

PROJECT AGREEMENT FOR THE BRUCE POWER NEW NUCLEAR POWER PLANT PROJECT AT KINCARDINE, ONTARIO

PREAMBLE

WHEREAS the Government of Canada is committed to improving the federal Environmental Assessment (EA) and Regulatory Review processes for major resource projects as a means of enabling a more effective examination and mitigation of environmental impacts, while protecting the health and safety of Canadians and promoting innovation and competitiveness within the Canadian resource industry sectors;

AND WHEREAS the Government of Canada is committed to undertaking a process of early, effective and meaningful Engagement and Consultation with Canada's Aboriginal peoples concerning contemplated Crown conduct with respect to, among other things, major resource projects that may have adverse impacts on established or potential Aboriginal and treaty rights under s.35 of the *Constitution Act 1982*;

AND WHEREAS the Government of Canada has created the Major Projects Management Office (MPMO) for the purpose of overseeing and tracking the federal review and Aboriginal Engagement and Consultation for major resource projects;

AND WHEREAS Bruce Power (the Proponent) has submitted a Project Description in support of its proposal to develop a new nuclear power plant at Kincardine, Ontario (the Project);

AND WHEREAS the Minister of the Environment (the Minister) has appointed a Joint Review Panel (JRP) to conduct an EA of the Project;

AND WHEREAS the Canadian Nuclear Safety Commission (CNSC) is a quasi-judicial administrative tribunal;

NOW THEREFORE the signatories to this Project Agreement (Agreement) commit to work together to facilitate an accountable, transparent, timely and predictable federal review in relation to the Project and to contribute to the discharging of any duty to consult.

1.0 PURPOSE

This Agreement describes the main activities of the federal regulatory process in relation to the Project, including EA, Regulatory Review, and Aboriginal Engagement and Consultation. The Project is the preparation of a site for, and the construction, operation, decommissioning and abandonment of, up to four new nuclear power reactors on the existing Bruce Nuclear Site within the Municipality of Kincardine, Ontario. The scope of the project for the federal review process is as described in the [Joint Review Panel Agreement \(JRPA\)](#).

The signatories to this Agreement (the Parties) wish to facilitate an accountable, transparent, timely and predictable federal review process within which each Party exercises its respective

responsibilities over the regulatory process, without fettering the statutory authorities or discretionary powers and functions of regulatory bodies or of their respective Ministers.

The Agreement and the attached Annexes set out the roles and responsibilities for the Parties. It also establishes service standards for each milestone of the federal review as the basis for tracking and managing the regulatory process. These have been established on the basis of a number of assumptions, some of which relate to activities of participants to this project that are not signatories to this agreement. Should events unfold in a manner that is different from what has been assumed, the milestones will necessarily be different.

2.0 ROLES AND RESPONSIBILITIES

Based on the information provided in the Proponent's Project Description, the following federal departments and agencies have identified an interest in the Project, and will participate in the federal review in relation to the Project as follows:

- CNSC has regulatory and statutory responsibilities under the *Nuclear Safety and Control Act (NSCA)* and, pursuant to paragraph 5(1)(d) of the *Canadian Environmental Assessment Act (CEA Act)*, is a Responsible Authority (RA) and will coordinate the federal input for the EA in relation to the Project;
- Fisheries and Oceans Canada (DFO) has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to paragraph 5(1)(d) of the *CEA Act*, is an RA;
- Transport Canada (TC) has regulatory and statutory responsibilities under the *Navigable Waters Protection Act (NWPA)* and, pursuant to paragraph 5(1)(d) of the *CEA Act*, is likely an RA;
- Natural Resources Canada (NRCan), Environment Canada (EC) and Health Canada (HC) are in possession of specialist or expert information or knowledge with respect to the Project, and have identified themselves as Federal Authorities (FAs) under the *CEA Act*. On request, the FAs shall make available that information or knowledge to the RA or the Joint Review Panel;
- The Canadian Environmental Assessment Agency (CEA Agency) has administrative and advisory responsibilities under the *CEA Act* in support of the EA and JRP;
- Indian and Northern Affairs Canada (INAC) has advisory responsibilities in regards to Aboriginal Engagement and Consultation;
- The MPMO has administrative and advisory responsibilities under the *Memorandum of Understanding for the Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects (MOU)* and *Cabinet Directive*. The MPMO will provide a management, oversight, and advisory role throughout the entire federal review in relation to the Project to ensure adherence to the service standards and roles and responsibilities. Additionally, the MPMO will provide selective intervention to help address challenges

identified and, in collaboration with other federal entities, will play an oversight role in regards to Aboriginal Engagement and Consultation, throughout the federal review.

2.1 Environmental Assessment Process

The [JRPA](#) entered into by the Minister and the President of the CNSC on August 22, 2008, establishes the JRP and the terms of reference for the review that discharges the requirements set out in the *CEA Act* and permits the JRP to obtain information and evidence required for it to consider the licence application under the *NSCA*.

The JRP has statutory responsibilities pursuant to the *CEA Act* (Sections 16, 16.1, 35, 40, 41, and 42) and the *NSCA* (Sections 20, 22, and 24). The JRP Secretariat has advisory and administrative responsibilities as set out in the JRPA.

