

PROJECT AGREEMENT FOR THE LOWER CHURCHILL HYDROELECTRIC GENERATION PROJECT IN NEWFOUNDLAND AND LABRADOR

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 Nalcor Energy (the Proponent) has submitted a Project Description in support of its proposal to develop two hydroelectric power generating facilities on the Lower Churchill River located in Labrador, generating a total capacity of 3074 megawatts (MW) (the Project);

AND WHEREAS Fisheries and Oceans Canada (DFO) and Transport Canada (TC) have regulatory and statutory duties in relation to the proposed project;

AND WHEREAS the Minister of the Environment (the Minister) has jointly appointed a Joint Review Panel (JRP) with the Ministers of Environment and Conservation and Intergovernmental Affairs of Newfoundland and Labrador (NL) to conduct an EA pursuant to the *Canadian Environmental Assessment Act* (the CEAA) and the *NL Environmental Protection Act*;

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

AND WHEREAS the Departments of Environment and Conservation and Intergovernmental Affairs of NL and the Canadian Environmental Assessment Agency (CEA Agency) have agreed to coordinate the federal and provincial EAs to the extent possible;

NOW THEREFORE the signatories (the Parties) to this Agreement commit to work together to facilitate an effective, accountable, transparent, timely and predictable federal review in relation to the development proposal 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 and outlines the key roles and responsibilities of the Parties. For further clarity, the Agreement shall be read together with the Annexes, which form part of this Agreement. The federal review includes EA, regulatory review(s) and Aboriginal engagement and consultation activities.

2.0 PROJECT DESCRIPTION

The development proposal consists of the construction and operation of two hydroelectric power generating facilities on the lower section of the Churchill River in Labrador. The facilities will be located at Gull Island and Muskrat Falls and will have a combined power generation capacity of approximately 3074 MW, and interconnecting transmission lines between Gull Island and Churchill Falls and between Muskrat Falls and Gull Island and to the existing Labrador grid. Gull Island and Muskrat Falls are located approximately 100 km and 30 km respectively to the southwest of the Town of Happy Valley-Goose Bay.

The Project for the purposes of the federal review may be different from the development proposal, as described in section 4.0.

3.0 ROLES AND RESPONSIBILITIES

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

- DFO has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to the CEAA, is a responsible authority (RA). DFO may be in possession of specialist or expert information or knowledge with respect to the Project and, on request, shall make available that information or knowledge to RAs and/or the JRP;
- TC has regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWPA) and, pursuant to the CEAA, is a likely RA. TC requires a Navigation Impact Assessment (NIA) to be completed as a component of the EA. To complete the NIA and make its EA decision, TC requires 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 close of the public comment period on the Environmental Impact Statement (EIS). TC may be in possession of specialist or expert information or knowledge with respect to the Project and, on request, shall make available that information or knowledge to the RAs and/or the JRP;
- Indian and Northern Affairs Canada (INAC) has advisory responsibilities in support of the Government of Canada's Aboriginal engagement and consultation activities in respect of the Project (see Annexes III and VI);

- Natural Resources Canada (NRCan), Health Canada (HC) and Environment Canada (EC) are federal authorities (FAs) pursuant to the CEAA and may be in possession of specialist or expert information with respect to the Project (expert FAs) and, upon request, shall make available that information or knowledge to the RAs and/or JRP;
- The CEA Agency has administrative and advisory responsibilities pursuant to the CEAA in support of the EA and the JRP. The CEA Agency will act as the Federal Participation Coordinator, the JRP Secretariat, and the Crown Consultation Coordinator (CCC) for the EA in relation to the Project; 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 the associated Memorandum of Understanding (MOU). The MPMO will provide oversight and advice throughout the entire federal review in relation to the Project to ensure adherence to the service standards and roles and responsibilities of all Parties. Additionally, the MPMO will provide selective intervention to help address identified challenges and, in collaboration with the Parties, will play an oversight role throughout the federal review in regard to Aboriginal engagement and consultation.

For further information regarding the roles and responsibilities of the Parties, please see applicable Annexes.

