

**PROJECT AGREEMENT FOR THE NOVA GAS TRANSMISSION LTD. HORN RIVER
MAINLINE PIPELINE PROJECT**

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 NOVA Gas Transmission Ltd. (the Proponent) has submitted a Project Description in support of its proposal to develop a natural gas pipeline in north-eastern British Columbia, which will connect to an existing pipeline and deliver natural gas to north-western Alberta;

AND WHEREAS the National Energy Board (NEB) and Transport Canada (TC) may have regulatory and statutory duties in relation to the development proposal;

AND WHEREAS the NEB and TC have preliminarily determined that the proposal will be subject to a screening pursuant to the *Canadian Environmental Assessment Act* (CEAA);

AND WHEREAS the NEB is a quasi-judicial administrative tribunal and nothing in this Project Agreement (the Agreement) should be construed as permitting activities that will undermine the quasi-judicial function of the NEB process, including compliance with the principles of natural justice;

AND WHEREAS nothing in this Agreement fetters the powers, statutory authorities and functions of federal departments / 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 process includes an EA of the Project pursuant to the CEAA, a public hearing process conducted by the NEB pursuant to the *National Energy Board Act* (NEBA), regulatory review processes of responsible authorities (RAs), and Aboriginal engagement and consultation.

2.0 PROJECT DESCRIPTION

The development proposal consists of an extension of the Proponent's Alberta System, an existing 23,000 km pipeline network, to transport natural gas supply from the Horn River area of north-eastern British Columbia, traversing the British Columbia-Alberta border. The extension consists of two parts: 1) acquiring the existing NEB regulated Ekwan Pipeline; and 2) extending the Ekwan Pipeline to the Horn River area by constructing new pipeline.

For the purpose of the federal review, the Project, which is described in section 4.0, may be different from the development proposal.

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:

- The NEB has regulatory and statutory responsibilities under the NEBA, and, pursuant to the CEAA, is an RA and will conduct a hearing process as defined by the NEBA;
- TC may have regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWP) and the NEBA and, pursuant to the CEAA, may be 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 the information described in the NWP application form. In order to meet the timelines in this Agreement this information must be submitted no later than the time of submission of the Environmental Impact Statement (EIS). TC will participate within, and contribute to, the broader NEB-led EA to fulfill its EA obligations to the extent possible in relation to pipeline crossings of those watercourses for which the Project requires TC approvals;
- Fisheries and Oceans Canada (DFO) is a federal authority (FA) pursuant to 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 the RAs. In addition, DFO will participate within the NEB-led EA process to generate the information required to discharge any EA responsibilities pursuant to CEAA it may have in relation to the Project should a primary or contingency crossing methodology proposed by the Proponent require an authorization to allow the harmful alteration, disruption or destruction of fish

habitat (HADD). In order to meet the timelines in this Agreement this information must be submitted no later than the time of submission of the EIS.

- Natural Resources Canada (NRCan), Environment Canada (EC), and Health Canada (HC) are 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 specialist or expert information or knowledge to the RAs. Additionally, NRCan will manage the submission of the Certificate of Public Convenience and Necessity (the Certificate), if any, to the Minister of Natural Resources and Governor-in-Council;
- Indian and Northern Affairs Canada (INAC) has advisory responsibilities to support the Government of Canada's Aboriginal engagement and consultation 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 the applicable Annexes.

4.0 FEDERAL REVIEW PROCESS

The RAs will work together with the expert FAs to jointly meet their responsibilities under the CEAA. As preliminarily determined, a screening type EA will be conducted for the Project as determined by RAs and required pursuant to the CEAA.

As currently proposed, the scope of the Project for the NEB for the purposes of the federal review includes the development proposal described by the Proponent in its May 12, 2009 Project Description plus the physical activities associated with construction, operation, maintenance and foreseeable changes, and where relevant, the abandonment, decommissioning and site rehabilitation relating to the Project.

Based on their trigger under the CEAA, TC has determined that their scope of the Project for the purposes of the federal review will be, any watercourse crossings (pipeline crossings and bridges) of navigable waterways pursuant to the NEBA or the NWPA. This includes all construction, operation, maintenance, modification, and decommissioning (including closure and reclamation) activities related to those Project components.

