatory process, they are reducing the risk of a change in the regulatory approvals that may be required, as well as the requirement for an EA, scope of project, and the extent of information that may be required to complete an EA. The provision of

² The Canadian Environmental Assessment Agency has updated and reissued the *Annotated Law List* under the *Canadian Environmental Assessment Act*. This document can be obtained at: http://www.ceaa.gc.ca/013/lawlist08_e.pdf

³ Consistent with the *Interim Approach for Determining Scope of Project for Major Development Proposals with Specific Regulatory Triggers under the Canadian Environmental Assessment Act*.

complete and quality information in relation to the individual mandates of federal authorities is necessary to facilitate a more predictable and timely EA and regulatory review process.

PRE-SUBMISSION

EARLY ENGAGEMENT WITH FEDERAL AUTHORITIES BEFORE SUBMITTING A PROJECT DESCRIPTION

It is essential for proponents to communicate directly with federal authorities with a potential interest early in the project development process. The objective of early engagement is to support a more timely and efficient EA and regulatory review process. When federal authorities are involved early in the project development process, they may be able to provide information to the proponent to meet the Government of Canada's environmental assessment and regulatory requirements.

In addition to direct communications with federal authorities, another key early engagement activity will be a meeting between the proponent and the federal authorities with a potential interest in the project. This meeting will be organized by the MPMO in collaboration with the Canadian Environmental Assessment Agency or with the Canadian Nuclear Safety Commission or the National Energy Board where applicable. It will be an important opportunity to discuss issues and/or questions that may arise in the preparation of a project description (such as information requirements, the identification of any likely federal regulatory approvals required for the project to proceed) and questions related to the EA and regulatory review process.

The proponent should also contact the provincial government(s) to determine project information requirements relevant to provincial authorities.

PREPARING A PROJECT DESCRIPTION

The proponent should provide the information requested in this document that is relevant to its particular project. The quality and completeness of the project description has a direct bearing on the ability of federal authorities to determine whether they are likely to have any regulatory responsibilities and, if they do, to develop a plan to discharge their statutory duties and obligations in a coordinated, concurrent and effective manner. The Guide outlines information that is required to determine whether federal authorities may have regulatory responsibilities in relation to the project that may require an EA under the *CEA Act*, the scope of the project to be assessed, and to facilitate the development of a Project Agreement among federal authorities that will outline the milestones and target timelines for the federal EA and regulatory review process. The start of an EA may be delayed if the information provided is incomplete.

More information about the project and its potential environmental effects will be required by federal authorities at later stages of the regulatory process (e.g., in the Environmental Impact Statement and/or regulatory applications). The provision of timely and complete information is necessary to facilitate a more efficient and predictable process. Appendix B provides links to guidance materials relating to possible future information requirements.

CONFIDENTIALITY

The project description, including any annexes and appendices, will be circulated to relevant government departments and agencies. A summary of the project and a link or electronic copy of the document will be made publicly available on the MPMO website (www.mpmo-bggp.gc.ca). Copies of the project description may be provided to interested parties. If the confidentiality of any information is an issue, it should be discussed with the MPMO prior to submission.

The Government of Canada accepts no liability whatsoever for any claim that might in any way arise as a consequence of the Government of Canada's handling, use, publication, or release of the project description, or the information contained therein, either in whole or in part. The proponent is wholly responsible to ensure that the project description is substantially accurate and that nothing contained in it is subject to any confidentiality requirements. Do not provide confidential, personal or proprietary information that should not be made accessible to the public.

The release of information by Government of Canada officials is governed by specific federal legislation, including: the *Access to Information Act*; the *Privacy Act*; the *Official Languages Act*; the *Species at Risk Act* (under s. 124); the *Nuclear Safety and Control Regulations* (under s. 21 and 22) and the *Canadian Environmental Assessment Act* (under s. 55.5 and in reference to s. 27, 28, and 44 of the *Access to Information Act*).