4.0 FEDERAL REVIEW PROCESS

The Joint Review Panel Agreement (JRPA) and the Terms of References for the JRP issued by the Minister and the Ministers of Environment and Conservation and Intergovernmental Affairs of NL on January 8, 2009 established the JRP and its mandate. As currently proposed, the scope of the Project, outlined in the JRP's Terms of Reference, is the same for the federal and provincial processes and includes the Gull Island facility (capacity of 2,250 MW), including a dam 99 m high by 1,315 m long with a reservoir 225 km long flooding an area of 85 km², and the Muskrat Falls facility (capacity of 824 MW), including a dam at the north section 32 m high by 432 m long, and the south section of 29 m high by 325 m long with a reservoir 59 km long, flooding an additional area of 41 km².

The JRP has statutory responsibilities pursuant to the CEAA and administrative responsibilities pursuant to the NL *Environmental Protection Act*. The JRP is not a Party to the Agreement.

The CEA Agency and NL Department of Environment and Conservation will continue to coordinate their respective review processes, to ensure that joint steps are undertaken wherever that can appropriately be done. To date, this approach has included: developing a common set of Environmental Impact Statement (EIS) Guidelines provided to the Proponent by the Minister of the Environment and the NL Minister of Environment and Conservation on July 15, 2008; directing the development of a single EIS to be submitted by the Proponent to the JRP; and, holding joint public comment periods on the EIS Guidelines and the JRPA and Terms of Reference. Annex I shows a Gantt 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 federal EA process, RAs will confirm any regulatory decisions required in relation to the Project. 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 JRP or an RA, continue to participate as an expert FA should it be in possession of specialist or expert information or knowledge with respect to the Project. Similarly, expert FAs will continue to review information provided by the Proponent, as it becomes available and as the project evolves and changes, in order to confirm whether a regulatory approval may be required based on this updated and/or new information. In this case, an expert FA may become an RA and continue its participation in the EA on that basis.

5.0 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 engagement and consultation that is integrated with the federal review.

The Agency, in collaboration with DFO, TC, and the NL Department of Environment and Conservation, agreed on an approach for consultation with the Aboriginal groups involved in the process. This approach will enable coordinated and productive Aboriginal consultation activities.

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

6.0 TIMELINES

The target timelines for the federal review are detailed in the Gantt chart in Annex I, and are as follows:

- a) Completion of the EA – 18 months from the establishment of the JRP by the Minister of the Environment to the posting of EA Course of Action decisions on the Canadian Environmental Assessment Registry (CEAR), assuming submission of all necessary regulatory applications no later than the close of the public comment period on the EIS;
- b) If appropriate, issuance of NWPA and *Fisheries Act* permits – 3 months from the EA Course of Action decisions posted on the CEAR, assuming submission of all necessary regulatory applications no later than the close of the public comment period on the EIS.

The above timelines have been established on the basis of a number of assumptions, such as activities of participants to the review that are not signatories to this Agreement. Should events unfold in a manner that is different from what has been assumed, the timelines will necessarily be different.

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

7.0 FOLLOW-UP AND MONITORING

The RAs will work with FAs, and the Proponent, to ensure that mitigation measures related to their areas of responsibility that were identified through the EA, and any conditions attached to regulatory approvals, are effectively implemented.

For those mitigation strategies within federal jurisdiction that were identified through the EA but that are not related to the RAs regulatory responsibilities, 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.

8.0 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 monitor the progress of the federal review and report on this progress in the MPMO Tracker.

The following are examples of situations where the MPMO may pause the timelines of the federal review:

- a) the federal review is delayed at the request of the Proponent, another jurisdiction and/or the JRP;
- b) the CEA Agency and/or RAs and/or the JRP have indicated that the Proponent is required to provide additional information necessary for the completion of the federal review, or that the information provided is insufficient;
- c) the federal review cannot proceed as a result of circumstances related to Aboriginal engagement and consultation; or
- d) litigation or other court action prevents the completion or continuation of the federal review.