The Minister and the President of the CNSC have established a single scope for the federal review in relation to the Project, also outlined in the JRPA. It includes site preparation, construction, operation, decommissioning and abandonment of up to four new nuclear power reactors. Operations will involve activities required to commission, operate and maintain the Project, including management of all conventional and radioactive wastes.

The Minister and the President have also provided the Proponent with the Environmental Impact Statement (EIS) Guidelines for the Project.

2.2 Regulatory Review Process

Through the EA process, RAs will confirm any regulatory decisions required in relation to the Project that are included in the *Law List Regulations*. If no regulatory decisions are required for a department or agency, it will end its participation in the EA as an RA, but may continue to participate as an FA should it be in possession of specialist or expert information or knowledge with respect to the Project. The Regulatory Review timelines detailed in this Agreement assume that the Proponent will submit adequate *NWPA* and *Fisheries Act* applications no later than the date of submission of the Environmental Impact Statement.

2.3 Aboriginal Engagement and Consultation Process

The Parties are committed to a “Whole of Government” approach to Aboriginal Engagement and Consultation. To the extent possible, the Government of Canada wishes to make the most effective use of Crown resources by integrating the Aboriginal Engagement and Consultation process with the EA and Regulatory Review process for major resource projects.

3.0 TIMELINES

The target timelines for the EA and Regulatory Review processes, each estimated from the date of the submission of the EIS are detailed in the GANTT Chart in Annex I, and are as follows:

- a) completion of the EA – 18 months
- b) review of the application for a licence to prepare a site and, if appropriate, issuance of *NWPA* and *Fisheries Act* authorizations – 21 months
- c) review of the application for a licence to construct – 2 years, 10 months
- d) review of the application for a licence to operate – 7 years, 2 months

Based on current plans and estimates, it is anticipated that the licence to operate would be considered by the Commission in 2015. Estimates assume the timely submission of applications by the Proponent, supported by the required information, and the timely provision of any additional information needed to conduct the regulatory review.

The online MPMO Tracker will provide for transparent and publicly accessible monitoring of the progress of the federal review.

4.0 FOLLOW-UP AND MONITORING

The RAs will ensure that appropriate mechanisms are in place, in conjunction with the Proponent, to ensure the mitigation strategies related to their areas of interest that were identified through the EA and any conditions attached to licences and approvals issued as part of the Regulatory Review are adhered to and effectively implemented.

5.0 ADMINISTRATION

Federal Review Clock

The Federal Review Clock will provide the basis for measuring timelines and service standards included in this Agreement. Upon the submission by the proponent of the EIS, the Federal Review Clock will be started. At this point, the MPMO will begin to monitor the key milestones against the timelines and service standards established within this Agreement.

Stopping the Clock

Pursuant to the MOU and in support of the *Cabinet Directive*, the Federal Review Clock can be stopped by the MPMO. The following are examples of situations that may result in the stoppage of the federal review process:

- a) the review is delayed at the request of the proponent or another jurisdiction;
- b) the JRP and/or RAs have indicated to the MPMO that the proponent is required to provide additional information necessary for the completion of the EA, the Regulatory Review, or that the information provided is insufficient;
- c) the federal review process cannot proceed as a result of circumstances related to the Aboriginal Engagement and Consultation process;
- d) litigation or other court action prevents the completion or continuation of the federal review process.

Issues Resolution

The Parties will use their best efforts to resolve any differences of opinion in the interpretation or application of this Agreement in an effective and timely manner.

Issues relating to Regulatory Review or Aboriginal Engagement and Consultation in relation to the Project will be resolved through direct discussions and collaboration between the involved Parties, supported by the MPMO.

Should issues remain outstanding, they will be referred to the appropriate senior level committee established through the MPMO initiative.

Post-Project Evaluation

The Parties will participate in an informal evaluation of the effectiveness of the federal review process in relation to the Project 90 days following the issuance of the RAs' EA Course of Action decisions. The level of effort and format of review will be appropriate to the scale of project and issues encountered.

Amendments

The Parties may recommend to the MPMO whether a change to the federal review process or to the Project warrants an amendment to the Agreement. Where there is agreement that an amendment is warranted, the MPMO on behalf of the parties will provide a proposed amendment to the Major Projects Deputy Ministers' Committee for consideration.

Unless otherwise determined by the MPMO in collaboration with the Parties, amendment of the Agreement shall not cause the Federal Review Clock to stop with respect to any Agreement-related activities that might be ongoing at the time when the need for amendment is identified.

6.0 PROJECT AGREEMENT

The Parties hereto have signed the Project Agreement, in counterpart, on the dates indicated below.

