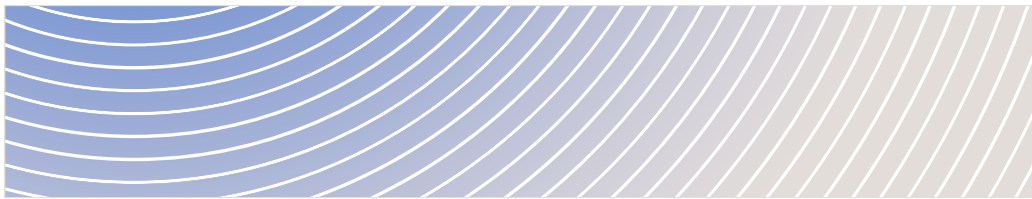


Joint Detailed Permitting Plan



FORDING RIVER EXTENSION PROJECT

JANUARY 2026 (DRAFT)



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada



EAO

Environmental
Assessment Office



1. Introduction and Purpose of the Plan

The Governments of Canada and British Columbia recognize the importance of timely, transparent, and predictable regulatory processes for major projects that align with our economic and environmental objectives. Guided by our *Impact Assessment Cooperation Agreement Between Canada and British Columbia*, Canada and British Columbia work closely in order to advance assessment and permitting processes that are predictable, efficient, and achieve shared objectives.


The purpose of the Joint Detailed Permitting Plan (the Plan) is to describe each permit, authorization and licence (collectively referred to as 'permits') required for Fording River Extension Project (the Project) and the anticipating timing for the submission and review of applications for each. The goal of this Plan is to increase predictability, certainty and transparency regarding the federal and provincial regulatory and permitting processes for the Project.

Given that Elk Vally Resources (EVR) is pursuing a process for the coordinated impact assessment / environmental assessment (assessment) of the proposed Project, the Plan provides an overview of the milestones and timelines for the respective assessments and permitting processes.

The Plan describes:

- The anticipated federal permits that may be required to commence construction of the Project;
- The provincial permits anticipated for all phase of the mine life cycle;
- Known Indigenous and public engagement activities associated with the permits;
- EVR's anticipated dates for submission of permit applications;
- The permitting process timeline;
- Roles and responsibilities of EVR, the Environmental Assessment Office (EAO), the Impact Assessment Agency of Canada (IAAC) and federal and provincial agencies to support an efficient regulatory process and to achieve target timelines and milestones;
- Guidance on the information EVR must provide to inform permit applications; and
- The purpose of each anticipated permit, and key issues identified during the assessment that each permit is expected to address.

Federal departments are prohibited from issuing permits until a positive decision statement is issued by the Minister to the proponent, under Section 8 of the *Impact Assessment Act*. Under Section 8 of the BC *Environmental Assessment Act* (EAA) Provincial decision-makers cannot approve Provincial permits or other authorizations until satisfied that a valid Environmental Assessment Certificate (EAC) is in place. The proponent, however, may develop federal and provincial permit applications and/or apply for permits concurrently with the assessment. Information and



consultation requirements for permitting decisions may be completed at the same time as the assessment and the same information may, in some instances, be used to inform both processes. Collecting and providing permitting information during the assessment process may expedite subsequent decisions, should the assessment decision be positive.

This Permitting Plan (the Plan) does not presuppose a positive outcome on any federal or provincial decision.

The Plan will be updated by IAAC and the EAO, as necessary, based on a review of the Application submitted by the proponent that includes both federal and provincial requirements. Any subsequent revisions to this Permitting Plan will be made publicly available on IAAC's [Canadian Impact Assessment Registry](#) (Registry) and on [EPIC](#). This 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. While this document is meant to guide the federal and provincial permitting processes for the Project, it is not intended to be exhaustive, restrictive, nor legally binding on any of the parties. As such, nothing in this document should be considered to interfere with or fetter the discretion of regulators carrying out their responsibilities. Regulators' obligations and service standards are described elsewhere. In the event of any inconsistency between this plan and regulators' legal obligations, the latter shall prevail.

2. Project Description

The Project is a proposed metallurgical coal mine located approximately 29 kilometres north of Elkford, British Columbia. As proposed, the Project would include project-specific components such as an open pit, waste-rock storage areas, warehouses, maintenance and fueling facilities, access roads, and linkages to existing Fording River Operations' (FRO) power and utilities. The Project would maintain FRO's production capacity of 10 million tonnes per year (27,400 tonnes per day) and is expected to operate over a period of approximately 34 years.

Please note that this project was formerly known as the Castle Project and that the proponent was formerly Teck Coal Limited. The Detailed Project Description for [the proposed project](#) is available on EAO's Project Information Centre (EPIC).

3. Federal and Provincial Permits

Information about federal permits that may be required to begin construction can be found in *Table 2 – Federal Permits that may be required to begin construction*. Federal permits will be tracked on the public permitting dashboard on the Registry.

Information about provincial permits anticipated to be required for the life of the mine can be found in *Table 3 – Provincial Permits anticipated throughout the life of the mine*.


The lists of permits are based on information provided by the proponent, may not be exhaustive and are subject to change. The Governments of Canada and British Columbia may revise the plan to accommodate any changes to the Project or in response to new information from the proponent, federal and provincial departments or other participants in the assessment or permitting processes. Proponents should be aware that other federal and provincial legislation or regulations may apply to their project, including federal permits that may be required during different phases of the Project lifecycle.