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 federal review for 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 in relation to the Project within 90 days of the completion of the regulatory review. The level of effort and format of the evaluation 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 or to the Project warrants an amendment to the Agreement. Where there is agreement that an amendment is warranted, and where such amendment is considered significant, the MPMO, on behalf of the Parties, will provide the proposed amendment to the Major Projects Deputy Ministers 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 _____ 21-08-09
Cassie Doyle
Deputy Minister
Natural Resources Canada
Date

Original Signed by _____ 21-07-09
Peter Sylvester
President
Canadian Environmental Assessment Agency
Date

Original Signed by _____ 23-07-09
Claire Dansereau
Deputy Minister
Fisheries and Oceans Canada
Date

Original Signed by _____ 16-07-09
Yaprak Baltacıoğlu
Deputy Minister
Transport Canada
Date

Original Signed by _____ 08-08-09
Ian Shugart
Deputy Minister
Environment Canada
Date

Original Signed by _____ 20-07-09
Michael Wernick
Deputy Minister
Indian and Northern Affairs Canada
Date

Annexes

- Annex I - Gantt Chart: Target Timelines for the Federal Review of the Project
- 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 - Other Departments and Agencies: Roles and Responsibilities

Annex II

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

Many milestones were completed between February 2007 and December 2008 before this project was brought into the MPMO initiative.

Description/Activity	Lead	Support As Needed	Service Standard, or Completion Date
Establish JRP	Minister of the Environment, Ministers of Environment and Conservation and Intergovernmental Affairs, NL	CEA Agency, Province	January 8, 2009
Issue Final JRPA and Terms of Reference	Minister of the Environment, Ministers of Environment and Conservation and Intergovernmental Affairs, NL	CEA Agency, Province	January 8, 2009
Appoint JRP Members	Minister of the Environment, Ministers of Environment and Conservation and Intergovernmental Affairs, NL	CEA Agency, Province	January 8, 2009
Submit EIS to JRP	Proponent		March 6, 2009
Public Comment Period and Government Review of EIS	JRP	RAs expert FAs, CEA Agency, Province	March 9 to May 22, 2009
Start of Aboriginal Community Engagement on EIS	Agency	RAs, expert FAs, INAC	Process and schedule to be determined in consultation with Aboriginal communities
Submit technical information to support applications for TC and DFO authorizations	Proponent		TBD by the Proponent but no later than close of public comment period on EIS
Consider Public Comments and Determine	JRP	CEA Agency	30 days after close of public comment period

Adequacy of Information			
Respond to Public Comments and Requests from the JRP	Proponent		No later than 60 days following submission of information requests by the JRP
Public Comment Period on Additional Information from Proponent, if Required	JRP	RAs, expert FAs, Province	30 days after additional information from the Proponent
Consider Public Comments and Determine Adequacy of Information	JRP	CEA Agency	30 days after Public Comment Period
Post Notice of Public Hearing on the CEAR	JRP	CEA Agency	Minimum of 45 days prior to start of hearing and after additional information from the Proponent is determined to be adequate.
Hold Public Hearing	JRP	CEA Agency	At least 45 days after the Notice of Public Hearing is posted on CEARIS
Submit JRP Report to the Minister, Ministers of Environment and Conservation and Intergovernmental Affairs of NL	JRP		Within 90 days of the close of hearing
Begin consultation of Aboriginal Groups on JRP Report	CEA Agency, Province		Within 45 days following submission of the JRP report to the governments
Government Response to JRP Report	DFO	RAs, expert FAs, CEA Agency	Within 10 weeks of submission of JRP Report to RAs
Governor in Council approval of Government Response	Privy Council Office	Treasury Board	Determined by Cabinet
Post Course of Action Decisions pursuant to the CEAA on the CEAR	RAs	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 Performance of the Regulatory System for Major 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

Ten Aboriginal groups have been identified for engagement. This list may change over time based on information received during the course of the federal review and the feedback from Aboriginal groups, as may the level of engagement and consultation activities undertaken by the Crown. The CEA Agency, in conjunction with RAs and the Province, have determined the appropriate level of engagement and consultation for identified groups and have provided those groups with a copy of a Protocol for consultation, describing consultation opportunities for Aboriginal groups during the EA process.