Deputy Minister
Natural Resources Canada

Oct. 31, 2008
Date

President
Canadian Nuclear Safety Commission

Oct. 24, 2008
Date

President
Canadian Environmental Assessment Agency

Oct. 19, 2008
Date

Deputy Minister
Fisheries and Oceans Canada

Oct. 22, 2008
Date

Deputy Minister
Transport Canada

Oct. 27, 2008
Date

Deputy Minister
Environment Canada

Oct. 22, 2008
Date

Deputy Minister
Indian and Northern Affairs

Oct. 29, 2008
Date

Annexes

Annex I – GANTT Chart – Target Timelines for the Federal Regulatory Process for the Project

Annex II – Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Engagement and Consultation

Annex III - Roles and Responsibilities for the Canadian Nuclear Safety Commission and Key Milestones and Service Standards under the *Nuclear Safety and Control Act*

Annex IV - Roles and Responsibility for Transport Canada and Key Milestones and Service Standards under the *Navigable Water Protection Act*

Annex V - Roles and Responsibilities for Fisheries and Oceans Canada and Key Milestones and Service Standards under the *Fisheries Act*

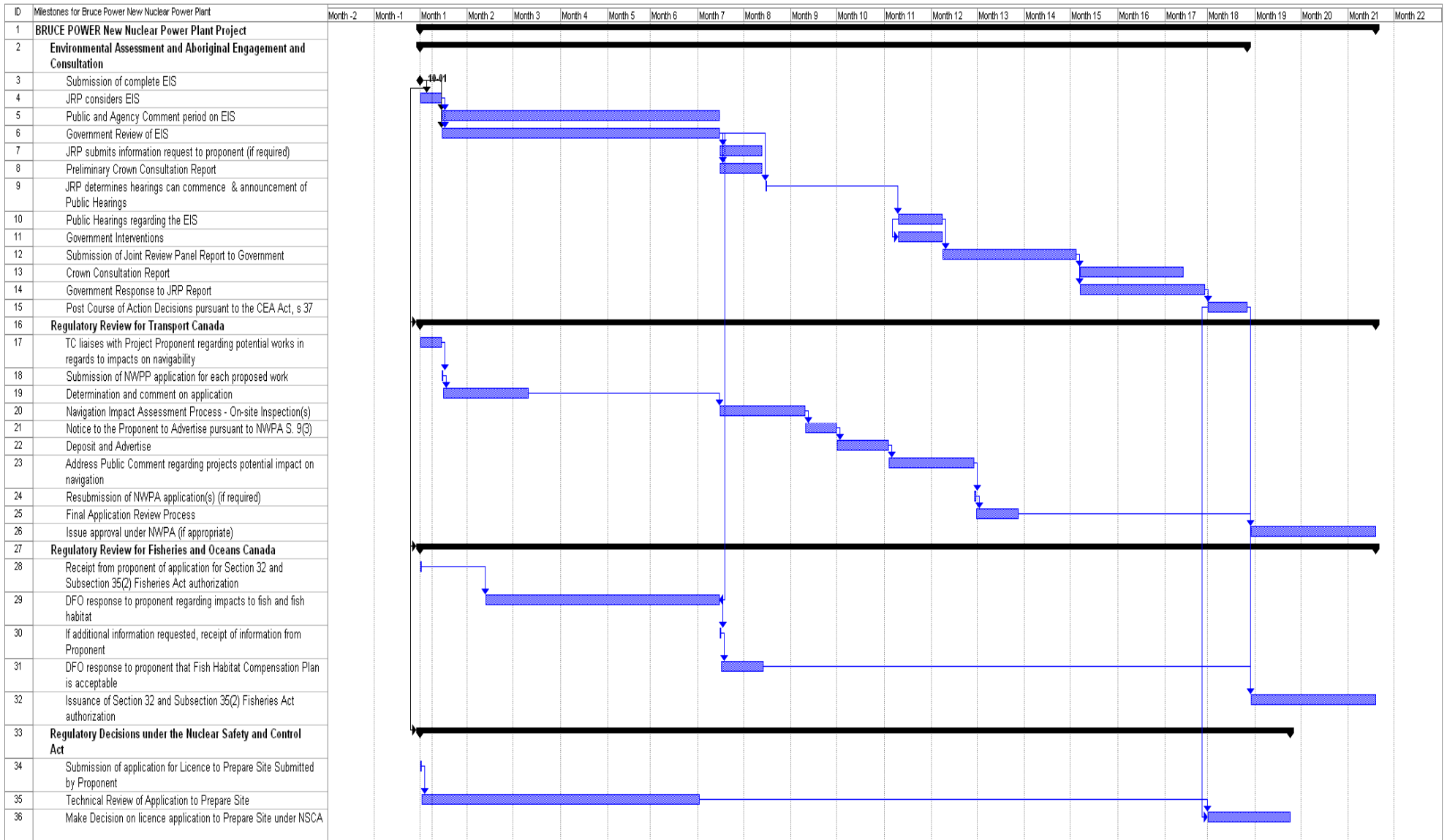
Annex VI - Environmental Assessment and Regulatory Roles and Responsibilities for Other Federal Departments

Annex VII – Aboriginal Engagement and Consultation Work Plan and Roles and Responsibilities

Annex VIII – Departmental Contacts

Annex I

GANTT Chart - Target Timelines for the Federal Regulatory Process for the Project