Upon receipt of an application for the Certificate pursuant to s. 52 of the NEBA, the NEB will release a Hearing Order detailing the hearing process that will be followed in relation to the

Project. RAs and expert FAs will participate within the NEB hearing process to develop and obtain the information required to discharge their roles and responsibilities associated with the CEAA to the extent possible, by ensuring that relevant information with respect to their areas of responsibility and/or expertise is reflected in the official hearing record.

Shortly after the conclusion of the oral hearing, the NEB will issue an EA report for public comment. RAs and expert FAs will provide comments on the draft NEB EA report with respect to their areas of expertise and responsibility, as appropriate and in accordance with the timeline for comments outlined in the Hearing Order. Subject to the discretion of the NEB Hearing Panel, the NEB will release its Reasons for Decision (RFD) and the final EA report within 13 weeks of the close of the hearing record. RAs are working toward one EA report with concurrent respective CEAA determinations. RAs will rely on the NEB EA report to the extent possible but will produce an appendix or addendum to the EA report. If concurrent respective CEAA determinations by RAs are not possible, RAs will provide their respective CEAA determinations and EA appendix or addendum to the NEB within 2 weeks of receiving any requested additional information. The NEB will then complete the Project related entries on the Canadian Environmental Assessment Registry (CEAR). 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 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 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. To the extent possible, the Government of Canada wishes to make the most effective use of resources by integrating the Aboriginal engagement and consultation process with the federal review for major resource projects. As such, the Government of Canada will rely upon the NEB process, to the extent possible, as a means to discharge the Crown’s duty to consult on the Project. The Crown will monitor and assess the NEB process for its ability to satisfy the Crown’s duty to consult throughout the federal review. Where applicable, the terms and conditions of all existing agreements or protocols between the Crown and Aboriginal groups will be respected and followed.

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

6.0 TIMELINES

The estimated timelines for the federal review of the Project, including the NEB hearing process (to be determined by the NEB pursuant to the NEBA) and the regulatory review process of other Parties, are detailed below and in the Gantt chart in Annex I, starting from the date of the Proponent's submission of its NEB application. Pursuant to the NEBA, the NEB has sole discretion with respect to the timelines and process of the hearing. RAs and expert FAs commit to following the timeline for the NEB hearing. Estimated timelines include:

- a) Based on typical past NEB projects of this nature, the Certificate decision may be released approximately 10 - 12 months from the Proponent's submission of its Project application;
- b) Recommendation by the Minister of Natural Resources to the Governor-in-Council in respect to the Certificate if required - within 4 weeks of release of NEBA RFD;
- c) CEAA EA determinations and course of action decisions by TC – concurrently with the final NEB EA report, assuming the timely submission of regulatory applications (TC requires an NIA to be completed in order to make their CEAA EA determination), otherwise within 2 weeks of receiving the required information;
- d) If appropriate, issuance of NWPA and NEBA authorizations – within 90 days of EA course of action decision; and,
- e) Should primary crossing methodology fail, and where the impacts resulting from contingency crossing methods have been found acceptable to DFO, provide the necessary *Fisheries Act* Section 35(2) authorizations requested by the Proponent within 4 weeks of receiving all required information, including an acceptable compensation agreement and the discharge of any remaining Crown duty to consult.

The above timelines have been established on the basis of a number of assumptions, such as that the assessment will be conducted by way of a screening, and the 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 have responsibilities under the CEAA in relation to ensuring the implementation of mitigation measures and the design and implementation of a follow-up program. The RAs will work with the expert FAs and the Proponent to satisfy those responsibilities. Expert FAs will provide any assistance requested by the RAs in ensuring the implementation of a mitigation measure or aspect of the follow-up program on which the expert FA and RAs have agreed.