3.0 The Federal Crown Consultation Process

The “Whole of Government” approach for Aboriginal engagement and consultation activities will be implemented throughout the entire federal review. Best efforts will be made to ensure that the timeframe for consultation activities coincides with key milestones and processes. However, it is important to acknowledge that timeframes for consultation activities may diverge from pre-established federal review timeframes, based on the consultation requirements. Should modifications to timeframes be required due to consultation obligations, revisions will be discussed by all Parties, including the Province as they participated in the development of the approach for consultation.

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 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 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;
 - Coordinate and provide updates to RAs and expert FAs regarding the federal Crown consultation activities with Aboriginal groups as it relates to the EA;
 - 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 the Project specific issues raised by Aboriginal peoples to the appropriate Parties (e.g., RAs, 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 the Project specific issues in the context of the federal 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;
 - Coordinate federal Crown consultation activities with those of the Province;
 - Compile and update the Record of Crown Consultation Activities conducted during the federal review, identify issues that may require a response from the responsible authorities and federal authorities, and then transfer the Record to the MPMO at the end of the federal review;
 - Provide funding for consultation activities in support of the JRP process through the Aboriginal Funding Envelope of the Agency's Participant Funding Program;
 - Consult on the JRP 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;

- Issue final letter, on behalf of Government of Canada, to Aboriginal groups on how concerns were addressed; and
- Document lessons learned.

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 federal review (including pre-assessment, assessment, and post-assessment phases), as appropriate/required;
- Represent the Crown alongside the CCC, 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 CEA 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 as described in the Aboriginal engagement and consultation work plan, or upon request of the CCC and/or RAs, as appropriate.

The Department of Justice (DOJ) and INAC will:

- Provide legal services, information and advice to the CCC, MPMO and RAs as appropriate and required throughout the federal 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 Environmental Assessment Committee;
- Review and comment on the EA Work Plan, Aboriginal Consultation Work Plan, public participation plan and communications plan;
- Review and comment on EIS Guidelines, JRPA and JRP’s Terms of Reference;
- Review and comment on the EIS and participate in the analysis of comments on the EIS, when required by JRP;
- Prepare a submission and participate in public hearing, as an expert FA 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 JRP report, as appropriate;
- Lead and coordinate the Government Response to the 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 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 the 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/or	DFO receives application from the Proponent for authorization of impacts to fish and fish habitat under section 32 and/or	Proponent	Before the close of public comment period on EIS.

Subsection 35(2) Fisheries Act authorization	subsection 35(2) of <i>the Fisheries Act</i> complete with adequate plans, maps, reports and data to support the review. This may include a fish habitat compensation plan to support the <i>Fisheries Act</i> review. The application should be received before the close of public comment period on EIS.		
DFO response to the proponent regarding impacts to fish and fish habitat and the Fish Habitat Compensation Plan	DFO reviews the application package (including the habitat compensation plan and associated financial security, if applicable) for adequacy to support the <i>Fisheries Act</i> review. DFO requests further information, if required, to proceed with review of the application (and the EIS, if reviews are concurrent).	DFO	Concurrent with review of the EIS if application is received during the EIS review.
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 JRP and Governor in Council-approved response to the JRP 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	TBD by the Proponent.
Decision regarding Issuance of Section 32 and Subsection 35(2) Fisheries Act authorization	If appropriate, DFO issues <i>Fisheries Act</i> authorization to Proponent for impacts to fish and fish habitat.	DFO	DFO issues an authorization contingent on EA Course of Action Decision under the CEAA. The Course of Action decision must be consistent with the response to the JRP Report approved by the Governor in Council under the CEAA.