Annex II

Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Engagement and Consultation

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
Posting of the Notice of Commencement for the EA on the CEARIS	CNSC	CEA Agency	February 2, 2007
Request for a Panel Review	CNSC	RAs, CEA Agency	May 7, 2007
Broad discussions with Aboriginal groups	CNSC	INAC, DOJ, RAs & CEA Agency	Ongoing Activity
Maintain Record of Crown Consultation	CNSC	MPMO	Ongoing Activity
Ministerial referral to a Panel Review	Minister of the Environment	CEA Agency	June 26, 2007
Awarding of Participant funding (Phase I)	CEA Agency		August 27, 2007
Drafting of Environmental Impact Statement (EIS) Guidelines and JRP Agreement	CNSC, CEA Agency	TC, DFO	April 4, 2008
Comment period on the proposed EIS Guidelines and JRP Agreement (include Joint Panel Terms of Reference)	CEA Agency and CNSC	DFO, TC, EC, NRCan, HC	April 4, 2008 to June 18, 2008
Final EIS Guidelines Issued	Minister of the Environment	CEA Agency, CNSC	August 22, 2008
JRP Agreement approved	CEA Agency and CNSC		August 22, 2008
Appointment of JRP by the Minister of the Environment and the Governor-in-Council	Minister of the Environment	CNSC and CEA Agency	September 4, 2008
Federal Government Announces Participant Funding (Phase II)	CEA Agency		At least 45 days prior to expected receipt of the Proponent's EIS

Submission of complete EIS and technical information to support application for Licence to Prepare Site	Proponent	JRP	September 19, 2008
Aboriginal Community Engagement on EIS	CNSC	CEA Agency, DFO, TC, EC, NRCan, HC	To be determined in consultation with Aboriginal communities
Public and Agency Comment period on EIS and technical information to support application for Licence to Prepare Site	JRP, JRP Secretariat	DFO, TC, EC, NRCan, CNSC, HC	Determined by the JRP
Government Review of EIS and technical information to support application for Licence to Prepare Site	CNSC	CEA Agency, DFO, TC, EC, NRCan, HC	Begins within 14 calendar days of CEEA announcement of the awarding of participant funding. To be completed within 6 months of commencement of review
JRP submits information request to proponent (if required)	JRP Secretariat JRP	DFO, TC CNSC	Determined by the JRP
Preliminary Crown Consultation Report	CNSC	MPMO, DoJ, INAC, RAs	Within 4 weeks of close of review period
JRP determines hearings can commence & announcement of Public Hearings	JRP	JRP Secretariat	90 calendar days prior to hearing
Public Hearings regarding the EIS and technical information to support application for Licence to Prepare Site	JRP	JRP Secretariat	Determined by the JRP
Government Interventions	DFO, TC, EC, NRCan, CNSC, HC		During hearings as determined by the JRP
Submission of Joint Review Panel Report to Government	JRP	JRP Secretariat	Within 90 calendar days of the close of hearings
Crown Consultation Report	CNSC	MPMO, DoJ, INAC, RAs	Within 10 weeks of JRP Report

Government Response to JRP Report	NRCan	DFO, TC, CNSC, HC, EC, CEA Agency, MPMO	Within 12 weeks of submission of JRP Report
Course of Action Decisions pursuant to the <i>CEA Act</i>, s 37 posted on CEARIS	CNSC, DFO, TC	CEA Agency	Within 4 weeks of Government Response

Annex III

Roles and Responsibilities for the Canadian Nuclear Safety Commission and Key Milestones and Service Standards under the *Nuclear Safety and Control Act*

Joint EA and Licensing

- Form and chair Federal Project Committee for the purposes of the JRP process;
- Preparing the EA and Licensing Work Plan and associated timelines;
- Review and comment on the EIS;
- Coordinate the Government review of the EIS;
- Finalize design of compliance and follow-up programs;
- Perform the assessment of the proponent's first licence application within a framework of accepted Project Management Practices;
- Review and provide input into government response to JRP report;
- Take course of action in response to the Government response to the JRP report;
- Provide convenient public access to the licensing project file.

Post-EA Licensing

- Perform the assessment of the proponent's subsequent licence application (i.e. construction, operation, decommissioning and abandonment) within a framework of accepted Project Management Practices;
- Communicate with proponent regarding completeness of future licence applications;
- Ensure implementation of mitigation measures through appropriate licences;
- Ensure implementation of follow-up program through appropriate licences;
- Provide public access to the licensing project file for future licence applications.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Submission of technical information to support application for Licence to Prepare Site	Submission of technical information to support application for Licence to Prepare Site	Proponent	September 19, 2008
Technical Review of Application for Licence to Prepare Site	<p>The intent of the technical review is to determine the adequacy of the Licence Application.</p> <p>Licence Application Review will focus but not be limited to:</p> <ul style="list-style-type: none"> • Whether the application qualified to carry on licensed activity; • A description of the site evaluation process; • QA of the reactor design; and, • Proposed worker health and safety policies and procedures. 	CNSC	To be completed within 26 weeks of receipt of technical information to support application for Licence to Prepare Site
Make Decision on application for Licence to Prepare Site under NSCA	<p>Should the EA decisions be favourable to the Project, the panel of the Commission will make its decision on the licence application to prepare the site pursuant to section 24 of the NSCA.</p> <p>Note the JRP public hearings cover both the EA and application for licence to prepare the site.</p>	CNSC	Within 13 weeks of the EA Course of Action decision

