PROJECT AGREEMENT FOR THE BUTE INLET HYDROELECTRIC PROJECT IN BRITISH COLUMBIA

PREAMBLE

WHEREAS the Government of Canada is committed to improving the federal environmental assessment (EA) and regulatory review processes for major resource projects to enable a more effective assessment and mitigation of potential environmental effects, 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 adversely affect 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 Plutonic Power Corporation (the Proponent) has submitted a Project Description in support of its proposal to develop a hydroelectric generation system on tributaries to rivers that drain to Bute Inlet, generating a total capacity of 1027 MW;

AND WHEREAS Fisheries and Oceans Canada (DFO), Transport Canada (TC) and Indian and Northern Affairs Canada (INAC) may have regulatory and statutory duties in relation to the proposed project;

AND WHEREAS the Minister of Fisheries and Oceans has recommended to the Minister of the Environment (the Minister) that the environmental assessment of the proposed project be referred to a review panel pursuant to the *Canadian Environmental Assessment Act* (CEAA);

AND WHEREAS a Review Panel (The Panel) was appointed by the Minister to assess the environmental effects pursuant to the CEAA;

AND WHEREAS the British Columbia Environmental Assessment Office (BC EAO) and the Canadian Environmental Assessment Agency (CEA Agency) have agreed to coordinate the federal and provincial environmental assessments to the extent possible;

AND WHEREAS nothing in this Project Agreement (the Agreement) fetters the powers, statutory authorities and functions of federal departments and their respective Ministers;

NOW THEREFORE the federal signatories to this Agreement commit to work together to facilitate an effective, accountable, transparent, timely and predictable federal review in relation to the proposed project and to contribute to the discharging of any duty to consult with Aboriginal groups.

1.0 PURPOSE

This Agreement describes the main activities of the federal review process and outlines the key roles and responsibilities of the federal signatories (the Parties) to this Agreement in relation to the proposed project. The federal review includes an EA, regulatory review and Aboriginal engagement and consultation activities.

In addition, the Agreement establishes service standards for each milestone of the federal review as the basis for tracking and managing progress. These have been established on the basis of a number of assumptions, some of which relate to activities of participants to the review that are *not signatories* to this Agreement, such as the Proponent, the BC EAO, Aboriginal Groups and the Panel. Should events unfold in a manner that is different from what has been assumed, the timelines will necessarily be different.

2.0 ROLES AND RESPONSIBILITIES

The proposed project would consist of 17 run-of-river hydroelectric generating facilities in the area of the Southgate River, the Homantho River and the Orford River; a 230 kV/ 500 kV substation near the mouth of Southgate River, associated access roads; 216 km of 230 kV collector transmission line; and, 227 km of 500 kV trunk transmission line from the proposed substation to the existing 500 kV substation at Malaspina. The proposed project would have the capacity to produce 1027 MW of electricity.

Based on the information provided by the proponent, the following federal departments and agencies have identified an interest in the proposed project, and will participate in the federal review in relation to the proposed project as follows:

- DFO has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to paragraph 5(1)(d) of CEAA, is a Responsible Authority (RA). DFO is also a Federal Authority (FA) under the CEAA and is in possession of specialist or expert information or knowledge with respect to the proposed project and, on request, shall make available that information or knowledge to RAs and/or the Panel. DFO will lead the response to the Panel Report (see Annex IV);

- TC may have regulatory and statutory responsibilities under the Navigable Waters Protection Act (NWPA) pursuant to paragraph 5(1)(d) of the CEAA therefore is a likely RA. TC requires a Navigation Impact Assessment (NIA) to be completed as a component of the EA. Therefore, to complete the NIA and make its EA decision, TC requires all the information described in the NWPA application form. In order to meet timelines in this Agreement this information must be submitted no later than the time of submission of the EIS. TC is also a FA under the CEAA and is in possession of specialist or expert information or knowledge with respect to the proposed project and, on request, shall make available that information or knowledge to the RAs and/or the Panel (see Annex V);

- INAC has regulatory and statutory responsibilities under the lease/permits for Right of Ways under the *Indian Act* and, pursuant to paragraph 5(1)(d) of the CEAA, is an RA. INAC is also a Federal Authority (FA) under the CEAA and is in possession of specialist or expert information or knowledge with respect to the proposed project and, on request, shall make available that information or knowledge to RAs and/or the Panel. INAC also has advisory responsibilities in regard to Aboriginal engagement and consultation (see Annex VI);