1. GENERAL INFORMATION AND CONTACT(S)

1.1 Provide a general description of the project (2-3 paragraphs)

1.2. Proponent contact information

- 1.2.1. Name of proponent
- 1.2.2. Address of proponent
- 1.2.3. Chief Executive Officer or equivalent (include name, official title, e-mail address and telephone number)
- 1.2.4. Principal contact person for purposes of the EA (include name, official title, e-mail address and telephone number)

2. PROJECT INFORMATION

The proponent should provide the following information to the extent that it is available or applicable.

2.1. Location

- 2.1.1. Provide project coordinates (i.e. longitude/latitude using international standard representation in degrees, minutes, seconds) for the centre of the facility or, if for a linear project, provide the beginning and end points.
- 2.1.2. Provide a site map/plan(s) depicting location of the main project components and activities. The map/plan(s) should be at an appropriate scale to help determine the relative size of the proposed components and activities, and to allow federal authorities to locate the work site.
- 2.1.3. Provide map(s) at an appropriate scale showing the location of the project components and activities relative to existing features, including but not limited to:
 - Watercourses/waterbodies with names where they are known (include width and depth at proposed project site(s))
 - Linear and other transportation components (e.g., airports, ports, railways, roads, electrical power transmission lines and pipelines)
 - Other features of existing or past land use (e.g., archaeological

- sites, commercial development, houses, industrial facilities, residential areas and any waterborne structures)
- Location of Aboriginal groups, First Nation land, reserve land, and, if available, traditional territory
- Federal land
- National parks
- National historic sites
- Nearby communities
- Fishery and fishing areas (i.e., Aboriginal, commercial and recreational)
- Environmentally sensitive areas (e.g., wetlands, and protected areas including migratory bird sanctuary reserves, marine protected areas, National Wildlife areas, and priority ecosystems as defined by Environment Canada)

2.1.4. Provide photographs of work locations to the extent possible.

2.2. Components and activities

A description of the components and activities associated with the project and interactions with the environment will assist federal authorities to determine the potential requirement for regulatory approvals and, subsequently, the potential requirement for an EA. This will also assist federal authorities to determine the preliminary scope of the project to be assessed. Describe the project components and activities that are being considered for the proposed project including:

- 2.2.1. Major physical features of the undertaking (e.g., large buildings, other structures such as bridges, culverts, dams, marine transport facilities, mines, pipelines, power plants, railways, roads, and transmission lines,) and their approximate dimensions. Also include existing structures or related activities that will form part of the project or are required to accommodate or support it.
- 2.2.2. Area to be affected by the undertaking (i.e., project footprint and zone of influence).
- 2.2.3. Anticipated size or production capacity of the project, with reference to thresholds from the *Comprehensive Study List Regulations*⁴.
- 2.2.4. If the proposed project is an expansion, the percent increase in size/capacity from the existing project (relative to the thresholds from the *Comprehensive Study List Regulations*).

⁴ <http://laws.justice.gc.ca/en/showtdm/cr/SOR-94-638>

- 2.2.5. State if the project will involve constructing a pipeline or international electrical transmission line greater than 40 km in length regulated by the National Energy Board (NEB).

2.3. Emissions, discharges and waste

Provide a description of the expected type and quantity of emissions, discharges and wastes that might result from the project including:

- 2.3.1. Sources of atmospheric contaminant emissions during the phases of the project (focusing on criteria air contaminants and greenhouse gases, or other non-criteria contaminants that are of potential concern) and location of emissions.
- 2.3.2. Sources of liquid discharges and location of discharges.
- 2.3.3. Types of wastes and plans for their disposal (e.g., landfill, licenced waste management facility, marine waters, or tailings containment facility).