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Submission of application for Licence to Construct under the NSCA	Submission of technical information to support the application for a Licence to Construct	Proponent	May 2009
Consider application for Licence to Construct	The Commission conducts hearings on the application for a Licence to Construct, in accordance with the <i>NSCA</i> and its <i>Rules of Procedure</i>	CNSC	2011
Submission of application for Licence to Operate under the NSCA	Submission of technical information to support the application for a Licence to Operate	Proponent	2013 (Anticipated)
Consider application for Licence to Operate	The Commission conducts hearings on the application for a Licence to Construct, in accordance with the <i>NSCA</i> and its <i>Rules of Procedure</i>	CNSC	2015
Submission of application for Licence to Decommission	Submission of technical information to support application for a Licence to Decommission	Proponent	2076 (Anticipated)
Consider application for Licence to Decommission	The Commission conducts hearings on the application for a Licence to Decommission, in accordance with the <i>NSCA</i> and its <i>Rules of Procedure</i>	CNSC	2078
Submission of application for Licence to Abandon	Submission of technical information to support application for a Licence to Abandon	Proponent	2088 (Anticipated)
Consider application for Licence to Abandon	The Commission conducts hearings on the application for a Licence to Abandon, in accordance with the <i>NSCA</i> and its <i>Rules of Procedure</i>	CNSC	2090

Annex IV

Roles and Responsibility for Transport Canada and Key Milestones and Service Standards under the *Navigable Water Protection Act*

EA

- Review and comment on the EA work plan, public participation plan and communications plan;
- Review and comment on the EIS;
- Participate in the analysis of comments on the EIS;
- Participate in public hearings as an expert authority on navigation issues, as determined by TC or as requested by the JRP;
- Review and provide input into government response to JRP;
- Take course of action following the Government Response to the JRP report;
- Provide input into the follow-up and monitoring programs relative to areas of federal interest;
- Work with other RAs and FAs to ensure implementation of mitigation measures related to TC's areas of federal interest; and,
- Work with other RAs and FAs to ensure implementation of the follow-up program related to TC's areas of federal interest.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period, public notice and possible public consultations concerning navigation issues; and,
- Conduct site inspections to support its regulatory decisions, as required.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
TC liaises with Project Proponent regarding potential works in regards to impacts on navigability	TC liaises with Project Proponent regarding proposed works that could potentially impact navigation and on potential alternatives and mitigation strategies to ensure that navigability is maintained.	TC-NWPP	Ongoing
Submission of NWPA application for each proposed work	Proponent provides TC-NWPP with application for each proposed work and request for NWPA approval(s) complete with dimensioned plans, maps, reports, studies and data as	Proponent	TBD by Proponent.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	outlined on the NWPA website. This is received in conjunction with the Environmental Impact Statement.		
Determination and comment on application	Review application package and information/plans for adequacy to support NWPA review. Requests further information if required to proceed with application	TC-NWPP	8 weeks after application submission
Navigation Impact Assessment Process - On-site Inspection(s)	Complete on-site Navigation Impact assessment of project, site and waterway(s), subject to weather and time of year.	TC-NWPP	An initial 2 month inspection process, then ongoing until completion of public comment process
Notice to the Proponent to Advertise pursuant to NWPA S. 9(3)	TC-NWPP provides proponent with advertisement package pursuant to NWPA S. 9(3).	TC-NWPP	Within 3 weeks of completed initial on-site inspection
Deposit and Advertise	Proponent deposits “Final Plans” and other relevant information to Land Title Office and advertises in 2 local papers and Canada Gazette. TC is to request status of Proponent’s deposit and advertisement after 3 months if no responses are received.	Proponent Land Title Office, Canada Gazette	Advertisement process is to occur for a minimum of 30 +1 calendar days
Address Public Comment regarding projects potential impact on navigation	Once the proponent receives public comment(s) in response to ads, the proponent reviews and addresses relevant navigational concerns to satisfaction of public and TC (all other concerns forwarded to CEAA).	Proponent	To be completed within 2 months of completion of advertisement process

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	<p>Additional requirements might be deemed necessary by TC in regards to potential impacts on navigation posed by proposed works.</p> <p>TC will facilitate public comment process if required.</p>	TC-NWPP	
Resubmission of NWPA application(s) (if required)	Resubmission of NWPA application(s) by proponent if substantial changes to proposed work(s) are required.	Proponent	TBD by Proponent
Final Application Review Process Issue approval under NWPA (if appropriate)	<p>TC will perform a final review (subject to the conclusions and recommendations of the JRP) of all information on file, including technical information and public comments.</p> <p>If appropriate, issue approvals under NWPA</p>	TC-NWPP	<p>4 weeks</p> <p>90 calendar days following EA Course of Action decision</p>

Annex V

Roles and Responsibilities for Fisheries and Oceans Canada and Key Milestones and Service Standards under the *Fisheries Act*