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 NEB delays its process on its own motion;
- b) the NEB agrees to delay its process at the request of the Proponent, other interested parties or another jurisdiction;
- c) litigation or other court action prevents the completion or continuation of the federal review process; and,
- d) after the conclusion of the NEB process, information is outstanding for the purposes of an RA's EA and/or regulatory 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 federal review of the Project will be resolved through direct discussions and collaboration between the involved Parties, supported by the MPMO, as appropriate given the restrictions associated with the quasi-judicial nature of the NEB process.

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

Post-Project Evaluation

The Parties will participate in an informal evaluation of the effectiveness of the federal review process in relation to the Project within 90 days following the regulatory review. The level of effort and format of 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 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.

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>17-12-09</u> Date
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<u>Original signed by</u> Gaétan Caron Chief Executive Officer National Energy Board	<u>17-12-09</u> Date
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<u>Original signed by</u> Claire Dansereau Deputy Minister Fisheries and Oceans Canada	<u>22-12-09</u> Date
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<u>Original signed by</u> Yaprak Baltacıoğlu Deputy Minister Transport Canada	<u>21-12-09</u> Date
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<u>Original signed by</u> Ian Shugart Deputy Minister Environment Canada	<u>23-12-09</u> Date
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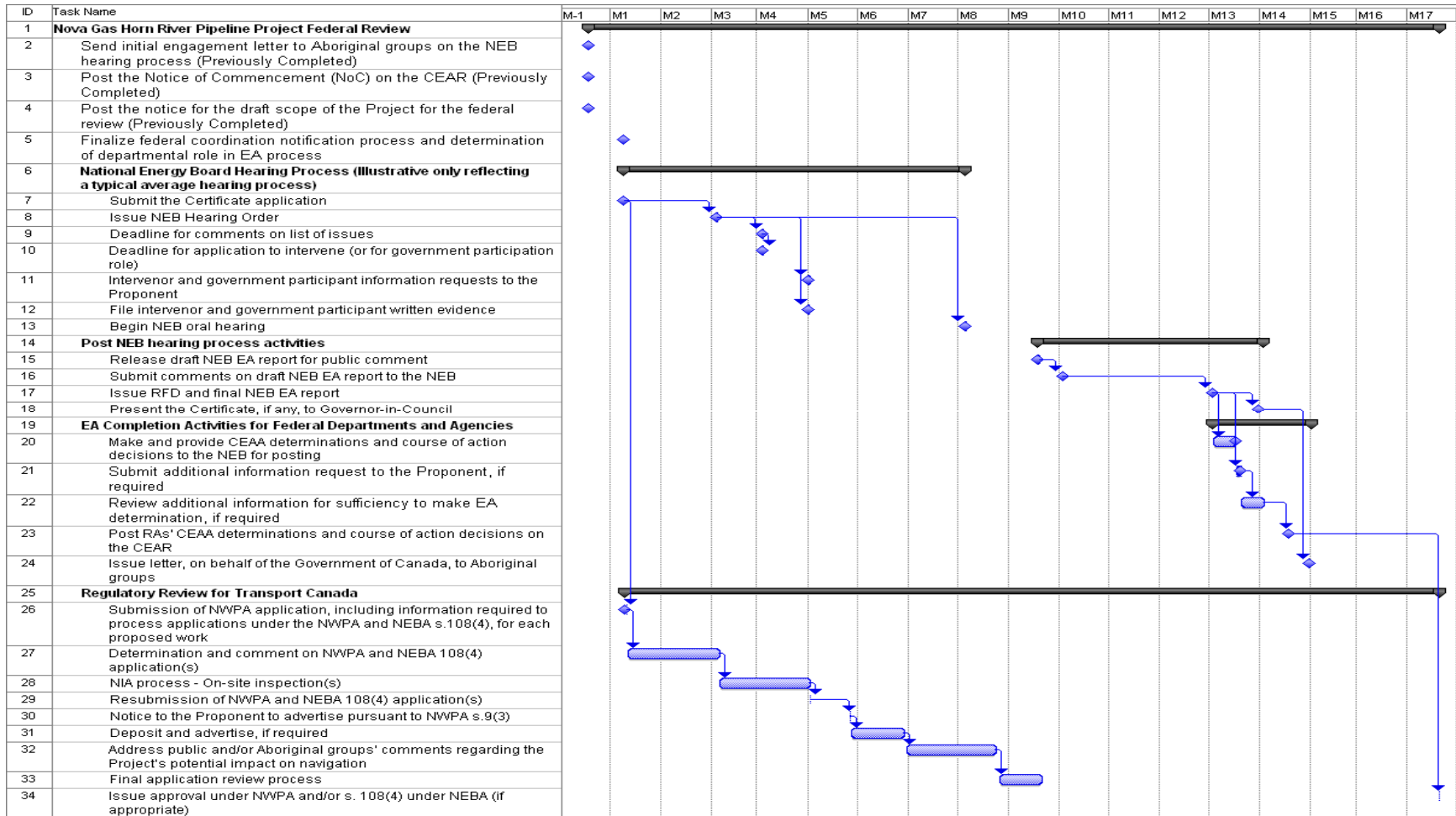
<u>Original signed by</u> Michael Wernick Deputy Minister Indian and Northern Affairs	<u>04-01-10</u> Date
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Annexes

