

**PROJECT AGREEMENT FOR THE HEBRON OFFSHORE OIL
DEVELOPMENT 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 Section 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 ExxonMobil Canada Properties (the Proponent), on behalf of its co-venturers, has submitted a Project Description in support of its proposal to develop and operate an offshore oil production system and associated facilities at the Hebron field, located on the northeast Grand Banks, Newfoundland and Labrador (NL);

AND WHEREAS the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB), Fisheries and Oceans Canada (DFO), Transport Canada (TC), Environment Canada (EC) and Industry Canada (IC) have regulatory and statutory duties in relation to the development proposal;

AND WHEREAS the Minister of the Environment (the Minister) has determined that the EA in relation to the development proposal should proceed by way of a comprehensive study pursuant to the *Canadian Environmental Assessment Act (CEAA)*;

AND WHEREAS a review of the development proposal is also required under the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* (the Accord Acts);

AND WHEREAS the Minister of the Environment, the Minister of Fisheries and Oceans, the Minister of Transport, the Minister of Natural Resources, the Government of Newfoundland and Labrador and the Canada-Newfoundland and Labrador Offshore Petroleum Board have concluded the *Memorandum of Understanding on Effective, Coordinated and Concurrent Environmental Assessment and Regulatory Processes for Offshore Petroleum Development Projects in the Newfoundland and Labrador Offshore Area* (the Effectiveness, Coordination and Concurrency MOU or ECC MOU) for review processes for offshore petroleum projects in respect of the CEAA and the Accord Acts;

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

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 reviews and Aboriginal engagement and consultation activities.

2.0 PROJECT DESCRIPTION

The development proposal consists of the initial development of the Hebron oil field in the Jeanne d'Arc Basin, 340 kilometres offshore of St. John's, NL, estimated to have 400-700 million barrels of recoverable crude oil resources. The proposed project will include activities associated with installation, drilling and production, maintenance, and decommissioning of a concrete gravity-based structure (GBS) at the Hebron field, northeast Grand Banks. The proposed project will also involve construction activities at two locations, the Hebron field and the Bull Arm marine facilities in Bull Arm, Trinity Bay. Construction activities are scheduled to commence in 2012, with petroleum production to begin in 2016 or 2017.

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 C-NLOPB and the following federal departments and agencies have identified an interest in the Project, and will participate in the federal review in relation to the proposed project as follows:

- The C-NLOPB has regulatory and statutory responsibilities under the *Canada-Newfoundland Atlantic Accord Implementation Act* and, pursuant to the CEAA, is a responsible authority (RA). The C-NLOPB 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;
- DFO has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to the CEAA, is an 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;

- TC has regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWPA) and, pursuant to the CEAA, is an 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 all 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 draft Comprehensive Study Report (CSR). 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 RAs;
- EC has regulatory and statutory responsibilities under the *Canadian Environmental Protection Act, 1999* (CEPA, 1999) and, pursuant to the CEAA, is an RA. EC 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;
- IC has regulatory and statutory responsibilities under the *Radiocommunication Act* and, pursuant to the CEAA, is an RA;
- Natural Resources Canada (NRCan) and Health Canada (HC) are federal authorities pursuant to the CEAA and may be in possession of specialist or expert information with respect to the Project (expert FA) and, upon request, shall make available that information or knowledge to RAs;
- The Canadian Environmental Assessment Agency (CEA Agency) has administrative and advisory responsibilities pursuant to the CEAA in support of the EA. The CEA Agency will act as the EA Manager, the Crown Consultation Coordinator (CCC) for the EA in relation to the Project, and will coordinate input into the review that is being undertaken pursuant to the Accord Acts, to the extent possible; 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. 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

As proposed by the RAs, the scope of the Project includes:

- the construction, tow out, installation and operation of the GBS platform;
- drilling operations (exploration and development drilling);
- construction, installation, operation, maintenance and abandonment/decommissioning of up to four drill centres within the Hebron field; and

- associated support activities at two locations, the Hebron field and the Bull Arm marine facilities in Bull Arm, Trinity Bay.

The RAs will be responsible for each component of the scope that meets their own areas of federal responsibility. The Minister has determined that the type of EA required is a comprehensive study.