EA

- Review and comment on the EA Work Plan, public participation plan and communications plan;
- Review and comment on the EIS;
- Participate in the analysis of comments on the EIS;
- Participate in public hearings, as an expert authority with respect to DFO’s mandate under the *Fisheries Act* and aquatic species under the SARA , as determined by DFO or as requested by the JRP;
- Review and provide input into the Government Response to JRP report;
- Take a course of action decision following the Government Response to the JRP Report.
- Provide input into the follow-up and monitoring programs relative to DFO’s areas of interest under the *Fisheries Act* and aquatic species under the SARA as required;
- Ensure implementation of mitigation measures related to DFO’s areas of interest under the *Fisheries Act* and aquatic species under the SARA as required; and,
- Ensure implementation of those aspects of the follow-up program related to DFO’s area of interest under the *Fisheries Act* and aquatic species under the SARA as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period; and,
- Undertake any required activities related to DFO’s areas of interest under the *Fisheries Act* and aquatic species under the SARA as required supporting DFO’s regulatory decisions.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Receipt from proponent of application for Section 32 and Subsection 35(2) <i>Fisheries Act</i> authorization	DFO receives application from the proponent for authorization of impacts to fish and fish habitat under section 32 and subsection 35(2) of the <i>Fisheries Act</i> complete with adequate plans, maps, reports and data to support the DFO <i>Fisheries Act</i>	Proponent	To be determined by Proponent.

	review. This is received in conjunction with the Environmental Impact Statement.		
DFO response to proponent regarding impacts to fish and fish habitat	<p>DFO acknowledges receipt of application for <i>Fisheries Act</i> authorization and, if required, requests additional information.</p> <p>DFO reviews application package and information/plans as well as the EIS for adequacy to support the Fisheries Act review. Applications may include a Fish Habitat Compensation Plan acceptable to DFO and financial security to support that Plan.</p> <p>DFO requests further information, if required, to proceed with review of application and EIS.</p>	DFO	<p>Acknowledgement within 4 weeks regarding receipt of application</p> <p>Concurrent with time period for government review of EIS.</p> <p>To be determined by Proponent if required</p>
If additional information requested, receipt of information from proponent	DFO receives additional information from proponent		To be determined by proponent.
DFO response to proponent regarding Fish Habitat Compensation Plan	If appropriate, DFO notifies proponent that Fish Habitat Compensation Plan is acceptable (subject to the conclusions and recommendations of the JRP), including any financial security that may be required.	DFO	4 weeks from receipt of acceptable Fish Habitat Compensation Plan (including financial security)
Decision regarding issuance of Section 32 and Subsection 35(2) <i>Fisheries Act</i> authorization	If appropriate, DFO issues <i>Fisheries Act</i> authorization to proponent for impacts to fish and fish habitat.	DFO	90 calendar days after receipt of an acceptable Fish Habitat Compensation Plan (including financial security) and the discharge of any legal Aboriginal consultation

			<p>obligations associated with the authorization(s).</p> <p>DFO issues authorization contingent on government's response to the panel report (i.e. if approved by Governor in Council under Paragraph 37.(1.1)(a) of CEAA).</p> <p>The issuance of the authorization will also be dependent upon the proponent's timing needs for the authorization.</p>
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Annex VI

Environmental Assessment and Regulatory Roles and Responsibilities of Other Federal Departments

Federal Authority Specific Roles / Responsibilities

FEDERAL AUTHORITY	ROLES / RESPONSIBILITIES
	Expert FA roles, as identified below, are related to the areas of available expertise and mandates of the respective federal entity.
Environment Canada	<ul style="list-style-type: none"> • Review and submit comment on the EA Work Plan, public participation plan and communications plan as appropriate; • Participate in federal project review committee meetings as requested by the CNSC or as otherwise appropriate, for provision of relevant expertise that is available; • Review and submit comment on the EIS Guidelines; • Provide support to the review of other comments received on the EIS Guidelines; • Review and submit comment on the EIS; • Provide support to the review of other comments received on the EIS; • Participate in public hearings, as determined by the respective Department or as requested by the JRP; • Review JRP Report and participate in development of Government Response; and, • Provide support to the design and implementation of the follow-up program and/or mitigation measures that arise from FA recommendations made, and as agreed to with the RAs.
Health Canada	
Natural Resources Canada	
Natural Resources Canada	
	<ul style="list-style-type: none"> • Leads the Government Response to the JRP Report

Major Projects Management Office Specific Roles / Responsibilities

	ROLES / RESPONSIBILITIES
MPMO	<ul style="list-style-type: none">• Coordinate the development and approval of Project Agreements• Monitor and report on the progress of the project through the EA and Regulatory Review• Take proactive steps to identify opportunities to streamline the federal EA and regulatory process to meet government timelines and identify bottlenecks that could cause delays.• Incorporate information received from the CNSC, CEA Agency, FA(s) RA(s), and Proponent on the EA milestones into the MPMO project tracking system

Annex VII

Aboriginal Engagement and Consultation Work Plan and Roles and Responsibilities

1.0 Context

The Government of Canada may have a common law duty to consult with Aboriginal groups when it contemplates actions that may affect established or potential Aboriginal and treaty rights. These rights are recognized and affirmed in section 35 of the *Constitution Act, 1982*.

The Government of Canada will take a “Whole of Government” approach to Aboriginal Consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted, and where appropriate accommodated, when it contemplates actions that may affect established or potential Aboriginal and treaty rights. This approach is mandated by both the Cabinet Directive and its subsequent MOU for *Improving the Regulatory Performance for Major Natural Resource Projects* (June, 2007). The Directive states that federal parties will work together towards a coordinated approach for Aboriginal Consultation that is integrated with the Environmental Assessment (EA) and Regulatory Review.