4. Engaging and Consulting with Indigenous Groups

The proponent is expected to begin engaging with Indigenous groups as early as possible to establish meaningful relationships built on respect, trust, and collaboration. Refer to [Guidance for proponents: Early engagement with Indigenous Peoples in impact assessments under the Impact Assessment Act - Canada.ca](#) for additional resources. This includes Indigenous groups that may be affected by specific components of a permit (i.e., affected based on the location of a fish habitat compensation plan). Refer to the [EAO's guidance and policy materials related to environmental assessments](#) for resources related to incorporating Indigenous Knowledge in EAs and consensus-seeking under the EAA.

The proponent is also encouraged to provide the required information to federal departments and provincial ministries as early as possible to allow these regulatory bodies to begin consulting with Indigenous groups on permitting processes as early as possible.

Federal departments, along with the federal Crown Consultation Coordinator, will work together to ensure a collaborative and coordinated approach to consulting with Indigenous groups. The federal Crown consultation coordination process will, with input from Indigenous groups, aim to reduce the consultation burden and duplication for Indigenous groups across regulatory and permitting processes.



Provincial decision-makers with authority to make decisions about provincial land or resources are responsible for ensuring appropriate and sufficient consultation. Where multiple provincial agencies have consultation obligations, efforts will be made to coordinate consultation. For example, the [Major Mines Authorizations Guide](#) provides information regarding how the Province coordinates authorizations processes for major mine operations, and describes British Columbia's duty to consult with First Nations and the role of Proponents in those processes.

The Joint Assessment and Engagement Plan (JAEP) describes the methods and opportunities that will be offered to Indigenous Nations for meaningful engagement and consultation with Indigenous groups who may be affected by the Project and statutory decisions throughout the assessment process.

5. Coordinated Permitting Process

In response to engagement with Ktunaxa Nation Council Society and Yaqit ʔa·knuqʔiʔit, EVR has proposed, in their [Detailed Project Description](#), that the Project occur in two stages, dividing the mine plan into two smaller stages based on footprint and schedule, with distinct north and south stages. Mining would progress for approximately two decades within Stage 1 in the northern half of the Project footprint.

To support the continuity of the FRO mine, due to lack of coal, EVR requires first coal from Stage 1 of the Project by December 2030. To meet this objective, EVR must start construction of early works (e.g., site preparation, access roads) for Stage 1 of the Project in early Q4 2028 and as such, is seeking decisions by the Minister under Section 60(1) of the IAA and by the Ministers under Section 29(4) of the EAA in Q3 2028. Accordingly, EVR is seeking decisions by statutory authorities for subsequent permits required to commence construction in Q4 2028.

EVR anticipates submitting permit applications to authorize Stage 1, in Q3 2028 with anticipated permit decisions by Q4 2028 to facilitate coal production from the Project by the end of 2030.

Table 1 provides the anticipated permitting timelines for Stage 1 which includes:

- Development of permit application information requirements by federal and provincial agencies in collaboration with Indigenous nations concurrently with the development of the Application by EVR in 2026;
- Development of permit applications by EVR from Q4 2026 throughout 2027 during Review and Revision of the Initial Application;
- The integration of permit applications into the Revised Application into one comprehensive document to support efficient review by all parties;



- Review of the Revised Application that includes permit application information in the first half of 2028 prior to acceptance for the final stage of the Application. Review has been extended beyond standard timelines applied to processes for review of an Application without permit application information by several months to account for the additional material;
- Concurrent drafting of Application assessment materials, draft certificate, draft permits and recommendation reports between Q2 and Q4 2028; and
- Statutory decisions on all applications, including the Application and permits in Q4 2028.

Consultation will occur throughout the coordinated process. At this time, EVR anticipates submitting provincial permit amendment applications for Stage 2 in early 2036 with approvals required by 2037.

For the purposes of planning a coordinated permitting process for Stage 2 of the Project, EVR has assumed that it will be in compliance with any EAC staging conditions and has made a positive business decision to proceed to Stage 2.

Construction necessary to start mining Stage 2 is currently planned to commence in 2044 with mining operations commencing in 2046. EVR anticipates submitting provincial permit applications for Stage 2 in early 2040s and potentially again in 2050s for the last phases of the Project (anticipated from 2057 to 2065).

6. Timeline of the Assessment and Permitting to begin Construction by Q4 2028

Table 1 - Federal and Provincial Permit Timeline Summary sets out an agreed upon timeline for obtaining the federal and provincial permits required to begin construction. The timelines are dependent on the information provided by the proponent and reviewers from provincial, federal and Indigenous organizations and is subject to change. Detailed steps and timelines for each federal permit are provided in Table 2 – Federal Permits that may be required to begin construction and Annex B - Detailed Milestones and Timelines for federal permits.

Table 3 – Provincial Permits anticipated throughout the life of the mine lists the provincial permits that may be required throughout the life of the mine.

Table 1 - Federal and Provincial Permit Timeline Summary

Regulatory Requirements	2026			2027				2028				
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Impact Assessment Agency of Canada – <i>Impact Assessment Act</i>	Application Development			Review of Initial Application		Application Revision		Review of Revised Application		Impact Assessment		Decision
Environmental Assessment Office - <i>Environmental Assessment Act</i>	Application Development			Review of Initial Application	Issuance of Application Revision Notice (180 day max)	Application Revision		Review of Revised Application		Effects Assessment Phase: Assessment Report, Draft Certificate Development (150 days)		Referral and Decision
Department of Fisheries and Oceans – <i>Fisheries Act</i> Authorization	FAA Application Development							FAA Application Review			Decision	
Ministry of Mining and Critical Minerals - <i>Mines Act</i> Ministry of Environment and Parks - <i>Environmental Management Act</i> <i>And all other ancillary provincial permits/licenses/authorizations</i>	Pre-application / Information Requirements Development		Permit Application Development for inclusion in Revised Application					Permit Application Review (Applications combined with Revised Application)		Permit Drafting (unlegislated timeline)		Decision

Legend:	
Regulator Time	Proponent Time

To achieve the target of construction commencement in Q4 2028, EVR must:

- Submit their initial EAC Application (which also serves as the federal Impact Statement) in Q2 2027;
- Submit a comprehensive application for a *Fisheries Act* Authorization Q2 2027;
- Develop information requirements for a joint *Mines Act* and *Environmental Management Act* permit in 2026; and
- Submit joint *Mines Act* and *Environmental Management Act* permit application such that sufficient permitting-level detail is provided in the Revised Application submission in Q1 2028.