2.4. Site preparation⁵, construction, commissioning, operation, and decommissioning and abandonment phases and scheduling

Describe the timeframe in which the development is proposed to occur and the key project phases including:

- 2.4.1. Anticipated scheduling/duration/staging of key project phases including preparation of the site, construction, commissioning, operation, and decommissioning and abandonment.
- 2.4.2. Main activities in each phase of the project that are expected to be required to carry out the proposed development (e.g., activities during site preparation or construction might include, but are not necessarily limited to, land clearing, excavating, grading, de-watering, directional drilling, dredging and disposal of dredged sentiments, infilling, and installing structures).

2.5. General physical and biological information requirements

Using existing knowledge and available information, provide an overview of the following:

- 2.5.1. Physical and biological components in the area likely to be affected by the project (i.e., air, fish, terrain, vegetation, water, wildlife including

⁵ The Canadian Nuclear Safety Commission requires a separate application for and issuance of a licence to prepare a site and a licence for the construction of a Class I nuclear facility

migratory birds, and known habitat use).

- 2.5.2. Potential or known plant and wildlife species in the project area, which are listed under the *Species at Risk Act* (SARA) or other provincial or territorial endangered species legislation, and critical habitat that are likely to be affected by the project.

(Refer to the Species at Risk Registry⁶ web mapping application to help determine the presence of SARA Schedule 1 species⁷ (i.e., endangered, threatened, and special concern risk categories) in any region of Canada)

2.6. Alternatives

- 2.6.1. Describe any alternatives (i.e., siting, arrangement, technology, etc.) under consideration.

3. LAND AND WATER USE

To the extent that is known at this time, describe the ownership and zoning of land and water that may be affected by the project, including:

- 3.1. Zoning designations
- 3.2. Legal description of land and/or water lot
- 3.3. Current land ownership, including sub-surface rights
- 3.4. Describe any applicable land use, water use (including ground water), resource management or conservation plans within and near the project site.
- 3.5. For the proposed construction, decommission or abandonment of a marine terminal, state whether or not the lands are routinely, and have been historically, used as a marine terminal or that are designated for such use in a land-use plan that has been the subject of public consultation.
- 3.6. Describe if the project is to take place within the waters or lands administered by a Canada Port Authority under the *Canada Marine Act* regulations. Describe applicable land status and zoning under the Port land use plan.
- 3.7. Provide information on any granting of interest in federal land, including reserve land that may be required for the project (i.e., easement, right of way, or transfer of ownership).
- 3.8. State if the project is going to require access to, use or occupation of, or the exploration, development and production of, Aboriginal lands and/or resources.

⁶ <http://www.sararegistry.gc.ca>

⁷ http://www.sararegistry.gc.ca/sar/listing/schedules_e.cfm?id=1

4. COMPANY ENGAGEMENT/CONSULTATION WITH ABORIGINAL GROUPS

Experience has shown that engagement with Aboriginal groups early in the planning and design phases of a proposed project can benefit all concerned. Conversely, there have been cases where failure to participate in a process of early engagement has led to avoidable project delays and increased costs to proponents. Although only the Crown is legally obligated to consult with Aboriginal groups concerning the possible adverse effects of Crown actions with respect to proposed projects on established or potential Aboriginal rights, early engagement with Aboriginal groups by the proponent can yield a number of positive results. Those benefits include: enhancing relationships, promoting trust, improving the understanding by Aboriginal groups of the project, and assisting the proponent to understand the interests and concerns of those living in the affected region. With this understanding and information, the proponent can begin to discuss practical strategies for maximizing the project's potential positive impacts, and eliminating or mitigating its potential negative consequences.

Proactively discussing project-related issues and concerns with Aboriginal groups before a Project Description is submitted to the MPMO can also facilitate a more effective and efficient regulatory review process. In addition, when assessing its consultation obligations, the Crown may take into account the engagement/consultation activities undertaken by other parties associated with the proposed project, including the proponent.

Prior to providing the information requested below, proponents should review the guidance document *Early Aboriginal Engagement: A Guide for Proponents of Major Resource Projects* located on the MPMO website.