- Natural Resources Canada (NRCan), Environment Canada (EC), Health Canada (HC) may be considered as Federal Authorities under CEAA and may be in possession of specialist or expert information with respect to the proposed project, and, upon request, shall make available that information or knowledge to the RAs and/or the Panel (see Annex VII);

- The CEA Agency will act as the Panel Manager and as the Crown Consultation Coordinator for the EA in relation to the proposed project, and coordinate federal input into the provincial EA, to the extent possible (see Annexes II, III and VII); and,

- The MPMO has administrative and advisory responsibilities under the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and its associated Memorandum of Understanding (MOU). The MPMO will provide oversight and advice throughout the entire federal review in relation to the proposed project to ensure adherence to the service standards and roles and responsibilities. (See Annex VII).

2.1 Environmental Assessment Process and Regulatory Review Process

The Terms of Reference for the Review Panel, issued by the Minister of Environment on May 5, 2009, establishes the Panel and its mandate. As currently proposed the scope of the project (the Project), outlined in detail in the Terms of Reference, includes 17 run-of-river generating facilities, the control and management of water being diverted, the water conveyance system, transmission lines, permanent access roads, maintenance access routes, and all related works and activities.

The CEA Agency and the BC EAO are committed to making best efforts to coordinate their respective review processes, and to ensure joint steps are undertaken wherever that can appropriately be done. This approach includes: developing a common set of Environmental Impact Statement (EIS) Guidelines; directing the development of a single EIS to be submitted by the Proponent (referred to as an Application for an Environmental Assessment Certificate in provincial terminology); holding joint public comment periods; and having BC EAO representatives and provincial agencies attend the federal panel public hearings. These steps will enhance the efficiency and effectiveness of the review process for all concerned, and will enable the most coordinated and productive Aboriginal consultation. Annex I shows a process chart of the federal review process. Annex II shows the key milestones and service standards for the EA as well as Aboriginal engagement and consultation.

Through the EA process, RAs will confirm any regulatory decisions required in relation to the proposed 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, upon request from the Panel or a RA, continue to participate as an FA should it be in possession of specialist or expert information or knowledge with respect to the Project.

The EA and regulatory review timelines detailed in this Agreement assume that the Proponent will submit complete and accurate *NWPA*, *Fisheries Act*, and *Indian Act* applications no later than the date of submission of the EIS.

2.2 Aboriginal Engagement and Consultation

The Parties are committed to a "Whole of Government" approach to Aboriginal engagement and consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted, and where appropriate accommodated, when the Government of Canada contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. To the extent possible, and with the CEA Agency responsible for coordination, the Parties will work together toward a coordinated approach for Aboriginal consultation that is integrated with the EA and regulatory review processes.

The proposed Aboriginal engagement and consultation roles and responsibilities are identified in Annex III.

3.0 TIMELINES

The target timelines for the EA and regulatory review processes are detailed in the Gantt Chart in Annex I, and are as follows:

a) Submission of the Panel's Report to the Government - 10 months from the release of the EIS by the Panel for public comment, assuming submission of all necessary regulatory applications no later than the time of submission of the EIS;
b) If appropriate, issuance of NWPA, *Fisheries Act*, and *Indian Act* authorizations – 3 months from the EA Course of Action decisions posted on the Canadian Environmental Assessment Registry (CEAR), assuming submission of applications no later than the time of the submission of the EIS.

Based on current plans and estimates – and assuming the timely submission of all documents, *NWPA*, *Fisheries Act*, and *Indian Act* applications, additional information, the timely completion of the Panel activities, and the discharge of the Crown's Aboriginal Consultation duty – it is anticipated that the Panel will submit its report to the Minister in August 2010 for the Government Response.

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 work with FAs to ensure that appropriate measures are in place, in conjunction with the proponent, to ensure the mitigation strategies related to their areas of regulatory

responsibility 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. For those mitigation strategies within federal jurisdiction that were identified through the EA but that are not related to the RAs regulatory responsibility, the FAs will provide assistance to ensure the mitigation and follow-up strategies related to areas within their mandate are adhered to and effectively implemented by the Proponent.