EVR roles and responsibilities throughout the assessment timeline, and engagement with IAAC, EAO and technical advisors and Indigenous groups must follow the Joint Assessment and Engagement Plan.

7. Contact Information

During the assessment, the proponent should direct any inquiries to the following IAAC and EAO contacts:

Impact Assessment Agency of Canada
1800–1138 Melville Street
Vancouver, British Columbia V6E 4S3
Telephone: 604-666-2431
Email: fording@iaac-aeic.gc.ca

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

If positive decisions with conditions are issued, allowing the Project to proceed, the proponent should direct permit inquiries to the appropriate federal department and provincial ministries conducting the permitting processes.

Inquiries related to the coordination of federal permitting may be directed to the IAAC Permitting Coordination Team at permitting.coordination.permis@iaac-aeic.gc.ca

Table 2 – Federal Permits that may be required to begin construction

Information about federal permits that may be required to begin construction can be found in the table below. Please refer to *Annex A – Additional Regulatory and Project Context* for federal permits that may be required for subsequent phases of the Project.

Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview <i>[Add any project specific details, as required]</i>	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation <i>[Identify groups to be consulted]</i>	Project Specific Information Requirements and Guidance
Impact Assessment Act Decision statement issued under s.65(1) of the <i>Impact Assessment Act</i> Impact Assessment	Required IAAC has determined that an impact assessment is required for this project.	Federal decision: 300 days plus 30 to 90 days after the submission of a complete Impact Statement	Public consultation on impact statement and draft impact assessment report and potential conditions. Other public engagement activities as needed	Indigenous groups to be engaged and consulted as detailed in the Indigenous Engagement and Participation Plan.	<i>Column to provide specific advice on required information or guidance for the project (depending on length this may be a separate section)</i>



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview <i>[Add any project specific details, as required]</i>	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation [Identify groups to be consulted]	Project Specific Information Requirements and Guidance
Agency of Canada (IAAC)					
Fisheries Act Authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the <i>Fisheries Act</i> Fisheries and Oceans Canada (DFO)	<p>Required For any works, undertakings, or activities that are likely to result in death of fish and/or harmful alteration, disruption or destruction of fish habitat.</p> <p>[It should be noted that DFO cannot issue an authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the Fisheries Act for the destruction of water frequented by fish through the deposit of deleterious substances, as this is prohibited under section 36 of the <i>Fisheries Act</i>.</p> <p>For this type of activity, the proponent is encouraged to verify whether the process for</p>	<p>Federal decision: Up to 24 months after application submitted</p> <p>The duration of certain key steps described in Annex B may vary depending on the proponent's response time.</p>	None	DFO will consult with Indigenous nations on potential impacts to their Aboriginal or Treaty rights prior to making a decision with respect to issuing an authorization.	<p>Ensure that the comprehensive application is consistent with DFO's Policy for apply measures to offset harmful impacts to fish and fish habitat. The comprehensive application should include plans on how the Proponent will comply with obligations from pre-existing <i>Fisheries Act</i> Authorizations and include information on cumulative effects to water quality and fish habitat fragmentation</p>



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview <i>[Add any project specific details, as required]</i>	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation [Identify groups to be consulted]	Project Specific Information Requirements and Guidance
	<p>listing water frequented by fish in Schedule 2 of the <i>Metal and Diamond Mining Effluent Regulations</i> (MDMER) may apply.]</p> <p>For more information on the process please visit Project planning: Applying for a Fisheries Act authorization</p>				
<p>Species at Risk Act (SARA)</p> <p>Permit or Agreement as per Section 73</p> <p>Or</p> <p>Species at Risk compliant</p>	<p>Potential</p> <p>Under SARA it is prohibited to kill, harm, harass, capture or take an individual of an aquatic species listed as endangered or threatened, damage or destroy the residence of the species or destroy any part of its critical habitat</p> <p>The Minister of Fisheries and Oceans may issue a permit authorizing an activity that</p>	<p>Federal Decision:</p> <p>3-6 months after application submission</p>	<p>No engagement opportunities</p>	<p>During the analysis and before the regulatory decision, DFO may undertake additional Indigenous consultations, as required under SARA.</p>	



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview <i>[Add any project specific details, as required]</i>	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation [Identify groups to be consulted]	Project Specific Information Requirements and Guidance
<i>Fisheries Act</i> Authorization Fisheries and Oceans Canada (DFO)	<p>would otherwise violate the prohibition, if affecting the species is incidental to carrying out the activity.</p> <p>If the proponent is also seeking a Fisheries Act authorization, the process to apply for a SARA permit can be combined with the process to seek a Fisheries Act authorization</p> <p>For more information visit: Permitting under the Species at Risk Act </p>				
<i>International River Improvements Act (IRIA)</i> <i>Notification of exception or License</i>	<p>Potential</p> <p>A license under the IRIA is required for any activity related to an international river improvement that has the potential to alter the natural flow (rate or water level) of an</p>		No public engagement requirements under IRIA	Indigenous consultation only required in license case and is the responsibility of the federal authority.	