- 4.1. Provide a list of Aboriginal groups that may be interested in, and/or potentially affected by, the project, including contact information (location, name, address, email/fax and telephone numbers).
- 4.2. Describe engagement/consultation activities carried out to date with Aboriginal groups, including:
 - Names of Aboriginal groups consulted to date with regard to the project
 - Date(s) each Aboriginal group was engaged/consulted
 - Means of engagement/consultation (e.g., community meetings, mail or telephone)
- 4.3. Provide an overview of key comments and concerns expressed by Aboriginal groups identified/engaged to date, including any responses provided to these groups.
- 4.4. Where possible, provide an overview of information on traditional or heritage use by Aboriginal groups/peoples (e.g., information provided verbally or in writing, and/or past or present studies).

- 4.5. Provide an overview of any ongoing and/or proposed Aboriginal engagement/consultation activities and the general schedule for these activities (or, alternatively, an indication of why such engagement/consultation is not required).

5. STAKEHOLDER CONSULTATION (OTHER THAN ABORIGINAL ENGAGEMENT INCLUDED ABOVE)

- 5.1. Provide a list of stakeholders that may be interested and potentially affected by the project. In addition, please describe consultation activities carried out to date with stakeholders, including:
- Names of stakeholders previously engaged
 - Date(s) each stakeholder was engaged
 - Means of engagement (e.g., community meetings, mail or telephone)
- 5.2. Provide an overview of key comments and concerns expressed to date by stakeholders, and any responses that have been provided.
- 5.3. Provide an overview of any ongoing and/or proposed stakeholder consultation activities.

6. FEDERAL FUNDING

- 6.1. Describe if there is any proposed or anticipated federal funding associated with the project (if applicable).

7. QUESTIONS RELEVANT TO COMMON FEDERAL TRIGGERS

The following table relates to regulatory triggers that frequently apply to major resource projects. These include:

- **subsection 127(1) of the *Canadian Environmental Protection Act, 1999***

Decision by the Minister of Environment to issue any permit under the ocean disposal provisions of the Act. These include permits to dispose of substances in waters over which Canada exercises jurisdiction, and permits for Canadian vessels or vessels loaded in Canada to dispose of substances in foreign or international waters. Such permits may be issued only where, among other things, the proposed disposal has undergone an assessment in accordance with Schedule 6 to the Act.

- **subsection 10(1) of the *International River Improvements Regulations***

Licence issued by the Minister of the Environment for any water projects in international waters, which licence cannot be for more than 50 years, and after which time another licence for the same duration may be issued.

- **subsection 7(1) of the *Explosives Act***

Licence issued by the Minister of Natural Resources for an explosives factory (manufacture) and magazine (storage).

- **section 32 of the *Fisheries Act***

Authorization by the Minister of Fisheries and Oceans or under regulations made by the Governor in Council for the destruction of fish by any means other than by fishing.

- **subsection 35(2) of the *Fisheries Act***

Authorization by the Minister of Fisheries and Oceans or under regulations made by the Governor in Council to cause the harmful alteration, disruption or destruction of fish habitat in the course of carrying out a work or undertaking.

- **paragraphs 36(5)(a) to (e) of the *Fisheries Act*** where the regulation made pursuant to those paragraphs contain a provision that limits the application of the regulation to a named site.

Site-specific regulations by the Governor in Council authorizing the deposit of deleterious substances. This provision most frequently relates to the scheduling of natural waters frequented by fish to be used as a tailings impoundment area under the *Metal Mining Effluent Regulations*.

- **paragraph 5(1)(a) and 6(4) of the *Navigable Waters Protection Act***

Approval by the Minister of Transport of the plans and site for any work to be built or placed on, over, under, through or across a navigable waterway.

- **section 108(4) of the *National Energy Board Act***

Leave granted by an appropriate authority to construct a pipeline across a navigable water, railway, highway, underground cable line or other utility.

Proponents should review the *Law List Regulations* for a complete list of federal statutory and regulatory approvals that trigger the requirement for an EA.

Please provide the information requested in the table below (as applicable).