The ECC MOU provides that the CEA Agency and the C-NLOPB will coordinate their respective review processes, and ensure that joint steps are undertaken wherever that can appropriately be done. This approach can include holding joint public comment periods. Annex I shows a Gantt Chart of the federal review process. Annex II shows the key milestones and service standards for the EA. These timelines are consistent with those identified in the ECC MOU.

Through the 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 an RA, continue to participate as an FA should it be in possession of specialist or expert information or knowledge with respect to the Project.

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.

However, the Hebron study area and Project area have not historically been identified as those with Aboriginal use or title. There are no land claims before the Government of Canada or the Government of Newfoundland and Labrador for these areas. While no specific Aboriginal consultation is planned for this review, the Parties will ensure that Aboriginal groups are sufficiently consulted should an issue be raised during the federal review that triggers Canada’s duty to consult.

6.0 TIMELINES

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

- a) Completion of the EA – 12 months from the posting of the Notice of Commencement (March 6, 2009) on the Canadian Environmental Assessment Registry (CEAR) to the posting of the EA Course of Action decisions;
- b) If appropriate, issuance of *Fisheries Act*, NWPA, CEPA and *Radiocommunication Act* permits and authorizations – 3 months from the EA Course of Action decisions posted on the CEAR, assuming:
 - the submission of *Fisheries Act*, NWPA and CEPA applications no later than the time of submission of the draft CSR; and

- the submission of the application under the *Radiocommunication Act* no later than 7 weeks before regulatory decisions are anticipated under the *Fisheries Act*, *NWPA* and *CEPA*.
- c) If appropriate, decisions on Development Plan and Benefits Plan – 5 months from the EA Course of Action decisions posted on the CEAR, assuming the submission of a complete Development Plan and Benefits Plan in a timely manner following the Minister of the Environment’s EA Track Decision.

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 permits and authorizations, 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 or another jurisdiction;
- b) the CEA Agency and/or RAs 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. The Parties to the ECC MOU will be invited to participate in the evaluation to the degree appropriate.

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 an 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.