5.0 ADMINISTRATION

Tracking Progress

The milestones, timelines and service standards set out in this Agreement, subject to any amendments, will provide the basis against which the MPMO will track and monitor the progress of the federal review process. The MPMO will report on this progress in the MPMO Tracker and suspend timelines in situations such as:

a) the review is delayed at the request of the proponent or another jurisdiction or the Panel;
b) the CEA Agency and/or RAs have indicated to the MPMO that the proponent is required to provide additional information necessary for the completion of the EA and/or 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; or
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 the environmental assessment, regulatory review or Aboriginal engagement and consultation in relation to the proposed 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 proposed project 90 days following the regulatory review. The level of effort and format of the review will be appropriate to the scale of the 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 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.

____Original Signed by _____	_15-05-09__
Deputy Minister	Date
Natural Resources Canada	
____Original Signed by_____	_08-05-09__
President	Date
Canadian Environmental Assessment Agency	
____Original Signed by_____	_08-05-09__
Deputy Minister	Date
Fisheries and Oceans Canada	
____Original Signed by _____	_01-05-09__
Deputy Minister	Date
Transport Canada	
____Original Signed by _____	_02-05-09__
Deputy Minister	Date
Environment Canada	
____Original Signed by _____	_08-05-09__
Deputy Minister	Date
Indian and Northern Affairs Canada	

Annexes

Annex I - Target Timelines for the Federal EA and Regulatory Review Process

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

Annex III - Aboriginal Engagement and Consultation approach and Roles and Responsibilities

Annex IV - Fisheries and Oceans Canada: Roles, Responsibilities, Key Milestones and Service Standards

Annex V - Transport Canada: Roles, Responsibilities, Key Milestones and Service Standards

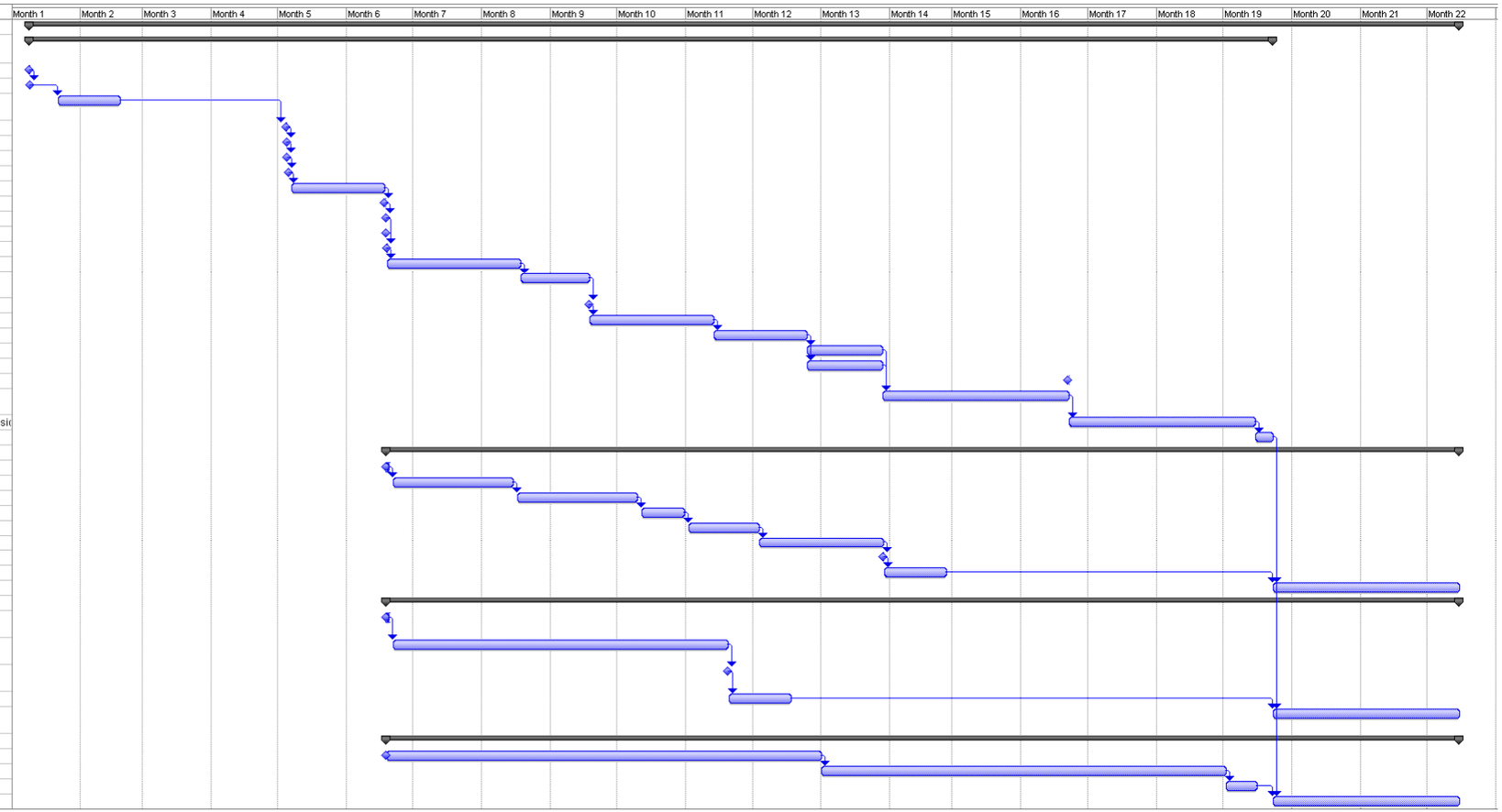
Annex VI - Indian and Northern Affairs Canada: Roles, Responsibilities, Key Milestones and Service Standards