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview <i>[Add any project specific details, as required]</i>	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation [Identify groups to be consulted]	Project Specific Information Requirements and Guidance
	<p>international river at the Canadian border.</p> <p>The proponent must determine whether a license is required under IRIA according to the <i>International River Improvements Regulations</i> (see section 3) and submit the relevant information (see section 6 and 7).</p> <p><i>International River Improvements Act</i>: https://laws-lois.justice.gc.ca/eng/acts/I-20/</p> <p><i>International River Improvements Regulations</i>: https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._982/page-1.html</p> <p>For more information, please contact the IRIA officer: LODACEI-IRIA@ec.gc.ca</p>				

Table 3 – Provincial Permits anticipated throughout the life of the mine

Provincial Act and Regulatory Instrument	Purpose and Key Issues addressed	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation	Project Specific Information Requirements and Guidance
Mines Act C-3 Permit¹ BC Ministry of Mining and Critical Minerals (BC MCM)	<p>Amendment to Fording River Operations (FRO) permit to authorize Project activities (e.g., Project pit, mine rock storage areas, water management structures, infrastructure and footprint) through construction, operations and reclamation.</p> <p>Authority for the construction, operation, and closure of the Project which includes the mine and associated ancillary infrastructure.</p> <p>Another authority for the construction, operation, and closure of new infrastructure to move the existing Kilmarnock Creek Clean Water Diversion further upstream may also be required.</p> <p>Manage for human health and safety, and reclamation activities on the mine site.</p>	6 to 12 months after application submission	<p>An applicant may be required or recommended to undertake one or more of the following public engagement activities: publish a notice of filing (permit application) in the BC gazette and newspapers of the nearby towns; provide notice directly to residents or property owners; hold community open houses; establish a public liaison committee to review the proposed mine development; and engage with public interest groups</p>	British Columbia (B.C.) and Canada (for federal permitting) will consult with, and where necessary accommodate, Indigenous nations in relation to land and resource decisions that have potential to adversely impact their Aboriginal Interests. Additional statutory requirements may apply.	<p>Mines Act [RSBC 1996] Chapter 293 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96293_01</p> <p>Mine Permitting: https://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/permitting</p> <p>Joint Application Information Requirements for Mines Act and Environmental Management Act Permits: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/joint_application_information_requirements.pdf</p> <p>Health, Safety and Reclamation Code for Mines in British Columbia: https://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/health-safety/health-safety-and-reclamation-code-for-mines-in-british-columbia</p>
Coal Act Coal Lease BC MCM	Conversion of coal licences to coal leases within the Project footprint for long term production of coal.				<p>Coal Act [SBC 2004] Chapter 15 (Section 18) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_04015_01</p> <p>Coal Lease Application Requirements: https://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/mineral-titles/coal-titles/leases-coal-titles</p> <p>Coal Act Regulation (Section 6) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/10_251_2004#section6</p>

¹ Permit applications may be reviewed at the same time as the assessment; however, decisions on permits cannot be made until after an EA/IA decision per Section 8 of the *Environmental Assessment Act*, 2018.



Provincial Act and Regulatory Instrument	Purpose and Key Issues addressed	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation	Project Specific Information Requirements and Guidance
Mines Act <i>Explosives Magazine Storage and Use Permit</i> BC MCM	Amendment to FRO permit for storage and use of explosives. An Explosives Magazine Storage and Use Permit authorizes a Proponent to build, maintain or modify a magazine. A magazine is defined as a building, storehouse or structure where explosive materials are kept or stored but does not include containers used for transporting explosives or day storage boxes. The Project will extend the timelines for storage and use of explosives at the Mine Site requiring an extension of the expiration date of the current authorization		No requirement for public consultation		Mines Act [RSBC 1996] Chapter 293 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96293_01 To apply for a Explosives Magazine Storage and Use Permit visit: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/mineral-titles/permitting/explosives.pdf
Environmental Management Act Amendment to Waste Discharge Permit – Effluent (AMS424) BC ENV	Amendment to FRO permit to allow the discharge of water borne contaminants (effluent) into the Fording River watershed during construction (sediment control) and operations. Another authorization may also be required to allow the discharge of water borne contaminants (effluent) into the environment during construction (sediment control) and operation of a new Kilmarnock Creek Clean Water Diversion further upstream.		Through the <i>Public Engagement Regulation</i> and the Applications Instructions Document, there is a requirement for the applicant to engage with the general public to explain their proposed project/ amendment to the general public. This includes posting to local paper and other locations. The applicant is also required to record any feedback or issues they receive and what their response is to these issues/concerns. All of this is required as part of their application package to ENV.		<i>Environmental Management Act</i> (SBC 2003) Chapter 53 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03053_02#section14 Waste Discharge Regulation (B.C. Reg 320/2004) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/320_2004 For information on the waste discharge authorization process, visit: https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/process . To apply for a Waste Discharge Permit, visit: https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/apply https://www2.gov.bc.ca/gov/content/environment/air-land-water/air/air-pollution/emissions/industrial Hazardous Waste Regulation (B.C. Reg. 63/88) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/63_88_00 More information and registration available on the B.C. government's website: https://www2.gov.bc.ca/gov/content/environment/waste-
Environmental Management Act Amendment to EVR's area-based Waste Discharge Permit – Effluent (AMS107517)	Amendment to area-based permit 107517 to allow the discharge of water borne contaminants (effluent) into the Fording River watershed, and the construction of Active Water Treatment Facilities and Saturated Rock Fills.				
Environmental Management Act Amendment to Waste Discharge Permit –Air Emissions AMS1501	Amendment to FRO permit to allow the discharge of air borne contaminants into the environment. This may be required if the Project requires updated mitigations or monitoring from Project discharges to air.				