For projects that could involve the Canadian Nuclear Safety Commission, the proponent should also refer to the information requested in Annex A.

ENVIRONMENT CANADA
<i>Canadian Environmental Protection Act</i>
<ul style="list-style-type: none"> • Would this project involve any of the following activities: <ul style="list-style-type: none"> ○ Dredge or fill operations which would result in the disposal of dredged material at sea? ○ Seafloor disturbance and/or the disposal of any substance at sea? ○ Disposal of any other substance into marine waters? • If “Yes”, describe the material and the proposed disposal site.
<i>International River Improvements Regulations</i>
<ul style="list-style-type: none"> • Identify any proposed works or undertakings that will occur on international rivers or watercourses as defined by the <i>International Rivers Improvement Regulations</i>.

FISHERIES AND OCEANS CANADA
<i>Fisheries Act</i>
<p>No one may carry out any work or undertaking that prevents fish passage, results in fish mortality (other than by fishing activities), results in the harmful alteration, disruption or destruction (HADD) of fish habitat or results in the deposit of deleterious substances into fish-frequented waters without proper authority under the <i>Fisheries Act</i>.</p> <ul style="list-style-type: none"> • Are fish (including aquatic species at risk) present at the site, upstream, or downstream? • Is fish habitat present at the site, upstream, or downstream? • Will any of the components or activities associated with the project affect fish and/or fish habitat in any of the following ways? In each case, explain why: <ul style="list-style-type: none"> ○ Interfere with the passage of fish? ○ Result in the mortality to fish by means other than fishing? ○ Affect the flow or level of fish-frequented waters such that fish and/or fish habitat may be impacted?

- Cause the harmful alteration, disruption or destruction (HADD) of fish habitat?
- If the answer to any of the above questions is yes, describe what measures are being contemplated to avoid or mitigate impacts.
- If no authorization under the *Fisheries Act* is anticipated, describe why.
- Does the development involve the proposed deposit in waters frequented by fish of effluent or waste rock as provided for under the *Metal Mining Effluent Regulations*? If “Yes”, describe the proposed disposal area including if it is fish frequented, its origin (e.g., natural or anthropogenic in origin), and whether it is confined by anthropogenic or natural structures.

NATURAL RESOURCES CANADA

Explosives Act

- Will the project involve the manufacture and storage of explosives?
 - If “Yes”, answer the following questions and provide an explanation in each case:
 - Is a factory to make explosives required at or near the site?
 - Will this project use an existing factory licence for its operation?
 - Will a temporary explosives factory be used for the project?

TRANSPORT CANADA

Navigable Waters Protection Act

Transport Canada administers the *Navigable Waters Protection Act* (NWPA), which regulates the construction of works built or placed in, on, over, under, through or across any navigable water, and provides a legal framework to deal with obstacles and obstructions to navigation.

- Are new works or undertakings proposed to take place in, on, over, under, through or across any navigable water?
- Are existing works that were not previously authorized under the NWPA to be modified on a watercourse or water body?
 - If “Yes”, to either of the above questions, indicate and/or provide to the best

extent that it is known at this time:

- Description of work (e.g., bridge, boom, dam, culvert causeway, wharf, pier, jetty, docking/trans-shipment facility, water intake, pipeline crossing) including approximate dimensions
- Description of any associated activities (e.g., dredging, alteration of water bed and/or water banks)
- Description of any ancillary and temporary works (e.g., cofferdams, detours, fencing, or temporary bridges) including approximate dimensions
- Name of watercourse or water body
- How water flow and level will be altered
- If the size of vessel to be handled at any proposed marine terminal will be larger than 25 000 Dead Weight Tonnes (DWT)
- Measures being contemplated to avoid affecting navigation
- Contingency plans for Horizontal Direct Drilling
- Any known navigational use of the watercourse or water body
- Photos taken upstream, downstream, and across the watercourse or water body of proposed crossing