Annex VII - Other Departments and Agencies: Roles and Responsibilities

Annex I

Target Timelines for the Federal EA and Regulatory Review Process

ID	Milestones Bute Inlet Hydroelectric Project
1	**Bute Inlet Hydroelectric Project**
2	**Environmental Assessment and Aboriginal Engagement and Consultation**
3	Post Notice of Commencement on CEAR (Jan 9/09)
4	Request for a Review Panel (Jan 9/09)
5	Comment period on the proposed Draft Federal-Provincial EIS Guidelines and Panel Terms of Reference (Jan 19 - Feb 18/09)
6	Ministerial referral to a Review Panel (May 5/09)
7	Final EIS Guidelines issued (May 5/09)
8	Panel Terms of Reference issued (May 5/09)
9	Appointment of Panel
10	Announcement of Participant Funding
11	Awarding of Participant funding
12	Submission of EIS to BC-EAO for completeness determination
13	Commencement of Aboriginal community engagement on EIS
14	Submission of EIS to the Panel
15	Public comment period on, and Government review of EIS
16	Panel determines sufficiency of EIS (if not sufficient, additional steps and time will be required)
17	Panel request for additional information
18	Panel and Government review additional information
19	Notice of public hearings
20	Public hearings (to be determined by Panel)
21	Government participation at hearings
22	Commencement of Aboriginal engagement on Panel Report
23	Preparation and submission of Panel Report to Government departments
24	Government response to Panel Report and Governor in Council decisi
25	Post Course of Action Decisions pursuant to s 37 of the CEAA
26	**Regulatory Review for Transport Canada**
27	Submission of NWPP application for each proposed work
28	Determination and comment on NWPA application(s)
29	Navigation Impact Assessment Process - On-site Inspection(s)
30	Notice to the Proponent to Advertise pursuant to NWPA S. 9(3)
31	Deposit and Advertise
32	Address Public Comment regarding potential impact on navigation
33	Resubmission of NWPA application(s) (if required)
34	Final Application Review Process
35	Issue approval under NWPA (if appropriate)
36	**Regulatory Review for Fisheries and Oceans Canada**
37	Receipt from proponent of application for Section 32 and Subsection 35(2) Fisheries Act authorization
38	DFO response to the proponent regarding impacts to fish and fish habitat and the Fish Habitat Compensation Plan
39	DFO response to proponent regarding Fish Habitat Compensation Plan
40	Receipt of additional information from the proponent
41	Decision by DFO regarding Issuance of Section 32 and Subsection 35(2) Fisheries Act authorization
42	**Regulatory Review for INAC**
43	Negotiation of Terms and Conditions of the lease or permit
44	Band Council Resolution
45	Preparation of lease or permit
46	Issuing the permit