			<p>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).</p> <p>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.</p>
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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 EA Committee;
- Review and comment on the EA Work Plan, Aboriginal Consultation Work Plan, public participation plan and communications plan;
- Review and comment on EIS Guidelines, JRPA and JRP'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 an expert FA on navigation issues, with respect to TC's mandate under the NWP, where appropriate;
- Review and provide input into the Government Response to the JRP report;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the JRP 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 NWP, 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 the 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	Liaise with Proponent regarding proposed works that could potentially impact navigation and on potential alternatives and mitigation strategies to ensure that	TC	Ongoing

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	navigability is maintained.		
Submission of NWPA application for each proposed work	Provide 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 than the close of the public comment period on 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 required to proceed with application	TC	8 weeks after application submission
Navigation Impact Assessment Process - On-site Inspection(s)	Complete on-site Navigation Impact Assessment of the 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)	Provide 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	Deposit "Final Plans" and other relevant information to Land Title Office or the government agent and advertise in one or more local papers and the Canada Gazette. Provide proof of deposit & advertising to TC.	Proponent	Advertisement process is to occur for a minimum of 30 +1 calendar days
Address public and Aboriginal comments regarding the Project's	Should TC receive concerns from the public and/or Aboriginal groups regarding	Proponent & TC	To be completed within 2 months of completion of

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
potential impact on navigation	<p>navigation, the Proponent and TC will work together to resolve concerns.</p> <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	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	TBD by proponent
Final Application Review Process	Perform a final review (subject to the JRP'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 by the close of the public comment period on the EIS

Annex VI

Others Departments: Roles and Responsibilities

PARTY	ROLES / RESPONSIBILITIES
CEA Agency: JRP Secretariat	<ul style="list-style-type: none"> • Conduct orientation sessions on the JRP process; • Provide regular updates to federal departments and other interveners on the JRP process; • Provide advice in regard to the CEAA; • Make participant funding available and maintain funding program (as per section 58(1.1) of the CEAA); • Maintain the public registry including comments related to the EA; • On behalf of the JRP, communicate to the proponent the information requirements for the preparation of the environmental impact statement; and • Document lessons learned.
CEA Agency Federal Participation Coordination	<ul style="list-style-type: none"> • Coordinate the delivery of training and guidance on techniques for effective participation in public hearings; • Coordinate communication among the federal participants during the JRP review through the establishment and management of a federal working group. The federal working group would have as part of its mandate to: <ul style="list-style-type: none"> ○ Facilitate discussions between RAs and expert FAs to identify technical issues and any conflicting or overlapping perspectives; and ○ Assist departments in ensuring a consistent approach to federal submissions and presentations to the JRP; • Coordinate discussions between the federal participants, other jurisdictions, the Proponent and Aboriginal groups to assist in understanding and, as required, clarifying the various perspectives related to the Project; • In those circumstances when the federal and provincial governments are applying different approaches to conducting an EA, coordinate federal input to ensure consistency in the information being presented to the provincial and federal processes; • Coordinate the federal information requirements; • Work with the agency coordinating provincial input into the JRP to obtain information on provincial interests and perspectives and, where appropriate, encourage dialogue between provincial and federal departments on common issues; and • Document lessons learned.
CEA Agency Crown Consultation Coordinator	<ul style="list-style-type: none"> • As per Annex III
INAC	<ul style="list-style-type: none"> • Provide advice in regards to Aboriginal engagement and consultation.

HC	<ul style="list-style-type: none"> • Provide advice regarding the potential human health implications of the Project when requested by the JRP and/or RAs. Advice will be provided within timelines requested by the JRP or RAs.
EC, NRCan	<ul style="list-style-type: none"> • 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 JRP or as otherwise appropriate, for provision of relevant expertise that is available; • Review and submit comments on the EIS and other documents as requested by the JRP and RAs; • Participate in meetings with other federal/provincial authorities as appropriate, including the provincial EA Committee; • Consult with affected/potentially affected Aboriginal groups on the EIS and on the JRP Report, as appropriate; • Provide support to the review of other comments received on the EIS; • Participate in public hearings, where appropriate, and as requested by JRP or RAs; • Review JRP Report and participate, where appropriate, in the development of Government Response; and • Provide support to the review of 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.
MPMO	<ul style="list-style-type: none"> • Coordinate the development and approval of the Project Agreement; • Monitor and report on the progress of the Project through the federal review; • Take proactive steps to identify opportunities to streamline the federal review to meet government timelines and identify bottlenecks that could cause delay; and • Incorporate information received from the Agency, expert FAs, RAs, and Proponent on the EA and regulatory milestones into the MPMO Project Tracking System.