2.0 The Federal Crown Consultation Process for the Bruce Power New Nuclear Power Plant

The “Whole of Government” approach for Aboriginal Engagement and Consultation activities will be implemented throughout the entire EA and regulatory review process. Best efforts will be made to ensure that the timeframe for Consultation activities coincides with key EA and Regulatory Review milestones and processes. Although efforts will be made to ensure that Consultation efforts are aligned with key process steps, it is important to acknowledge that timeframes for Consultation activities may diverge from pre-established EA and Regulatory Review timeframes, based on the Consultation requirements. Should modifications to timeframes be required due to Consultation obligations, revisions will be discussed by all Parties.

The CNSC will act as the Crown Consultation Coordinator (CCC) for the federal review in relation to the Project, to the extent possible under its mandate, as a means to satisfy the Crown’s obligations. Given the quasi-judicial nature of the CNSC, the Crown – through the MPMO - will exercise an oversight role to ensure that the CNSC-led process sufficiently contributes to the Crown’s fulfilling of its legal duty to consult to the maximum extent possible.

3.0 Key Aboriginal Engagement and Consultation Milestones

EA Phase

1. CEA Agency to distribute Aboriginal capacity funding to Aboriginal groups, as appropriate
2. Federal team to consult with affected/potentially affected Aboriginal groups on Environmental Impact Statement
3. Federal team to consult with affected/potentially affected Aboriginal groups on Joint Review Panel Report
4. CNSC and CEA Agency, on behalf of regional team, to issue final letter to Aboriginal groups on how concerns were addressed

Regulatory Review Phase

5. MPMO coordinates Crown review of the Crown Consultation Report, with NRCan to prepare Government Response to JRP recommendation with respect to project impact on Aboriginal and treaty rights
6. CNSC to continue role of federal Crown Consultation Coordinator for any consultation affected/potentially affected Aboriginal groups during the permitting and regulatory phase
7. FAs, RAs implement Government Response to JRP determination, if applicable

4.0 Identified Aboriginal Groups

Based on analysis to date, the following Aboriginal groups have been identified for engagement. This list however is not meant to be exhaustive. The CNSC, in conjunction with other RAs, will determine the appropriate level of engagement for identified groups to discharge the Crown’s obligations.

Name of Aboriginal Group	Mailing Address
1. Chippewas of Nawash First Nation	RR 5, Wiarton, ON, N0H 2T0
2. Saugeen First Nation	RR 1, Southhampton, ON, N0H 2L0
3. Saguingue Métis Council	Box 1582 Port Elgin, ON N0H 2C0
4. Grey Owen Sound Métis Council	370 2 nd Avenue East Owen Sound, ON N4K 2E9

5.0 Roles and Responsibilities of Parties

Roles and responsibilities of each participating federal entity for the review of the project are as follows:

JRP

The roles and responsibilities of the JRP are outlined in subsection 4.1(c) of the [Joint Review Panel Agreement \(JRPA\)](#) .

The CNSC will:

- Act as the Crown Consultation Coordinator (CCC) for the federal review in relation to the Project.
- Coordinate and facilitate the Crown's Consultation activities before, during and after the federal EA, including:
 - Draft Aboriginal Consultation work plans, in collaboration with the MPMO and other Parties;
 - Engage Aboriginal groups, in cooperation with RAs as appropriate;
 - Ensure that Consultation activities required for the Project are integrated with the EA process, as a means to discharge the Crown's duty to consult;
 - Ensure that a consultation process is in place for the Regulatory Review;
 - Track and refer project specific issues raised by Aboriginal peoples to the appropriate parties (e.g. Responsible Authorities, proponent, province);
 - Track and refer non-project specific issues (e.g. land claims, treaty rights) to appropriate authorities (e.g. INAC, province);
 - Address project specific issues in the context of the EA and Regulatory Review;
 - Facilitate multi-party Consultation activities where necessary;
 - Represent the Crown along with RAs and FAs (and the province, where appropriate) during Consultation activities;
 - Compile and update the Record of Crown Consultation activities conducted during the EA and Regulatory Review.

The Major Projects Management Office (MPMO) will:

- Provide oversight to ensure the overall consistency, accountability and transparency of the Aboriginal Crown consultation effort for the entire project review;
- House and maintain the official Record of Crown Consultation activities for the project;
- Ensure the proponent receives Early Engagement Guidance;
- Conduct early information gathering and communication with proponents, government departments, Aboriginal peoples and other stakeholders about engagement needs, activities and forthcoming Consultation responsibilities;
- Identify and track key regional or Consultation-relevant issues as early as possible;
- Incorporate information relating to Consultation activities into the project Monitoring and Tracking System;
- Refer issues requiring resolution to the appropriate committee established for the MPMO initiative, as appropriate; and
- Respond to general enquiries regarding Consultation activities related to different projects by Federal departments and agencies.

The CEA Agency will:

- Be responsible for Consulting with Aboriginal groups in respect of the Environmental Assessment process; and
- Provide funding opportunities for Consultation activities in support of the JRP process through the Aboriginal Funding Envelope of the Agency's Participant Funding Program.