Annex II

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

Description/Activity	Lead	Support As Needed	Service Standard, or Completion Date
Posting of the Notice of Commencement for the EA on the CEAR	DFO	CEA Agency	January 9, 2009
Request to refer to the Panel	DFO	RAs, Agency	January 9, 2009
Comment period on the Proposed Federal-Provincial EIS Guidelines and Terms of Reference for the Panel	CEA Agency	RAs and FAs	January 19 to February 18, 2009
Ministerial decision regarding referral to Panel	Minister of the Environment	CEA Agency	May 5, 2009
Final EIS Guidelines issued	Minister of the Environment	RAs, CEA Agency	May 5, 2009
Panel Term's of Reference issued	CEA Agency	RAs, CEA Agency	May 5, 2009
Announcement of Participant Funding	CEA Agency		Before Comment period on EIS
Awarding of Participant funding	CEA Agency		Before Comment period on EIS
Appointment of panel members	Minister of the Environment	RAs, CEA Agency	To be determined by the Minister of the Environment
Submission of EIS to the Panel**,** and applications to support TC regulatory approvals/authorizations	Proponent	RAs	October 1st, 2009
Aboriginal Community Engagement on EIS	Agency	CEA Agency, RAs	Process & schedule to be determined in consultation with Aboriginal communities
Public Comment period on EIS	Panel	RAs and FAs	Minimum of 60 days
Panel considers public comments and determine adequacy of information	Panel		30 days
Response to Request from Panel if applicable	Proponent		To be determined by proponent
Public Comment period on additional information from proponent	Panel	RAs and FAs	30 days from receipt of information
Panel considers public comments and determines adequacy of information	Panel		15 days from close of comment period
Announcement of public hearings	Panel		Minimum of 45 days prior to hearing
Public Hearing	Panel		Determined by the Panel
Government participation at hearing	RAs and FAs, BC EAO		During hearing as determined by the Panel
Submission of Panel Report to Minister of Environment and government departments	Panel		Within 90 days of the close of hearing
Government Response to Panel Report	RAs	CEA Agency, FAs	Within 12 weeks of submission of the Panel Report under the conditions that the RAs have determined that the

			Crown's duty to consult has been adequate to this particular point and that the CEAA requirements have been met
Governor in Council decision	PCO	CEA Agency, RAs, and FAs	Determined by Cabinet
Course of Action Decisions pursuant to the CEAA, s 37	RAs	CEA Agency	Within 1 week of the Governor in Council decision

Annex III

Aboriginal Engagement and Consultation approach and Roles and Responsibilities

1.0 Context

The Government of Canada consults with Aboriginal people for reasons of good governance, sound policy development and decision-making as well as for legal reasons. Canada has statutory, contractual and common law obligations to consult with Aboriginal groups. The common law duty to consult with Aboriginal groups applies when the Crown contemplates actions that may adversely 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 adversely 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 EA and regulatory review.

2.0 Identifying Aboriginal Groups

The CEA Agency, in conjunction with RAs and the MPMO, will identify Aboriginal groups for engagement and will determine the appropriate level of engagement and consultation for identified groups. Aboriginal groups engaged may change over time based on information received during the course of the assessment and the feedback from Aboriginal groups, as may the level of engagement and consultation activities undertaken by the Crown.

3.0 The Federal Crown Consultation Process

The "Whole of Government" approach for Aboriginal engagement and consultation activities will be implemented throughout the entire EA and regulatory review processes. 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.

Where accommodation is required, the Crown, coordinated by the CEA Agency, will monitor and determine whether mitigation measures identified reasonably address concerns regarding potential adverse impacts on established or potential Aboriginal and treaty rights. The Crown may also examine the role of third parties in addressing adverse impacts on established or potential Aboriginal and treaty rights. The Crown will work with Aboriginal groups and attempt to identify options or solutions that balance the interests of those Aboriginal groups with other societal interests.

4.0 Roles and Responsibilities of Parties

The CEA Agency will act as the Crown Consultation Coordinator (CCC) for the federal review in relation to the proposed project to satisfy the Crown's obligations. The role of the CCC is described below. Key Aboriginal engagement and consultation milestones are included in Annex II.