9.0 PROJECT AGREEMENT

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

<u>Original Signed by</u> _____ Cassie Doyle Deputy Minister Natural Resources Canada	<u>04-09-09</u> Date
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<u>Original Signed by</u> _____ Peter Sylvester President Canadian Environmental Assessment Agency	<u>05-08-09</u> Date
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<u>Original Signed by</u> _____ Max Ruelokke Chairman & Chief Executive Officer Canada-Newfoundland and Labrador Offshore Petroleum Board	<u>04-08-09</u> Date
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<u>Original Signed by</u> _____ Claire Dansereau Deputy Minister Fisheries and Oceans Canada	<u>19-08-09</u> Date
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<u>Original Signed by</u> _____ Yaprak Baltacıoğlu Deputy Minister Transport Canada	<u>18-08-09</u> Date
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<u>Original Signed by</u> _____ Ian Shugart Deputy Minister Environment Canada	<u>08-08-09</u> Date
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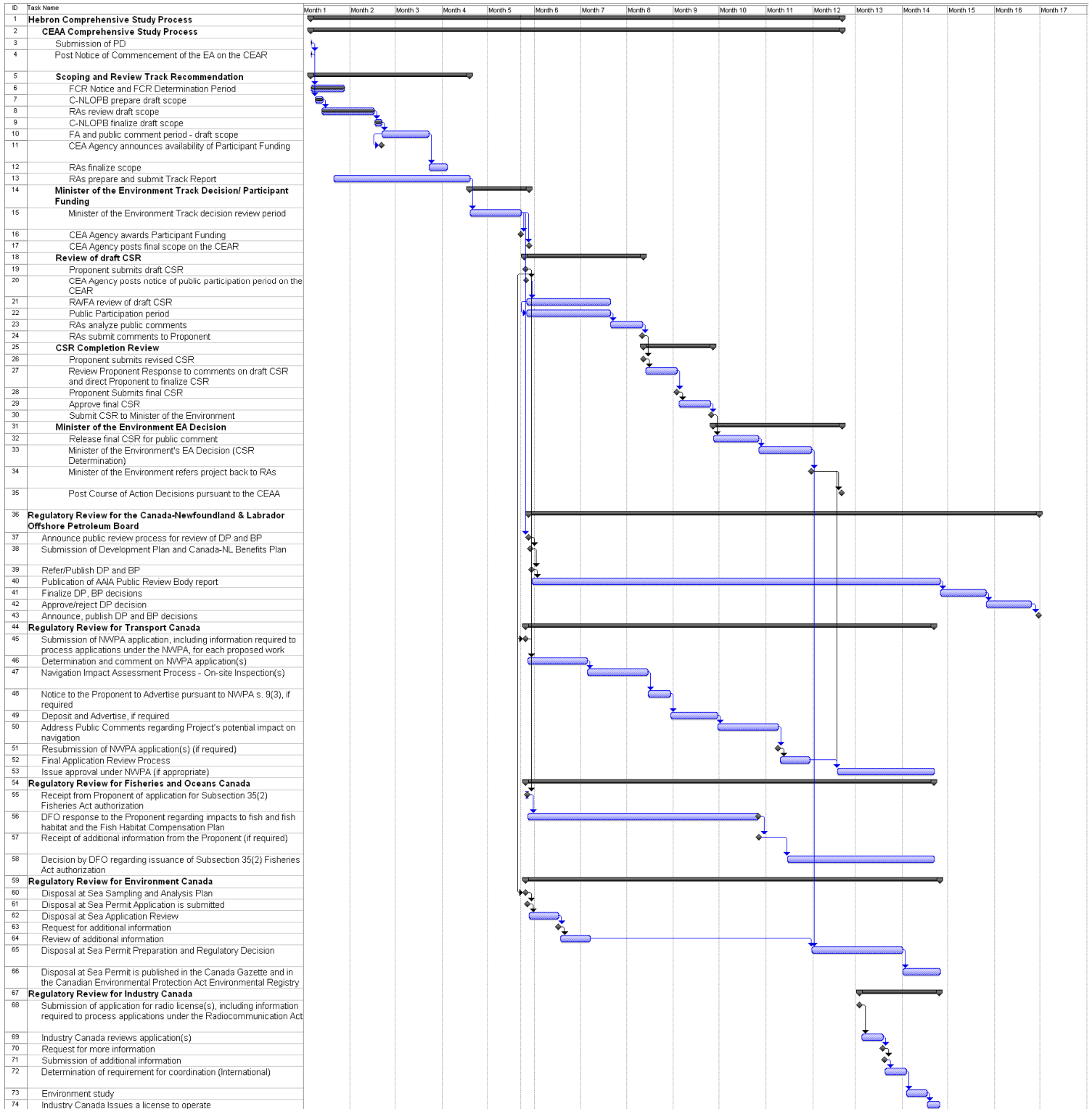
<u>Original Signed by</u> _____ Richard Dicerni Deputy Minister Industry Canada	<u>05-08-09</u> Date
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Annexes

- Annex I Gantt Chart: Target Timelines for the Federal Review for the Project
- Annex II Key Milestones and Service Standards for the Environmental Assessment
- Annex III Canada-Newfoundland and Labrador Offshore Petroleum Board: Roles, Responsibilities, Key Milestones and Service Standards
- 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 Environment Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex VII Industry Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex VIII Other Government Departments and Agencies: Roles and Responsibilities