SUBMITTING A PROJECT DESCRIPTION

The Project Description can be sent by email to mpmo-bggp@nrcan-rncan.gc.ca or by mail to:

Attention: Director General, MPMO Operations
Major Projects Management Office
55 Murray Street, 6th Floor
Ottawa, ON K1N 5M3

For more information: www.mpmo-bggp.gc.ca

APPENDIX A – INFORMATION SPECIFIC TO PROJECTS REGULATED BY THE CANADIAN NUCLEAR SAFETY COMMISSION

Identify if any of the following activities will occur:

- Preparing the site for the construction, operation, de-commissioning or abandonment of a nuclear power plant, a uranium mine or uranium processing facility (as defined in the *Nuclear Safety and Control Act*).
 - If “Yes”, in addition to submitting a project description to the MPMO, please also submit a licence application to the CNSC:
 - It is imperative that the licence application be submitted on or before the date of submission of the project description, including the submission of fees in accordance with the CNSC *Cost Recovery Fees Regulations*.
- For information on the requirements for submitting a licence application please contact CNSC:

Canadian Nuclear Safety Commission
Headquarters
280 Slater Street
P.O. Box 1046, Station B
Ottawa, ON, K1P 5S9

Telephone: 1-800-668-5284 (in Canada) or 613-995-5894 (outside Canada)
www.nuclearsafety.gc.ca

APPENDIX B – LINKS TO GUIDANCE MATERIAL FOR ADDITIONAL INFORMATION THAT MIGHT BE REQUIRED DURING THE EA AND/OR REGULATORY REVIEW PROCESS

Canadian Nuclear Safety Commission

Information on the licensing process administered by the Canadian Nuclear Safety Commission, or regulatory requirements under the *Nuclear Safety and Control Act*

- <http://www.nuclearsafety.gc.ca/eng/licenseesapplicants/licensingprocess/>

Environment Canada

Information about tailings and waste required for the *Metal Mining Effluent Regulations* under the *Fisheries Act*

- <http://www.ec.gc.ca/nopp/docs/regs/mmer/en/index.cfm>.

Information on the *Canadian Environmental Protection Act*

- http://www.ec.gc.ca/CEPAREgistry/the_act/

Information on listed substances

- http://www.ec.gc.ca/pdb/npri/npri_si_e.cfm

Information on the Disposal at Sea provisions of the *Canadian Environmental Protection Act*

- Refer to Part 7, Division 3 of the Act and Schedules 5 and 6 or contact the nearest Environment Canada regional office.

Environment Canada's SARA Public Registry

- http://www.sararegistry.gc.ca/default_e.cfm.

Information on all listed species in Canada

- http://www.speciesatrisk.gc.ca/search/default_e.cfm

Fisheries and Oceans Canada

The *Proponent's Guide to Information Requirements for Review under the Habitat Provisions of the Fisheries Act*

- <http://www.dfo-mpo.gc.ca/habitat/role/141/1415/14155/requirements-exigences/index-eng.asp>

Application for authorization for works or undertakings affecting fish habitat

- <http://laws.justice.gc.ca/en/showdoc/cr/SOR-93-53/sc:6/en#anchorsc:6>

National Energy Board

The NEB Filing Manual provides guidance to what information is required during the NEB's EA and regulatory review process

- <http://www.neb-one.gc.ca/clf-nsi/rpblctn/ctsndrgltn/flngmnl/flngmnl-eng.html>

Natural Resources Canada

Questionnaire for the proponent to provide details on the manufacture and storage of explosives