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

The CEA Agency will:

- Act as the CCC for the federal review of the proposed project, and coordinate and facilitate the Crown's consultation activities before and during the federal EA, and during the transition to the regulatory review to ensure the transition is smooth. As the CCC, the Agency will:
    - Identify and engage Aboriginal groups, in cooperation with RAs as appropriate;
    - Prepare an Aboriginal consultation work plan in collaboration with other Parties;
    - Ensure that consultation activities required for the proposed 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 through the transfer of the CCC role to an RA;
    - Track and refer project specific issues raised by Aboriginal peoples to the appropriate Parties (e.g., Responsible Authorities, proponent, province, etc.);
    - Track and refer non-project specific issues (e.g. land claims, treaty rights) to appropriate authorities (e.g., INAC, province, etc.);
    - Address project specific issues in the context of the EA and regulatory review;
    - Facilitate multi-party consultation activities where necessary;
    - Represent the Crown and lead Crown consultation activities, together with RAs, and FAs that are requested to participate;
    - Compile and update the *Record of Crown Consultation Activities* conducted during the EA and regulatory review, and then transfer the *Record* to the MPMO at the end of the EA and regulatory review;
    - Provide funding for consultation activities in support of the Panel process through the Aboriginal Funding Envelope of the Agency's Participant Funding Program;
    - Consult on the Panel Report recommendations as required;
    - Evaluate the scope, nature, and sufficiency of the Crown's consultation efforts, with input from the Department of Justice, INAC and RAs; and,
    - Issue final letter, on behalf of Government of Canada, to Aboriginal groups on how concerns were addressed.

The Major Projects Management Office will:

- House and maintain the official *Record of Crown Consultation Activities* for the Project; and,
- Incorporate information relating to consultation activities into the project Monitoring and Tracking System.

Responsible Authorities will:

- Participate in coordinated consultation activities throughout the entire EA and regulatory review processes (including pre-assessment, assessment, and post–assessment phases), as appropriate/required;
- Represent the Crown alongside the Crown Consultation Coordinator, the province, the Proponent and other federal Parties 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 Agency 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, as appropriate.

The Department of Justice (DOJ) and INAC will:

- Provide legal services, information and advice to the Agency, MPMO and 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.

Annex IV

Fisheries and Oceans Canada
Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group;
- Review and comment on the EA Work Plan, Aboriginal Consultation Work Plan, public participation plan and communications plan;
- Review and comment on EIS Guidelines and Panel's Terms of Reference;
- Review and comment on the EIS and participate in the analysis of comments on the EIS;
- Prepare a submission and participate in public hearing, as a federal authority with respect to DFO's mandate under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, where appropriate;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel report, as appropriate;
- Lead and coordinate the Government Response to the Panel report;
- Take a course of action decision following the Governor in Council decision;
- Provide input into the follow-up and monitoring programs relative to DFO's areas of regulatory responsibilities and areas of interest under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, as required; and,
- Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to DFO's areas of regulatory responsibilities and areas of interest under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Prepare regulatory work plan; and,
- Undertake any required activities related to DFO's mandate under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, as required, to support DFO's regulatory decisions, including consulting with affected/potentially affected Aboriginal groups as appropriate.

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) *Fisheries Act* 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 Fisheries Act* complete with adequate plans, maps, reports and data to support the review. This may include a fish habitat compensation plan to support the *Fisheries Act* review. The application should be received in conjunction with the Environmental Impact Statement (EIS).	Proponent	Dependent on timing of the submission of the application by the proponent
DFO response to the proponent regarding impacts to fish and fish habitat and the	DFO reviews the application package (including the habitat compensation plan and associated financial security, if applicable) for adequacy to	DFO	Concurrent with review of the EIS if application is received during the EIS review.

Fish Habitat Compensation Plan	support the *Fisheries Act* review. DFO requests further information, if required, to proceed with review of the application (and the EIS, if reviews are concurrent)..		
DFO response to proponent regarding Fish Habitat Compensation Plan	If appropriate, DFO notifies Proponent that the Fish Habitat Compensation Plan is acceptable (subject to the conclusions and recommendations of the Panel and Governor in Council-approved response to the Panel Report, and the discharge of any legal Aboriginal consultation obligations).	DFO	4 weeks from receipt of acceptable Fish Habitat Compensation Plan.
Receipt of additional information from the proponent	DFO receives additional information from proponent	Proponent	Dependent on timing of the submission of additional information by the Proponent.
Decision regarding Issuance of Section 32 and Subsection 35(2) *Fisheries Act* authorization	If appropriate, DFO issues *Fisheries Act* authorization to Proponent for impacts to fish and fish habitat.	DFO	DFO issues an authorization contingent on EA Course of Action Decision under paragraph 37(1)(a) of CEAA. The Course of Action decision must be consistent with the response to the Panel Report approved by the Governor in Council under paragraph 37(1.1)(a) of CEAA. DFO issues the authorization 90 calendar days after receipt of an acceptable Fish Habitat Compensation Plan (including financial security) and the discharge of any legal Aboriginal consultation obligations associated with the authorization(s). Issuance of the authorizations will also consider the Proponent's timing needs for the authorization in that, should the authorization not be required until much later than the timeline above, DFO will issue it when it is appropriate.