Annex I

Gantt Chart: Target Timelines for the Federal Review for the Project



Annex II

Key Milestones and Service Standards for the Environmental Assessment

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
Post the Notice of Commencement of the EA on the CEAR	C-NLOPB	RAs, CEA Agency	Completed – March 6, 2009
Public Comment Period on the Proposed Scope	C-NLOPB	RAs, CEA Agency	Completed – May 22, 2009
Announce Availability of Participant Funding	CEA Agency		Completed – April 22, 2009
Finalize Proposed Scope following Public Review Period	RAs	CEA Agency	Coincident with submission of Comprehensive Study Track Report
Submit Comprehensive Study Track Report to Minister of the Environment	C-NLOPB	RAs, CEA Agency	Completed – June 18, 2009
Make EA Track Decision	Minister of the Environment	CEA Agency	Completed – July 22, 2009
Award Participant Funding	CEA Agency		Coincident with posting of the Notice of the Minister's EA Track Decision
Post the Final Scope on the CEAR	C-NLOPB	RAs, CEA Agency	Within five days following the Minister's Track Decision
Submit Draft Comprehensive Study Report (CSR)	Proponent		Determined by the Proponent
Public Comment Period on the Draft CSR	CEA Agency		Eight weeks following receipt of the Draft CSR
Review Draft CSR	RAs	FAs, CEA Agency	Eight weeks following receipt of draft CSR
Analyze Public Comments and Submit Federal Response to Proponent	RAs	FAs, CEA Agency	Three weeks from the close of the Public Comment Period on Draft CSR
Submit Revised CSR	Proponent		Determined by the Proponent
Review Proponent's Response to Comments on Draft CSR and direct Proponent to finalize CSR	RAs	FAs, CEA Agency	21 days from receipt of Proponent's response
Submit Final CSR	Proponent		Determined by the Proponent
Approve Final CSR	RAs	FAs, CEA Agency	21 days from receipt of Final CSR
Submit CSR to Minister of	RAs	FAs,	Following the approval of the Final

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
the Environment		CEA Agency	CSR
Public Comment Period on the Final CSR	CEA Agency	RAs, FAs	30 days following approval of the Final CSR
Post Notice and Analysis of Public Comments on the Final CSR on the CEAR	CEA Agency	RAs, FAs	Coincident with the posting of the Minister's EA Decision Statement
Post Notice of Minister of the Environment's EA Decision	CEA Agency		35 days from the close of the Public Comment Period on the Final CSR
Post Course of Action Decisions on the CEAR	C-NLOPB	CEA Agency	Within four weeks of Minister's EA Decision

Annex III

Canada-Newfoundland and Labrador Offshore Petroleum Board Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate;
- Review and comment on the EA work plan, public participation plan and communications plan;
- Review and provide input into the CSR;
- Provide expert advice with respect to C-NLOPB’s mandate under the *Atlantic Accord Implementation Act (AAIA)*;
- Take course of action decision following the Minister of the Environment’s EA decision;
- Provide input into the follow-up and monitoring programs relative to C-NLOPB’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 C-NLOPB’s areas of regulatory responsibilities and areas of interest under the AAIA as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Undertake any required activities related to C-NLOPB’s regulatory responsibilities under the AAIA as required to support C-NLOPB’s regulatory decisions; and
- Conduct monitoring, inspections, audits and investigations 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
Liaise with Proponent regarding relevant issues associated with preparation of a Development Plan (DP) and Canada-NL Benefits Plan (BP) pursuant to the AAIA	C-NLOPB liaises with Proponent regarding issues relevant to preparation of a complete DP and BP, in consideration of the C-NLOPB’s February 2006 <i>Development Plan Guidelines</i> and its February 2006 <i>Canada-NL Benefits Plan Guidelines</i>	C-NLOPB	Ongoing

Announce public review process for review of DP and BP	C-NLOPB will determine, in consideration of the Project Description and the Minister of the Environment's EA track decision, the most appropriate public review process for review of the DP and the BP.	C-NLOPB	In a timely manner following Minister of the Environment's EA track decision
Submission of Development Plan and Canada-NL Benefits Plan	Proponent provides C-NLOPB with a complete DP and BP supported by such documents as are necessary, including but not limited to an Environmental Impact Statement (EIS) and a Socio-Economic Impact Statement. The CSR and its associated documentation shall fulfil the requirements for an EIS.	Proponent	Dependent upon the Proponent
Refer/Publish DP and BP	If Public Review Body appointed under the AAIA, file DP and BP documentation with it for review. Otherwise, publish DP and BP for public comment.	C-NLOPB	1 day after application submission
Publication of AAIA Public Review Body report	If appointed, Public Review Body publishes report	AAIA Public Review Body	No later than 270 days from referral of DP and BP, or such shorter period as the C-NLOPB may determine
C-NLOPB staff finalize proposed DP, BP decisions	C-NLOPB staff finalize proposed DP and BP decisions, ensuring appropriate consideration of Public Review Body report, and reflection of Minister of the Environment's EA Decision	C-NLOPB	30 days from the later of: publication of the Public Review Body report OR the Minister of the Environment's EA Decision
C-NLOPB Board makes DP, BP decisions	C-NLOPB Board Members consider the proposed decisions. C-NLOPB finalizes its decisions respecting the DP and the BP; submits DP decision to Minister of Natural Resources Canada and NL Minister of Natural Resources	C-NLOPB	60 days from finalization of proposed DP, BP decisions
Approve/reject DP decision	Minister of NRCan and NL Minister of Natural Resources approve or reject the C-NLOPB DP decision. AAIA prescribes 30-day maximum period for this activity.	NL Minister of Natural Resources, Minister of NRCan	No later than 30 days from submission by C-NLOPB of DP decision