Provincial Act and Regulatory Instrument	Purpose and Key Issues addressed	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation	Project Specific Information Requirements and Guidance
BC ENV					management/hazardous-waste/registration-of-hazardous-waste-generators-and-facilities.
Environmental Management Act Amendment to Waste Discharge Permit – Refuse (AMS7726) BC ENV	Amendment to FRO permit for Project-related waste disposal sites and waste volumes. Disposal of office and shop waste (e.g. domestic garbage). An authorization/permit to allow the disposal of refuse such as municipal solid waste, garbage and other waste materials.				
Environmental Management Act Hazardous Waste Regulation BC EP	An authorization/permit to allow Project-related production, storage, treatment, recycling or discharge of hazardous wastes.				
Forest Act Occupant License to Cut BC Ministry of Forestry (BC MoF)	Occupant licences to cut are issued for the cutting, or cutting and removal, of Crown timber from Crown land or private land. In all cases, the applicant must hold a right to occupy and use the land being harvested through a "right of occupation", a lease, or a special use permit. An additional authorization may be required to allow for construction of infrastructure for a new Kilmarnock Creek Clean Water Diversion further upstream from the existing diversion.		TO BE ADDED		Forest Act (RSBC 1996) ch. 157 – Part 3 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96157_03#division_d2e2208 Link to Application for Occupant Licence to Cut: https://www.for.gov.bc.ca/isb/forms/lib/Fs321.pdf . Contact information and more information on Occupant Licences to Cut is available on the B.C. government's website: https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/timber-harvesting-rights/licence-to-cut/occupant-licence-to-cut
Forest and Range Practice Act Road Use Permit BC Ministry of Forestry (BC MoF)	Road use permit will be needed for road building. All industrial users on an FSR are required to obtain a Road Use Permit (RUP), unless an exemption is granted in accordance with section 22.1(4) of the Forest and Range Practices Act		No requirement for public consultation		Forest and Range Practices Act (SBC 2002) ch. 69 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02069_01 Permitting requirements by district and contact information: https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/resource-roads/engineering-publications-permits/district-road-requirements
Heritage Conservation Act	A heritage investigation will be undertaken in order to recover information which might				Heritage Conservation Act (RSBC 1996) ch. 187



Provincial Act and Regulatory Instrument	Purpose and Key Issues addressed	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation	Project Specific Information Requirements and Guidance
Heritage Investigation Permit BC Ministry of Water, Land, and Resource Stewardship (BC WLRS)	otherwise be lost as a result of site alteration or destruction; requires an archaeological impact assessment which is conducted before any on-the-ground development activities.				https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96187_01 <i>Heritage Conservation Act</i> Permitting Process Policy Guide https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/archaeology/forms-publications/hca_permitting_process_policy_guide.pdf Application form and contact information available on the B.C. government website: https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits
Heritage Conservation Act Site Alteration Permits BC WLRS	A site alteration permit is required to allow archaeological sites to be affected by construction of the Project. The permit must be acquired and held by registered Archaeologist.				
Heritage Conservation Act <i>Concurrence Letters</i> BC WLRS	Heritage resources must be assessed in relation to the mandates, objectives, and intents of the Heritage Conservation Act for lands potentially affected by the Project The Archaeology Branch issues letters to the BC EAO, stating that appropriate assessment under the Heritage Conservation Act is complete				
Land Act BC WLRS Temporary Occupation of Crown Land Crown Licence of Occupation Statutory Right of Way	A license is required to obtain permission to enter, occupy and use provincial Crown land on a temporary basis pending completion of survey requirements and issuance of statutory rights-of-way.		No requirement for public consultation		
Public Health Act – Sewerage System Regulation Holding Tank Permit BC Ministry of Health Interior Health	Permits sewage disposal systems, if included as part of the satellite office		No requirement for public consultation		<i>Public Health Act</i> (SBC 2008) ch. 28 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/08028_01 Sewerage System Regulation (B.C. Reg. 326/2004) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/22_326_2004 Information and Application form available at Interior Health Authority website:



Provincial Act and Regulatory Instrument	Purpose and Key Issues addressed	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation	Project Specific Information Requirements and Guidance
					https://www.interiorhealth.ca/health-and-wellness/environmental-health-and-hazards/sewerage-subdivisions-and-healthier-industries
Water Sustainability Act (WSA) Section 7 and 9- Water Licence Amendments to Water Licenses (C133241, C133242, and C133243) BC WLRS	Amendments to FRO permits are required if Project requires updates of water requirements for dust control; potential need for new water licences associated with water management or non-potable water supply wells, as well as moving the existing Kilmarnock Creek Clean Water Diversion further upstream. May be needed to allow construction and use of sediment ponds, diversion structures and open conveyance channels for sediment-impacted water, and a reservoir to operate a saturated rock fill.		<p>Notice is sent to potential legal objectors and to referral agencies for applications under the WSA where the decision maker considers that, for example:</p> <ul style="list-style-type: none"> The rights of an authorization holder are likely to be detrimentally affected if the application is granted, A land owner whose land is likely to be physically affected if the application is granted, or The application has significant public interest (e.g., a pumped storage project on a lake may have broad impacts). <p>Under WSA Section 13, the decision maker has the discretion to either give notice, or direct an applicant to give notice, to any person whose input the decision maker considers advisable and who are not legal objectors.</p> <p>Section 14 of the WSA Water Sustainability Regulations provides discretionary authority for the decision maker to give additional notice through publication in a printed or electronic newspaper.</p> <p>Under <i>Water Sustainability Act</i> Section 13, notice of the application must be sent to any of the following:</p> <ul style="list-style-type: none"> An authorization holder, an applicant for an authorization or a riparian owner whose rights the decision maker considers are likely to be detrimentally affected A land owner whose land is likely to be physically affected <p>In addition, under Section 14 of the <i>Water Sustainability Act</i></p>		<p>Water Sustainability Act (SBC 2014) ch. 15 – s. 9 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14015</p> <p>Water Sustainability Regulation (B.C. Reg. 36/2016) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016</p> <p>Contact information and Application form available on the B.C. government's website: https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/apply-for-a-water-licence.</p> <p>Any ongoing water use or diversion, or the construction of a regulated dam, requires a water licence (for example, hydropower facility or other long-term water use for construction or operations). Water licences can also be appropriate where works within a stream require ongoing maintenance. Application for authorization amendment will include a list of all diversions and associated EAs for effects specific to the water body.</p> <p>Water licences allow licensees to divert, store and use specific quantities of water for one or more water use purposes. A water licence may also authorize works related to the diversion and use of the water. This would be required for instream works to build fish habitat.</p>
Water Sustainability Act Section 10- Short-term Use approvals BC WLRS	A short-term use approval permit authorizes the temporary diversion and use of water from a stream or aquifer, and the construction of works, for a period of up to 24 months. This would be required for fish offsetting habitat construction. May be needed to allow construction and use of sediment ponds, diversion structures and open conveyance channels for sediment-impacted water, and a reservoir to operate a saturated rock fill.				
Water Sustainability Act Section 11- Changes in and about a stream BC WLRS	Authorization to allow work in and around streams which may include in-stream works to build fish habitat offsetting and changes to the existing Kilmarnock Creek Clean Water Diversion Needed to allow construction and use of sediment ponds, diversion structures and open conveyance channels for sediment-impacted water, and a reservoir to operate a saturated rock fill.				



Provincial Act and Regulatory Instrument	Purpose and Key Issues addressed	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation	Project Specific Information Requirements and Guidance
			<p><i>Regulation</i>, any persons in the above categories may request notice of the application.</p> <p>Notice of the application may also be sent to any person whose input the decision maker considers advisable (for example, if the application has significant public interest, such as a pumped storage project on a lake).</p> <p>Any person given notice of an application has the legal right to object and a further right to appeal a future decision on the application.</p> <p>The decision maker also has the discretion and authority to send out referrals to government agencies or other entities for comments on an application. A referral does not grant legal objector status</p>		
Wildlife Act Authorization and Exemption Permits	Permits are required to authorize vehicle operation in areas closed under the Wildlife Act and various activities related to wildlife management that may arise		No requirement for public consultation		<p>Wildlife Act (RSBC 1996) ch. 48 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96488_01</p> <p>Permit Regulation (B.C. Reg. 253/2000) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/253_2000</p> <p>Best Management Practices for Amphibians and Reptile Salvages in British Columbia: http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?subdocumentId=10351</p> <p>Application for general wildlife permits: https://portal.nrs.gov.bc.ca/web/client/-/general-wildlife-permit#overview</p> <p>Contact information for FrontCounter BC: https://portal.nrs.gov.bc.ca/web/client/contact</p>

Annex A – Additional Regulatory and Project Context

Conditions of Participation

To meet the target dates for assessment and permitting decisions, agreed to with the proponent, the proponent must be willing and able to meet the following conditions:


- **Ready to start:** The proponent must be ready to submit application(s) as per the anticipated timelines set out in this detailed permitting plan.
- **Provide Comprehensive Applications:** The proponent must make best efforts to submit comprehensive applications for federal permits that meet the requirements set out by the responsible departments and agencies.
- **Active Participation:** Actively participate in the permitting process including providing required information and promptly responding to requests for additional information or clarification from federal departments and agencies or from Indigenous groups.
- **Engage with Indigenous Groups:** The proponent must follow best practices when establishing relationships and engaging with Indigenous groups and have documented and addressed concerns.
- **Public Disclosure:** The proponent consents to having the status of its permitting processes, shown on a public permitting dashboard on the Canadian Impact Assessment Registry.

Roles and Responsibilities

The roles and responsibilities related to permitting coordination are:

Impact Assessment Agency of Canada (IAAC) and the BC Environmental Assessment Office (EAO) will:

- integrate permitting coordination into the assessment, where applicable, and seek areas for efficiency between the assessment and other federal and provincial regulatory processes;

- 
- maintain and update this permitting plan, as necessary;
 - provide relevant information from the assessment of the Project to federal departments and provincial ministries to inform their regulatory processes;
 - provide an additional point of contact for proponents, federal departments, and provincial ministries to address issues that may require coordination among multiple departments.
 - IAAC will track the progress of federal permitting processes on the public permitting dashboard on the Canadian Impact Assessment Registry;
 - IAAC will act as Crown Consultation Coordinator to facilitate a collaborative approach to Indigenous consultations by federal departments related to permitting; and
 - work with federal departments, provincial ministries and the proponent to meet the timelines described within this document.