- <http://www.nrcan-rncan.gc.ca/mms-smm/expl-expl/env-env-eng.htm>

Transport Canada

Application requirements for an approval under the NWPA

- <http://www.tc.gc.ca/marinesafety/oep/nwpp/guide.htm#03>

APPENDIX C – COMMON ACRONYMS AND ABBREVIATIONS

CEA Act	<i>Canadian Environmental Assessment Act</i>
CEA Agency	Canadian Environmental Assessment Agency
CEPA	<i>Canadian Environmental Protection Act</i>
CNSC	Canadian Nuclear Safety Commission
DFO	Fisheries and Oceans Canada
EA	Environmental Assessment
EC	Environment Canada
INAC	Indian and Northern Affairs Canada
IRIA	<i>International River Improvements Act</i>
MBCA	<i>Migratory Birds Convention Act</i>
MPMO	Major Projects Management Office
NEB	National Energy Board
NRCan	Natural Resources Canada
NWPA	<i>Navigable Waters Protection Act</i>
NWPP	Navigable Waters Protection Program
SARA	<i>Species at Risk Act</i>

APPENDIX D – GLOSSARY

Aboriginal groups include communities of Indian, Inuit and Métis peoples that hold or may hold Aboriginal or treaty rights under section 35 of *The Constitution Act, 1982*.

Comprehensive Study List Regulations are regulations that list projects or classes of projects that must undergo a comprehensive study type of environmental assessment because it has been determined that they will likely have significant environmental effects.

Disposal, as defined in the *Canadian Environmental Protection Act* means (a) the disposal of a substance at sea from a ship, an aircraft, a platform or another structure, (b) the disposal of dredged material into the sea from any source not mentioned in paragraph (a), (c) the storage on the seabed, in the subsoil of the seabed or on the ice in any area of the sea of a substance that comes from a ship, an aircraft, a platform or another structure, (d) the deposit of a substance on the ice in an area of the sea, (e) the disposal at sea of a ship or aircraft, (f) the disposal or abandonment at sea of a platform or another structure, and (g) any other act or omission that constitutes a disposal under regulations made under paragraph 135(3)(c), but does not include (h) a disposal of a substance that is incidental to or derived from the normal operations of a ship, an aircraft, a platform or another structure or of any equipment on a ship, an aircraft, a platform or another structure, other than the disposal of substances from a ship, an aircraft, a platform or another structure operated for the purpose of disposing of such substances at sea, (i) the placement of a substance for a purpose other than its mere disposal if the placement is not contrary to the purposes of this Division and the aims of the Convention or the Protocol, (j) the abandonment of any matter, such as a cable, pipeline or research device, placed on the seabed or in the subsoil of the seabed for a purpose other than its mere disposal, or (k) a discharge or storage directly arising from, or directly related to, the exploration for, exploitation of and associated off-shore processing of seabed mineral resources.

Environmental effect, as defined in the *CEA Act*, means, in respect of a project,

- (a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the *Species at Risk Act*,
- (b) any effect of any change referred to in paragraph (a) on:
 - (i) health and socio-economic conditions;
 - (ii) physical and cultural heritage;
 - (iii) the current use of lands and resources for traditional purposes by Aboriginal persons;

- (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or
- (c) any change to the project that may be caused by the environment, whether any such change or effect occurs within or outside Canada.⁸

Federal Authority means

- (a) a Minister of the Crown in right of Canada;
- (b) an agency of the Government of Canada, a parent Crown corporation, as defined in subsection 83(1) of the *Financial Administration Act*, or any other body established by or pursuant to an Act of Parliament that is ultimately accountable through a Minister of the Crown in right of Canada to Parliament for the conduct of its affairs;
- (c) any department or departmental corporation set out in Schedule I or II to the *Financial Administration Act*, and
- (d) any other body that is prescribed pursuant to regulations made under paragraph 59(e),

but does not include the Executive Council of — or a minister, department, agency or body of the government of — Yukon, the Northwest Territories or Nunavut, a council of the band within the meaning of the *Indian Act*, Export Development Canada, the Canada Pension Plan Investment Board, a Crown corporation that is a wholly-owned subsidiary, as defined in subsection 83(1) of the *Financial Administration Act*, The Hamilton Harbour Commissioners as constituted pursuant to *The Hamilton Harbour Commissioners' Act*, a harbour commission established pursuant to the *Harbour Commissions Act*, a not-for-profit corporation that enters into an agreement under subsection 80(5) of the *Canada Marine Act* or a port authority established under that Act.