Announce, publish DP and BP decisions	C-NLOPB publishes DP and BP decisions following receipt of approval from Ministers of Natural Resources	C-NLOPB	Within 5 days of receipt of approval from both Ministers
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Annex IV

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

EA

- Participate in meetings with other federal/provincial authorities as appropriate;
- Review and comment on the EA work plan, public participation plan and communications plan;
- Review and provide input into the CSR;
- Provide expert advice with respect to DFO’s mandate under the *Fisheries Act* and aquatic species under the *Species at Risk Act*, where appropriate;
- Take a course of action decision following the Minister of the Environment’s EA 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;
- 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.

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 an application for a Subsection 35(2) <i>Fisheries Act</i> authorization	DFO receives application from the Proponent for authorization of impacts to fish and fish habitat under subsection 35(2) of the <i>Fisheries Act</i> complete with adequate plans, maps, reports and data to support the review. This may include a Fish Habitat Compensation	Proponent	Dependent on timing of the submission of the application by the Proponent. The application should be received in conjunction with the draft CSR.

	Plan/Strategy to support the <i>Fisheries Act</i> review.		
DFO response to Proponent regarding impacts to fish and fish habitat and the Fish Habitat Compensation Plan/Strategy (if provided)	DFO reviews the application package (including proposed Fish Habitat Compensation Plan/Strategy 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 CSR, if reviews are concurrent).	DFO	Concurrent with review of the CSR if application is received during the CSR review.
Receipt of additional information from Proponent	DFO receives additional information from Proponent	Proponent	Dependent on timing of the submission of additional information by Proponent
DFO response to Proponent regarding Receipt/Review of the Fish Habitat Compensation Plan	DFO notifies Proponent that the Fish Habitat Compensation Plan is acceptable	DFO	Within 60 days of receipt of an acceptable Fish Habitat Compensation Plan.
Decision by DFO regarding Issuance of 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	DFO issues an authorization contingent on the EA Course of Action Decision under paragraph 37(1)(a) of the CEAA. If the Minister of the Environment issues an environmental assessment decision statement under subsection 23(1) of the CEAA, to the effect that the Project is likely to cause significant environmental effects, DFO's course of action must be approved by the Governor in Council. If this is the case and the course of action allows for the issuance of an authorization,

		<p>then the following timelines will only apply once that approval is provided.</p> <p>DFO issues the authorization 90 calendar days after DFO makes its course of action decision. Issuance will be contingent upon 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 authorization 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;
- Review and comment on the EA work plan, public participation plan and communications plan;
- Review and provide input into the CSR;
- Provide expert advice with respect to TC’s mandate under the NWPA;
- Take course of action decision following the Minister of the Environment’s EA 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 under the NWPA 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 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 Proponent regarding potential works in regards to impacts on navigability	TC liaises with 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, including information required to process applications under the NWPA, for	Proponent provides TC-NWPP with application for each proposed work and request for NWPA approval(s) complete with dimensioned	Proponent	Dependent upon the Proponent

each proposed work	plans, maps, reports, studies and data as outlined on the NWPA website, prior to submission of the draft Comprehensive Study Report (CSR).		
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 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), if required	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, if required	Proponent deposits “Final Plans” and other relevant information to Land Title Office or the government agent and advertises in one or more local papers and the Canada Gazette. Proponent is to 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 Comments regarding Project’s potential impact on navigation	Should TC receive concerns from the public and/or Aboriginal groups regarding navigation, the Proponent and TC will work together to resolve concerns. Additional requirements might	Proponent & TC	To be completed within 2 months of completion of the advertisement process

	<p>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	
Resubmission of NWPAs application(s) (if required)	Resubmission of NWPAs 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 of all information on file, including technical information and public comments.	TC	4 weeks
Issue approval under NWPAs (if appropriate)	If appropriate, issue approvals under NWPAs	TC	Within 90 calendar days following EA Course of Action decision, if NWPAs application(s) received prior to submission of the draft Comprehensive Study Report (CSR).