Federal departments and Provincial ministries will:

- conduct permit application review as per their respective legislative or regulatory requirements;
- provide information relating to their regulatory and statutory responsibilities;
- review information provided by proponents during the assessment, recommend updates to this permitting plan, including whether a permit is required under their respective legislation;
- provide feedback as to what information the proponent must provide to support sound regulatory decisions;
- carry out Indigenous consultation, as well as any public consultation, as required;
- notify IAAC and the EAO of issues that arise and any changes in anticipated timelines, as early as possible;
- maintain communication with the proponent through applicable regulatory or permitting processes; and,
- work with IAAC and the proponent to meet the timelines described within this document.

EVR Operations Limited will:



- prepare the appropriate applications for the permits required for the Project to commence construction and submit applications as per the anticipated timelines set out in *Table 1 - Federal and Provincial Permit Timeline Summary* and *Annex B - Detailed Milestones and Timelines for Federal Permits*;
- provide required information and respond to requests for additional information or clarification from IAAC, EAO, federal departments, or provincial ministries;
- support IAAC, EAO, federal departments, and provincial ministries during Indigenous consultations;
- liaise with IAAC, EAO, federal departments, and provincial ministries on anticipated schedules for applications and any issues that may arise and notify IAAC, EAO and relevant federal departments and provincial ministries 90 days prior to any changes in anticipated submission dates;
- notify IAAC, EAO, federal departments, and provincial ministries of any major or substantial changes to project design, as early as possible;
- be aware of changes to legislation that may change the need for a permit;
- fulfill the above Conditions for Participation; and
- work with IAAC, EAO federal departments, and provincial ministries to meet the timelines described within this document

Additional Regulatory Activities

The following federal permits may not be required for the Proponent to begin construction, however may be required during subsequent phases of the Project due to the nature of the Project activities.

Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation
<i>Migratory Birds Convention Act, 1994</i> Environment and Climate Change Canada (ECCC)	<i>The Migratory Birds Convention Act</i> (MBCA) and its regulations (revised July 2022) protect migratory birds and their eggs and prohibit the disturbance, damage, destruction or removal of migratory bird nests that contain a live bird or a viable egg. Migratory birds are protected at all times; all migratory bird nests are protected when they contain a live bird or viable egg; and the nests of 18 species listed in Schedule 1 of the Migratory Birds Regulations (MBR) 2022 are protected year-round. These general prohibitions apply to all lands and waters in Canada, regardless of ownership. The MBCA also prohibits the deposit of substances that are harmful to migratory birds in waters, or an area frequented by migratory birds or in a place from which		No engagement opportunities	No consultation opportunities.



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation
	<p>the substance may enter such waters or such an area.</p> <p>There is no mechanism available to provide a permit for activities that do not directly target but may harm protected migratory birds, their nests, and/or eggs (e.g., vegetation clearing) under the MBCA and its regulations.</p> <p>Damage or Danger permits are available in certain limited situations and applications are evaluated on a case-by-case basis.</p> <p>Migratory Birds Convention Act, 1994 (S.C. 1994, c. 22) https://laws-lois.justice.gc.ca/eng/acts/m-7.01/ Migratory Birds Convention Act <i>and Regulations</i> https://www.canada.ca/en/environment-climate-change/services/migratory-birds-legal-protection/convention-act-regulations.html</p>			



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation
	<p>Proponents are reminded to develop beneficial management practices and measures to reduce risk to contravening the MBCA. More information can be found here - Avoiding harm to migratory birds: https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html</p> <p>Frequently Asked Questions: Migratory Birds Regulations, 2022 - Canada.ca (https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html - toc5</p>			
<p>Explosives Act and Explosives Regulations</p> <p>Explosives Licence Natural Resources Canada (NRCan)</p>	<p>Explosives Licence required for manufacturing and/or storage of explosives.</p> <p><i>Explosives license only include here if NRCan or proponent indicate it s required to commence construction</i></p>	<p>Federal decision: Magazine licence (storage) must be issued within 30 days from receiving a complete application. Manufacturing licence must be issued within</p>	<p>No public engagement opportunities</p>	<p>NRCan may engage Indigenous groups once an application is received to determine if there are concerns, questions or</p>



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation
	For more information, please visit Explosives - Natural Resources Canada	60 days from receiving a complete application.		requests for more information. Engagement on the storage of small quantities of explosives is generally not undertaken.
<i>Species at Risk Act (SARA)</i> Permit or Agreement under Section 73 (if required) Environment and Climate Change Canada (ECCC)	Under SARA it is prohibited to harm an individual, its residence or critical habitat for: a) Migratory bird species at risk anywhere in Canada b) Any listed species at risk on federal land. The Competent Minister may issue a permit authorizing an activity that would violate the SARA prohibitions, if affecting the species is incidental to carrying out the activity. Please refer to <i>Project planning: Applying for a Species at Risk Act (SARA) permit administered by Environment and</i>	ECCC encourages proponents to submit clear and complete permit applications at least 6-8 months prior to the anticipated start of activities that require a SARA permit. Submitting an application as early as possible in the impact assessment process allows opportunities to identify potential	No engagement opportunities	During the analysis and before the regulatory decision, ECCC may undertake Indigenous consultation as required by s.73(4) and s.73(5) of SARA and the duty to consult under s.35 of the Constitution Act, 1982



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation
	<p><i>Climate Change Canada (ECCC)</i> for additional information on the SARA prohibitions.</p> <p>It is important for proponents to ensure their understanding of their obligations under SARA is current. Please note additional authorizations may be necessary if:</p> <ul style="list-style-type: none">• SARA prohibitions come into force in the future.• Over the course of the assessment, or after the assessment, additional species could be listed under SARA and a permit may be required for project activities that affect these additional species <p>Proponents are advised to monitor for such development on the SARA registry (https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html)</p>	issues and consider solutions.		