- 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 Transport Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex V Other Federal Departments and Agencies: Roles and Responsibilities

Annex I: Gantt Chart – Target Timelines for the Federal Review of the Project

Note: With respect to the NEB hearing process, the Chart below outlines some of the typical key procedural steps associated with an NEB hearing process and potential dates for those steps in relation to this Project. It is important to note that the dates presented here are neither official nor final and are included only to provide a rough timeline based on typical past NEB experience. The timelines are quite likely to change subject to the schedule set by the NEB Hearing Panel who will oversee the application. Further, timelines related to some procedural steps, such as the length of the oral hearing, are often dependent on the amount of third party involvement in the NEB hearing process. An official listing of procedural steps and associated timelines for the NEB hearing process will be established by the NEB Hearing Panel overseeing the application and will be set out in an NEB Hearing Order should an application be submitted to the NEB.



Annex II

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

Note: The following milestones and service standards do not depict all steps within the NEB hearing process as would be detailed in an NEB Hearing Order.

Description/Activity	Lead	Support As Needed	Service Standard/Completion Date
Federal coordination notification process and determination of departmental role in EA process	NEB	MPMO, RAs, expert FAs	In Progress
Send initial engagement letter to Aboriginal groups on the NEB hearing process	NEB	MPMO, RAs	June 10, 2009
Post the NoC on the CEAR	NEB	RAs	July 2, 2009
Post the notice for the draft scope of the Project for the federal review	NEB	RAs, expert FAs	July 22, 2009
Submit the Certificate application	Proponent		TBD by the Proponent.
Issue NEB Hearing Order	NEB		At the discretion of the NEB Hearing Panel (*typically within 8 weeks of receiving the Certificate application).
Submit additional information requests to the Proponent, if required	RAs	expert FAs	As detailed in the NEB Hearing Order (*typically 8 weeks after the release of the NEB Hearing Order).
Submit written evidence, which may include preliminary evaluation of the Proponent's filed evidence with respect to RAs/FAs scope of involvement and/or expertise if appropriate	RAs	expert FAs	As detailed in the NEB Hearing Order (*typically 8 weeks after the release of the NEB Hearing Order).
NEB oral hearing	NEB		As detailed in the NEB Hearing Order (*typically commence 5 months after the release of the NEB Hearing Order).

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
Release draft NEB EA report for public comment	NEB		At the discretion of the NEB Hearing Panel (*typically within about 6 weeks of close of NEB hearing record).
Submit comments on draft NEB EA report to the NEB	RAs, expert FAs	MPMO	Within 2 weeks of release of draft NEB EA report.
Issue RFD and final NEB EA report	NEB		At the discretion of the NEB Hearing Panel (* typically within 13 weeks of close of NEB hearing process).
Make and provide CEAA determinations and course of action decisions to the NEB for posting Submit additional information request to the Proponent, if required	RAs	MPMO	Within 2 weeks of the release of the NEB RFD if an RA is in a position to make its EA determination, else, the RA requests additional information within 2 weeks of the release of the NEB RFD. RAs will review additional information submitted for sufficiency within 2 weeks of receiving additional material and, if appropriate, will make and provide CEAA determinations and course of action decisions to the NEB for posting within 2 weeks of confirming sufficiency of information.
Present the Certificate, if any, to Governor-in-Council	Minister of Natural Resources	MPMO	Within 4 weeks of the release of the NEB RFD.
Post RAs' CEAA determinations and course of action decisions on the CEAR	NEB		Within 2 weeks of receiving other RAs' CEAA determinations and course of action decisions.
Issue letter, on behalf of the Government of Canada, to Aboriginal groups	MPMO	NRCan	Within 4 weeks of any approval of the Certificate by Governor-in-Council.