Annex VI

Environment Canada Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate;
- Review and comment on the EA work plan, public participation plan and communications plan;
- Review and provide input into the CSR;
- Provide expert advice with respect to EC’s mandate under, among other things, the CEPA, 1999, the *Canada Wildlife Act*, the *Species at Risk Act*, the *Migratory Birds Convention Act*, s. 36(3) of the *Fisheries Act*, the *Department of the Environment Act*, and the regulations made thereunder;
- As an RA, take a course of action decision following the Minister of the Environment’s EA decision;
- Provide input into the follow-up and monitoring programs relative to EC’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 EC’s areas of regulatory responsibilities and areas of interest as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Undertake any required activities related to EC’s regulatory responsibilities under the CEPA, 1999 as required to support EC’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
Disposal at Sea Sampling and Analysis Plan	A sampling and analysis plan should be prepared and implemented as part of the environmental assessment.	Proponent	Determined by Proponent
	Proponent submits sampling and analysis plan to EC.	EC	
	EC reviews sampling and analysis plan and advises on adequacy.		
Disposal at Sea	Proponent publishes Notice of Intent in a	Proponent	Determined by

Permit Application is submitted	newspaper of general circulation, consults with other users of the sea, and submits permit application.		Proponent
Disposal at Sea Application Review	EC conducts a preliminary review of the permit application to ensure it is complete. EC distributes the application to the appropriate agencies for review.	EC	1 month from receipt of application
Request for additional information	If required, EC returns the permit application to the Proponent with a description of the missing information.	EC	Following review of application
Review of additional information	EC reviews the information received from the Proponent. If necessary, EC will request additional information should the application still not be complete. EC will require up to a month to review the information provided in response to information requests.	EC	1 month from receipt of additional information
Disposal at Sea Permit Preparation and Regulatory Decision	Disposal at Sea permit terms and conditions are drafted. Permits contain conditions necessary for the protection of marine life, any legitimate uses of the sea or human life. EC makes decision on issuing permit	EC	3 months after EA course of action decision
Disposal at Sea Permit is published in the Canada Gazette and in the <i>Canadian Environmental Protection Act</i> Environmental Registry	EC submits a copy of the permit and its conditions or the varied conditions to the Canada Gazette for publishing at least seven days in advance of the publishing date. Permit validity dates cannot begin prior to 30 days following the date of publication in the <i>Canada Gazette</i> . <i>Canada Gazette</i> publishes the permit in Gazette Part 1: Notices and proposed regulations (http://canadagazetteducanada.gc.ca/part1/index-e.html) EC publishes the permit in the CEPA Environmental Registry: Permits (http://www.ec.gc.ca/CEPARegistry/permits/DisposalAtSea.cfm)	EC	40 calendar days following the regulatory decision
Disposal at Sea	The Proponent may begin disposal	Proponent	Not before the

Activities	activities on the start date published in the permit. A Disposal at Sea permit is valid for a particular date or dates or for a particular period that shall not exceed one year.		start date published in the permit.
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Annex VII

Industry Canada Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate;
- Review and comment on the detailed EA work plan, public participation plan and communications plan;
- Review and provide input into the CSR;
- Provide expert advice with respect to IC's mandate under the *Radiocommunication Act*, where appropriate;
- Take a course of action decision following the Minister of Environment's EA decision;
- Provide input into the follow-up and monitoring programs relative to IC'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 IC's areas of regulatory responsibilities and areas of interest as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate; and
- Undertake any required activities related to IC's mandate under the *Radiocommunication Act* as required to support IC'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
Submission of application for radio license(s), including information required to process applications under the <i>Radiocommunication Act</i>.	Proponent submits the radio service application(s), including all relevant technical and geographical parameters, requesting authorization to install and operate radio communication equipment.	Proponent	The clock on Service level standards (SLS) starts on the date of submission.
Attestation to comply with IC CPC-2-0-03 radiocommunication and broadcasting	CPC-2-0-03 contains procedures which ensure greater community consultation, compliance with	Proponent	Concurrent with the above step.