Annex V

Transport Canada
Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group;
- Review and comment on the EA work plan, Aboriginal consultation work plan, public participation plan and communications plan;
- Review and comment on EIS Guidelines and Panel's Terms of Reference
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Participate in public hearings as a Federal Authority on navigation issues, with respect to TC's mandate under the NWPA, where appropriate;
- Review and provide input into the Government Response to the panel report;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel report, as appropriate;
- Take course of action decision following the Governor in Council decision;
- Provide input into the follow-up and monitoring programs relative to TC's areas of regulatory responsibilities and areas of interest, as required; and,
- Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to TC's areas of regulatory responsibilities and areas of interest, as required.

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;
- Undertake any required activities, including consulting with affected/potentially affected Aboriginal groups as appropriate, related to TC's regulatory responsibilities under the NWPA, as required, to support TC's regulatory decisions; 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	Ongoing
Submission of NWPA application for each proposed work	Proponent provides TC with application for each proposed work and request for NWPA approval(s) complete with dimensioned plans, maps, reports, studies and data as outlined on the NWPA website, in conjunction with the EIS.	Proponent	Dependent upon the Proponent but submission should be no later then the submission of the EIS
Determination and comment on NWPA application(s)	Review application package and information/plans for adequacy to support NWPA review. Requests further information if	TC	8 weeks after application submission

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	required to proceed with application.		
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	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 provides proponent with advertisement package pursuant to NWPA S. 9(3).	TC	Within 3 weeks of completed initial on-site inspection and following the assessment of navigational issues arising from any changes to the project due to EA issues
Deposit and Advertise	Proponent deposits "Final Plans" and other relevant information to Land Title Office or the government agent and advertises in 2 local papers and Canada Gazette. Proponent will provide to TC proof of deposit & advertising.	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	Should TC receive concerns from the public or Aboriginal groups regarding navigation, the Proponent and TC will work together to resolve concerns. Additional requirements might be deemed necessary by TC in regards to potential impacts on navigation posed by proposed works. TC will facilitate public comment process if required.	Proponent & TC TC	To be completed within 2 months of completion of advertisement process
Resubmission of NWPA application(s) (if required)	Resubmission of NWPA application(s) by proponent if substantial changes to proposed work(s) are required.	Proponent	Dependent on Proponent if required
Final Application Review Process	Perform a final review (subject to the Panel's conclusions and recommendations) of all information on file, including technical information and public comments.	TC	4 weeks
Issue approval under NWPA (if appropriate)	If appropriate, issue approvals under NWPA.	TC	Within 90 calendar days following EA Course of Action decision if NWPA application(s) submitted with EIS

Annex VI
Indian and Northern Affairs Canada
Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group;
- Review and comment on the EA work plan, Aboriginal consultation work plan, public participation plan and communications plan;
- Review and comment on EIS Guidelines and Panel's Terms of Reference;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Participate in public hearings, as a FA with respect to INAC's mandate under the *Indian Act*, where appropriate;
- Participate, where appropriate, in Aboriginal consultation activities coordinated by the CEA Agency;
- Consult with affected/potentially affected Aboriginal Groups on the EIS and on the Panel Report, as appropriate;
- Review and provide input into the Government Response to the Panel Report;
- Take course of action decision following the Governor in Council decision;
- Provide input into the follow-up and monitoring programs relative to INAC's areas of regulatory responsibilities and federal interest under the *Indian Act* as required; and,
- Work with other RAs and FAs to ensure implementation of mitigation measures and those aspects of the follow-up program related to INAC's areas of regulatory responsibilities and areas of interest under the *Indian Act* as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Prepare regulatory work plan; and
- Undertake any required activities related to INAC's mandate under the *Indian Act*, as required, to support INAC's regulatory decisions, including consulting with affected/potentially affected Aboriginal groups as appropriate.