* based on past practices

Annex III

Aboriginal Engagement and Consultation Approach and Roles and Responsibilities

1.0 Context

The Government of Canada will take a “Whole of Government” approach to Aboriginal engagement and consultation in the context of the Project. This approach is mandated by both the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Natural Resource Projects* (the Directive) and its subsequent *Memorandum of Understanding 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 engagement and consultation that is integrated with the EA and regulatory review process. Accordingly, this approach will work to ensure that Aboriginal groups are sufficiently consulted, and where appropriate accommodated, when actions contemplated by the Crown may have adverse impacts on established or potential Aboriginal or treaty rights.

2.0 The Federal Crown Consultation Process for the Project

The Government of Canada will, to the extent possible, rely on the NEB process, including the NEB hearing, to discharge any duty to consult for the Project. Aboriginal groups that have Project-related concerns should convey these concerns to the NEB, either orally or in writing, through the NEB hearing process. The RAs for the Project will likewise use the NEB process to respond to Project-specific concerns that may arise in relation to their mandates, as a mechanism to address issues and concerns raised.

To help facilitate this process, the NEB, in collaboration with the RAs as appropriate, will be undertaking an engagement program with identified Aboriginal groups to: (1) outline the NEB process; and, (2) clarify how Aboriginal groups can utilize this process to ensure that their views are heard and considered. Through these engagement efforts RAs will provide information to potentially affected Aboriginal groups regarding their specific regulatory mandates, as well as their scope of involvement in the EA and regulatory review process. Aboriginal groups identified by the Crown for engagement may change over time based on information received during the federal review and from feedback from Aboriginal groups, as may the level of engagement and consultation activities undertaken by the Crown.

The Crown – through the MPMO - will exercise an oversight role to assess the adequacy of the NEB process to fulfill the legal duty of the Crown to consult for this Project. If it is determined that the activities undertaken through the NEB process do not sufficiently satisfy the Crown’s legal duty to consult, the Crown will ensure that a process is put in place to satisfy this duty.

3.0 Roles and Responsibilities

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

The NEB will:

- Conduct an engagement program with potentially impacted Aboriginal groups which will outline the NEB's hearing process and how groups can participate in that process;
- Conduct a public hearing process in respect of the application, including the following activities:
 - Ensure that the Proponent distributes the Hearing Order to potentially impacted Aboriginal groups;
 - Provide additional information, as necessary, to Aboriginal groups on how Aboriginal groups can participate in the hearing process; and,
 - Consider cultural practices, location and timing when planning the oral portion of the hearing.
- Refer to the MPMO issues raised by Aboriginal persons or groups that are outside of the NEB's mandate and which are raised in the context of NEB Aboriginal engagement activities as well as during the public hearing process.

The MPMO will:

- In collaboration with RAs and other federal departments and agencies, evaluate the adequacy of the NEB process to satisfy Crown consultation obligations, including the provision of oversight to ensure the overall consistency, accountability and transparency of the Crown consultation effort during the Project review:
 - Review all Aboriginal engagement materials forwarded by the NEB as a means to inform the Crown's review of the sufficiency of the NEB process to satisfy the Crown duty to consult;
 - Monitor the NEB's record of proceedings to identify issues raised by Aboriginal groups that fall outside the NEB's mandate which may require follow-up, and ensure these issues are referred to the appropriate organization; and,
 - In collaboration with federal departments and agencies, evaluate the adequacy of the NEB process to satisfy Crown consultation obligations and determine whether further Crown action is required outside the NEB process.
- House and maintain the official Record of Crown Consultation activities for the Project;
- Conduct early information gathering and communication with the Proponent, government departments, Aboriginal peoples and other stakeholders about engagement needs, activities and forthcoming consultation responsibilities;
- Identify and track key regional or consultation-relevant issues as early as possible;
- Incorporate information relating to consultation activities into the MPMO Tracker; and,
- In collaboration with relevant federal departments and agencies, lead the development of the Crown Consultation Report for the Government of Canada