antenna systems.	the CEAA environmental regulations and compliance with Health Canada Safety Code 6 guideline. This attestation is integrated into the application form.		
Industry Canada reviews application(s)	Industry Canada analyses the technical and geographical parameters.	IC	
Request for more information	If more information is required IC requests the Proponent to provide it.	IC	The SLS clock stops with this request.
Submission of additional information	Proponent provides additional information	Proponent	The SLS clock re-starts with this submission,
Determination of requirement for coordination (International)	IC determines if the service area is within an international co-ordination zone which requires IC to coordinate frequency selection with foreign administrations.	IC	Delays due to foreign administration or other agency activities are beyond Industry Canada's control. If international coordination is required, add six (6) weeks to the relevant SLS described in the final step below.
Environment study	IC identifies frequencies and usage conditions based on provided parameters, radio service type and the local radio frequency environment.	IC	
Industry Canada Issues a license to operate	Industry Canada provides the applicant with a license to operate the specified equipment based on specified conditions of operation. (Frequency, power, telemetry etc.)	IC	Depending on radio service type, the SLS will vary. Each SLS described below begins when the Proponent submits its initial application. Applications for: Fixed parameter – ex: aircraft, ship, radiotelephone will be processed within (3) weeks. Land/Mobile stations not requiring international coordination will be

			<p>processed within (7) weeks.</p> <p>Microwave stations not requiring international coordination will be processed within (4) weeks.</p> <p>Earth Radio Stations will be processed within (7) weeks unless there are international implications. The ITU states a (4) month response time by foreign organizations, therefore delays beyond IC's control may be significant.</p>
Installation and operation of radio apparatus	The Proponent installs and operates the licensed equipment according to the specified conditions of operation. The Proponent is authorized to operate the equipment for a period of one year after which the license may be renewed year after year.	Proponent	Determined by the Proponent.

Annex VIII

Other Government Departments and Agencies Roles and Responsibilities

ROLES / RESPONSIBILITIES	
CEA Agency	<ul style="list-style-type: none"> • Provide advice in regard to the CEAA; • Coordinate the federal input and federal Crown Consultation activities for the EA in relation to the Project; • Coordinate intergovernmental cooperation; • Work in cooperation with RAs and FAs and the Proponent to identify and evaluate tools such as MOUs with the province and letters of agreement with the Proponent to ensure mitigation measures and follow-up programs are implemented; • Manage the CEAR; and • Make participant funding available and maintain funding program of the CEAA.

ROLES / RESPONSIBILITIES	
NRCan	<p>Upon request from an RA, NRCan as an expert FA will perform and fulfill the following roles and responsibilities:</p> <ul style="list-style-type: none"> • Review and submit comments on the EA work plan, public participation plan and communications plan as appropriate; • Participate in federal Project review committee meetings for provision of relevant expertise that is available; • Review and comment on the draft CSR; • Review CSR following Proponent responses; • Review additional information provided by the Proponent; • Provide advice with respect to NRCan's mandate under the <i>Explosives Act</i>, as well as with respect to specific areas of geoscience (e.g. marine and coastal geology/processes, seismicity and geohazards), explosives, and minerals and metals science expertise, where appropriate; 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.

ROLES / RESPONSIBILITIES	
HC	<p>Upon request from an RA, HC as an expert FA will perform and fulfill the following roles and responsibilities:</p> <ul style="list-style-type: none"> • Review and submit comments on the EA work plan, public participation plan and communications plan as appropriate; • Participate in federal Project review committee meetings for provision of relevant expertise that is available;

ROLES / RESPONSIBILITIES	
	<ul style="list-style-type: none"> • Provide advice regarding the potential human health implications of the Project when requested by an RA. Advice will be provided within timelines requested by an RA; 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.

ROLES / RESPONSIBILITIES	
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 regulatory process to meet government timelines and identify bottlenecks that could cause delay; and • Incorporate information received from the CEA Agency, FA(s) RA(s), and Proponent on the EA and regulatory milestones into the MPMO Tracker.