Responsible Authorities will:

- Participate in coordinated Consultation activities throughout the entire EA and Regulatory Review process (including project development, pre-assessment, assessment, and post-assessment phases);
- Represent the Crown alongside the Crown Consultation Coordinator, the province, the proponent and other federal parties (e.g. MPMO where appropriate) to address Aboriginal issues as appropriate/required;
- Contribute to the "Whole of Government" approach by participating in Consultation activities in areas relevant/appropriate to their mandates and areas of statutory and policy responsibility;
- Report on Consultation activities to the CNSC and the MPMO in accordance with the established records-management process; and
- Support issues analysis work, where required.

Federal Authorities and Expert Departments will:

- Participate in any of the above activities upon request of the Crown Consultation Coordinator and/or RAs.

The Department of Justice (DOJ) and INAC will:

- Provide legal services, information and advice to the CEA Agency, MPMO and certain RAs as appropriate and required throughout the EA and Regulatory Review; and
- Assist in the evaluation of the scope, nature, and sufficiency of the Crown's Consultation efforts.

Proponents can/may:

- Play an important role in providing information relevant to federal Aboriginal Consultation responsibilities and activities. While it is important to note that such actions by proponents do not constitute "procedural delegation" of the Crown's legal duty to consult, proponent-driven decisions and actions may be a vehicle through which federal Consultation decisions and responses can be made/directed. Aboriginal engagement initiatives/activities by the proponent could include:
 - Review and follow Aboriginal Engagement Guidance provided by MPMO, other entities (e.g. the Aboriginal groups themselves, industry associations, etc.), and other government authorities;
 - Commence early engagement with Aboriginal groups and share with federal entities, where appropriate, Aboriginal Consultation information (e.g. issues raised with

respect to project-related impacts to established or potential Aboriginal and treaty rights);

- Send key documentation (e.g. Project Description, Environmental Impact Statement) to affected/potentially affected Aboriginal Communities early, to discuss and address concerns via technical and other sessions;
- Explore opportunities to assist with Aboriginal Consultation and capacity funding, as well as other local and regional issues; and
- Conduct ongoing adaptive management of a project, and address Aboriginal issues in project design/implementation and operations.

Annex VIII – Departmental Contacts

FEDERAL ENTITY	CONTACT(S) (Acting on behalf of their Department)	RESPONSIBLE AUTHORITY / FEDERAL AUTHORITY	POTENTIAL/ ACTUAL TRIGGER(S)	POTENTIAL/ ACTUAL EXPERTISE
CEA Agency	Debra Myles (613) 957-0626 debra.myles@ceaa-acee.gc.ca	Agency		
CNSC- General	Mark Dallaire 613 947-3728 Mark.Dallaire@cnsccns.gc.ca	RA	<i>Nuclear Safety and Control Act S. 24(2)</i>	Nuclear Safety, Radiation Protection, Environmental Protection, Nuclear Security and Nuclear Non-Proliferation and Safeguards
CNSC-EA	Brian Torrie 613 992-7231 Brian.Torrie@cnsccsn.gc.ca			
CNSC-Licensing	John Clarke 613 943 9919 JohnP.Clarke@cnsccsn.gc.ca			
	Garry Schwarz 613 995-2784 garry.schwarz@cnsccsn.gc.ca			
	Slobodan Jovanovic (613) 947-6430 Slobodan.jovanovic@cnsccsn.gc.ca			
MPMO	Stefan Skocylas (613) 996-1042 sskocyla@NRCan.gc.ca			Regulatory System for major resource projects
DFO	Lisa Fowler (905) 639-4022 Lisa.Fowler@dfo-mpo.gc.ca	RA	<i>Fisheries Act S. 32; S. 35(2)</i>	Fish and Fish Habitat Aquatic Species at Risk
	Dana Boyter (905) 639-0042 Dana.Boyter@dfo-mpo.gc.ca			
TC	Monique Mousseau (416) 952-0485 MOUSSEM@tc.gc.ca	RA	<i>Navigable Water S. 5(1)(A); S.6(4)</i>	Navigation Safety
	Barry Putt PUTTB@tc.gc.ca (519) 312-0120			
	David Zeit (416) 952-0507 ZEITD@tc.gc.ca			

FEDERAL ENTITY	CONTACT(S) (Acting on behalf of their Department)	RESPONSIBLE AUTHORITY / FEDERAL AUTHORITY	POTENTIAL/ ACTUAL TRIGGER(S)	POTENTIAL/ ACTUAL EXPERTISE
JRP	<p>Jennifer Clark (613) 948-2039 jennifer.clark@ceaa-acee.gc.ca</p> <p>Kelly McGee (613) 947-3710 Kelly.mcgee@cnscccsn.gc.ca</p>			
EC	<p>Sandro Leonardelli 416-739-5858 Sandro.Leonardelli@ec.gc.ca</p> <p>Rob Dobos 905 336 4953 Rob.Dobos@ec.gc.ca</p>	FA		<p>Air Quality Water Quality Species at Risk Migratory Birds Hydrology Meteorology Climatology</p>
HC	<p>Kitty Ma (416) 954-2206 kitty_ma@hc-sc.gc.ca</p> <p>Carolyn Dunn (613) 9948-2875 carolyn_dunn@hc-sc.gc.ca</p>	FA		Human Health
NRCan	<p>Kim Mann (613) 995-4434 kmann@nrcan.gc.ca</p>	FA		Geosciences (e.g. geology, hydrogeology, seismicity)