Federal regulatory system means the environmental assessment process (i.e., the project planning stage), the regulatory review process including the permitting, licencing and authorizations that allow physical work to be initiated or operations to commence, follow-up and compliance monitoring and enforcement throughout the life-cycle of a project.

First Nation land means reserve land to which a land code applies and includes all the interests or rights in, and resources of, the land that are within the legislative authority of Parliament.

Fish, as defined in the *Fisheries Act*, includes parts of fish, shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals and the

⁸ Environmental effects of a project include the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects likely to result from the project in combination with other projects or activities that have been or will be carried out.

eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.

Fish habitat, as per the *Fisheries Act*, means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Fishery, as per the *Fisheries Act*, includes the area, locality, place or station in or, on which, a net, pound, seine, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in, or from which, fish may be taken by the said net, pound, seine, weir or other fishing appliance, and also the net, pound, seine, weir, or other fishing appliance used in connection therewith.

Fishing, as per the *Fisheries Act*, means fishing for, catching or attempting to catch fish by any method.

International river means water flowing from any place in Canada to any place outside Canada.

Law List Regulations identify those federal statutory and regulatory approvals that will trigger an environmental assessment. Under the Canadian Environmental Assessment Act, an environmental assessment is required before a federal authority issues a licence, permit, certificate or other regulatory authorization prescribed in these regulations in order to enable a project to proceed in whole or in part.

Major resource project is a large resource development which is subject to a comprehensive study, a panel review or a large or complex multi-jurisdictional screening. These may include large-scale projects that involve the exploration, exploitation, transformation, use or transportation of natural resources such as hydroelectric facilities, pipelines, or metal, mineral or oil sands mining operations.

Navigable waters comprise of any body of water which is capable, in its natural state, of being navigated by floating vessels of any description for the purpose of transportation, recreation or commerce, including a canal or any other body of water created or altered for public use, as a result of the construction of any work.

Nuclear substances, as defined by the *NSCA*, means:

- deuterium, thorium, uranium or an element with an atomic number greater than 92;
- a derivative or compound of deuterium, thorium, uranium or of an element with an atomic number greater than 92;
- a radioactive nuclide;

- a substance that is prescribed as being capable of releasing nuclear energy or as being required for the production or use of nuclear energy;
- a radioactive by-product of the development, production or use of nuclear energy; and,
- a radioactive substance or radioactive thing that was used for the development or production, or in connection with the use, of nuclear energy.

Project Agreement is the agreement, referred to in the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects*, which describes the roles, obligations and best effort commitments of relevant federal authorities in relation to a specific major resources project.

Proponent, in respect of a project, means the person, body, federal authority or government that proposes the project.

Reserve, as defined by the *Indian Act*, means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band, and except in subsection 18(2), sections 20 to 25, 28, 36 to 38, 42, 44, 46, 48 to 51, 58 to 60 and the regulations made under any of those provisions, includes designated lands.

Responsible Authority, as defined by the *CEA Act* in relation to a project, means a federal authority that is required pursuant to subsection 11(1) to ensure that an environmental assessment of the project is conducted.

Stakeholders are members of the public and special interest groups, federal authorities, provincial or municipal governments, landowners or other parties who have an interest in the proposed project.

Trigger refers to circumstances obliging a federal authority to ensure that an environmental assessment is conducted under the *CEA Act* and its regulations.

Watercourse is a general term that refers to riverine systems such as brooks, creeks, rivers or streams.

Water body is a general term that refers to bays, estuaries, lakes, ponds or marine areas.

Wildlife is defined under the *Species at Risk Act* as a species, subspecies, variety or geographically or genetically distinct populations of *animal, plant or other organism*, other than a bacterium or virus that is wild by nature and is native to Canada or has extended its range into Canada without human intervention and has been present in Canada for at least 50 years.