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation
	ECCC welcomes focused and collaborative conversations between SARA Permitting Officers in ECCC regional offices and the Proponent if additional information is required.			
<i>Coal Mining Effluent Regulation²</i> Environment and Climate Change Canada (ECCC)	<p>ECCC is developing <i>Coal Mining Effluent Regulations</i> under the <i>Fisheries Act</i>. These regulations will manage the threats to fish and fish habitat by limiting levels of harmful substances in coal mining effluent. Once in place, they will apply to the 28 existing coal mines in Canada and to all future coal mine expansions and new coal mine projects.</p> <p>These regulations will implement national effluent quality standards for selenium, nitrate and suspended solids as well as requirements related to pH and toxicity. They will also set requirements for monitoring, reporting and record keeping, including environmental effects monitoring.</p>			

² The proposed *Coal Mining Effluent Regulation* is included for information purposes only as these regulations has not come into force.



Act and Regulatory Instrument Responsible Authority	Requirement Status & Overview	Anticipated Duration	Public Engagement Opportunities	Indigenous Consultation
	For more information on the status visit: Proposed Coal Mining Effluent Regulations: Overview			

Additional Context

On October 29, 2020, Environment and Climate Change Canada issued a Direction under the *Fisheries Act* to Teck Coal Limited (now EVR Operations Limited) on the **Fording River** and Greenhills Operations coal mines due to violations related to selenium and calcite contamination which caused adverse effects to fish and fish habitat. Refer to the [link](#) for investigation details. The Direction requires Teck Coal Limited (now EVR Operations Limited) to take specific pollution reduction measures in the affected waterways of the upper Fording River Valley. These measures were in addition to the company's existing commitments and included:

- Implementing water treatment facilities to remove selenium.
- Requirements for water management, including diversions and mine planning. This includes the Kilmarnock clean water diversion which would be impacted by FRX.
- Fish monitoring and measures for calcite prevention.

Further details regarding the investigation can be found [here](#). Although not a conventional federal permit, work related to the Direction may be affected by the development of the Project. Consequently, it may require some consideration before construction can begin.



Additionally, on March 8, 2024, the International Joint Commission (IJC) received a [Reference](#) under Article IX of the *Boundary Waters Treaty* from the Governments of the United States and Canada, in partnership with the Ktunaxa Nation, asking the IJC to carry out certain actions to address the impacts of transboundary water pollution in the Elk-Kootenai/y watershed. Four Technical Working Groups were established to focus on the following topics:

- Water Quality Status and Trends
- Impacts to Human Health and Well-Being
- Impacts to Ecosystems, Including Cumulative Effects
- Mitigation

An [interim status report](#) is available for review. A draft final report is expected to be produced in July 2026 which will be made available for public comments. A final report will be submitted to the IJC by the end of September 2026. At this time, it is unclear if or how this may impact the construction timeline for the Project.

Annex B - Detailed Milestones and Timelines for Federal Permits

Fisheries Act Authorization Processes and Steps (DFO)	Month																								
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1. Proponent shares draft of application with Indigenous groups and for DFO to evaluate comprehensiveness	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2. Proponent submits a comprehensive application	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3. 60-day legislated timeline starts. DFO reviews the application for completeness and adequacy, and identifies any supplemental information required	-	-	DFO	DFO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4. Proponent addresses comments and provides supplemental information required	-	-	-	P	P	-	-	P	P	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-
5. DFO reviews supplemental information or	-	-	-	-	-	DFO	DFO	-	-	DFO	DFO	-	-	DFO	DFO	-	-	-	-	-	-	-	-	-	-



10. Proponent provides DFO with additional information or clarifications to support technical review or decision-making	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-		
11. 90-day legislated timeline begins. DFO completes Indigenous consultation summary report and informs the proponent and Indigenous communities of the decision.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	DFO	DFO	DFO	-		
12. DFO Internal briefings and approvals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	DFO		
13.																											
Legend: P = Proponent DFO = Fisheries and Oceans Canada IC = Indigenous consultation-related activity																											

Notes:

1. This timeline assumes that no additional field work or baseline data collection is needed to support DFO's review of the application.
2. If the Proponent submits a complete and adequate application as per the Schedule 1 requirements of the Authorizations Concerning Fish and Fish Habitat Protection Regulations, Step 4 and Step 5 may be truncated. The above timeline is based on a conservative estimate of 3 rounds of additional information.
3. The timeline to consult with Indigenous peoples may be reduced if the Proponent engages with groups early and is able to provide letters of consent for the Project from potentially affected Indigenous groups.
4. DFO may provide a non-legally binding draft *Fisheries Act Authorization* including draft conditions during Step 11 for review.



Key steps	Anticipated Duration	Start Date	End Date	Comments
Impact Assessment Act (IAAC)³				
1. Proponent submits the Application.				
2. Technical review and consultation on the Application to determine if all required information have been provided. If necessary, IAAC will work with the EAO to notify proponent of any deficiencies to be addressed (6 months)	180 days			
3. IAAC conducts impact assessment and submits joint Assessment report to Minister (300 days)	300 days			
4. Minister issues decision statement to proponent (30 days or 90 days if referred to Governor in Council)	30 days			



³ The Key steps and Anticipated Duration are specific to the federal *Impact Assessment Act* and will be adapted during the coordinated assessment process with the province as outlined in the Joint Assessment and Engagement plan.