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
Negotiation of Terms and Conditions of the permit[1]	Negotiation between the Aboriginal Group and the Proponent.	Proponent and Aboriginal Group	Ongoing – dependent upon resolution of issues between the parties. Can be negotiated in advance of the EA report, mitigation measures as identified in the EA and in the panel report may need to be incorporated in the permit either as a schedule(s) to the permit and/or as specific term(s) and/or condition(s).
Band Council Resolution	Aboriginal Group seeks a Band Council Resolution to request permit to be issued by INAC.	Aboriginal Group	Several days to a few weeks depending upon turnaround

[1] It should be noted that the Aboriginal group and the Proponent negotiate the critical items of the permit as early in the EA phase as possible so that the permit can be issued within the 3 month service standard following the EA Course of Action decision.

Preparation of permit	INAC prepares the draft permit for review and comments by the Proponent and the Aboriginal Group.	INAC	2 - 3 weeks from receipt of Band Council Resolution requesting Canada issue a permit to the Proponent and identifying the critical terms negotiated by the Aboriginal Group and the proponent
Review of permit	Aboriginal Group, the Proponent and their respective legal counsels review and comment on the draft permit.	Aboriginal Group and Proponent	Dependent on time taken by Aboriginal Group and Proponent
Issuance of permit	The permit is issued by the Department to the Proponent.	INAC	Within 3 months of INAC's EA Course of Action Decision

Annex VII

Other departments and agencies
Roles and Responsibilities

PARTY	ROLES / RESPONSIBILITIES
Agency	• Provide advice in regard to the *Canadian Environmental Assessment Act;* • Provide information on the panel review process; • Make participant funding available and maintain funding program (as per section 58(1.1) of the *Canadian Environmental Assessment Act*; • Conduct orientation sessions on the panel process and provide guidance on techniques for effective presentation of information and responses to questions by panels; • Coordinate communication among the federal participants regarding the panel process, including with the province for the federal review panel, through the establishment and management of a technical working group; • Facilitate discussions between RAs and FAs to address any conflicting perspectives, as appropriate; • Assist departments in ensuring consistent approach to federal submissions and presentations to the panel; • Coordinate discussions with the province, proponent, Aboriginal groups to assist in clarifying and understanding the various perspectives being presented to the panel; • Coordinate federal input into a parallel provincial EA process, and in those circumstances when the federal and provincial governments are applying different approaches to environmental assessment, coordinate federal input to ensure consistency in the information being presented to each process; • When possible, coordinate provincial input into a federal review panel to obtain information on provincial interests and perspectives and, where appropriate, encourage consistency in the information being presented to the process; • Provide regular updates to federal departments on the environmental review and consultation with Aboriginal groups; • Compile public and Aboriginal groups' comments on documents and identify issues that may require a response from the RAs and FAs; • Where meetings are necessary during the panel hearings to address technical or consultation issues, coordinate the involvement of federal departments; • Coordinate and communicate to the proponent the federal information requirements for the preparation of the Environmental Impact Statement; and, • Document lessons learned.
HC	• Provide advice regarding the potential human health implications of the project when requested by the Panel or RAs. Advice will be provided within timelines requested by the panel or RAs.
EC	• Review and submit comments on the EA Work Plan, Aboriginal Consultation Work Plan, public participation plan and communications plan, as appropriate; • Participate in federal project review committee meetings as requested by the RAs or the panel or as otherwise appropriate, for provision of relevant expertise that is available; • Review and submit comments on the EIS; • Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group; • Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel Report, as appropriate; • Provide support to the review of other comments received on the EIS; • Participate in public hearings, where appropriate;

PARTY	ROLES / RESPONSIBILITIES
	• Review Panel Report and participate, where appropriate, in the development of Government Response; and, • Provide any assistance requested by an RA in ensuring the implementation of a mitigation measure on which the FA and the RA have agreed.
NRCan	• Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group; • Review and comment on the EIS Guidelines; • Review and comment on the EIS, and participate in the analysis of comments on the EIS; • Participate in public hearings as a Federal Authority with respect to NRCan's specific areas of geosciences expertise, where appropriate; • Review and provide input into the Government Response to the Panel Report; • Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel Report, as appropriate; • Provide input into the follow-up and monitoring programs relative to NRCan's areas of interest, as required; and, • Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to NRCan's areas of interest, as required.
MPMO	• Coordinate the development and approval of the project Agreement; • Monitor and report on the progress of the project through the EA and regulatory review; • Take proactive steps to identify opportunities to streamline the regulatory process to meet government timelines and identify bottlenecks that could cause delay; and, • Incorporate information received from the Agency, FA(s) RA(s), and proponent on the EA and regulatory milestones into the MPMO project Tracking System.