RAs will:

- Participate in the NEB's hearing process and in coordinated consultation activities throughout the federal review process (including project development, pre-assessment, assessment, and post-assessment phases), as appropriate/required;

- In collaboration with other RAs, federal departments/agencies and the MPMO, monitor and evaluate the adequacy of the NEB process to satisfy Crown consultation obligations in respect of their legislative mandates;
- Track any Aboriginal concerns raised outside the NEB process in respect of their legislative mandates and address these issues, if required;
- Report to the NEB on consultation activities undertaken through the NEB hearing process and submit records to the MPMO in accordance with the established records-management process;
- When issues are raised by Aboriginal groups or persons outside the NEB process that are relevant to the NEB proceeding but outside the legislative mandate of RAs, refer them to the NEB. If these issues are outside the mandates of the NEB, RAs refer them to the MPMO; and,
- Support issues analysis work, where required.

Expert FAs will:

- Participate in any of the above activities upon request by the NEB, the MPMO, and/or RAs, as appropriate.

The Department of Justice (DOJ) and INAC will:

- Provide legal services (DOJ), information and advice to the MPMO, RAs and expert FAs as appropriate and required throughout the federal review process; and,
- Assist in the evaluation of the scope, nature, and sufficiency of consultation efforts by the Crown.

Annex IV

Transport Canada Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal authorities, where appropriate;
- Review and comment on the EA work plan;
- Review and comment on the Proponent's Certificate application;
- Participate in the NEB hearing process as a government participant or Intervenor to provide expert authority on navigation issues, as determined by TC, to ensure its EA responsibilities are met to the extent possible;
- If applicable, review draft fish habitat compensation plan (FHCP) for potential impact on navigation and provide expert advice to DFO with respect to proposed mitigation measures;
- Review NEB draft EA screening report and submit comments during public comment period for the draft EA screening report ;
- Rely on the NEB final EA screening report to the extent possible, preparing additional information requests and further written analysis as required to fulfill TC's mandate;
- Make EA determination and course of action decision;
- Provide input into the follow-up and monitoring programs relative to its mandate, regulatory responsibilities and areas of interest, as required; and,
- Work with other RAs, expert FAs, the Proponent and the province to ensure implementation of mitigation measures and the design and implementation of a follow-up program, and where appropriate, accommodation of adverse impacts on potential or established s. 35 rights, as required.

Regulatory

- Prepare regulatory work plan;
- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period, public notice and possible public consultations, as appropriate;
- Undertake any required activities related to its mandate, regulatory responsibilities and areas of interest, including consulting with affected/potentially affected Aboriginal groups as appropriate, to support regulatory decisions; and,
- Conduct site visits to support 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 the 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, including information required to process applications under the NWPA and NEBA 108(4), for each proposed work	Proponent provides TC-NWPP with application for each proposed work and request for NWPA and NEBA 108(4) approval(s) complete with dimensioned plans, maps, reports, studies and data as outlined on the NWPA website.	Proponent	Determined by the Proponent but no later than the time of submission of the EIS.
Determination and comment on NWPA and NEBA 108(4) application(s)	<p>Review application package and information/plans for adequacy to support NWPA and s. 108(4) NEBA review.</p> <p>Request further information if required, to proceed with application</p> <p>If applicable, review draft FHCP for potential impacts to navigation and provide comments to DFO with respect to the navigability of the watercourse and any concerns regarding potential mitigation measures with respect to navigation.</p>	TC	<p>8 weeks after application submission.</p> <p>If applicable, within 2 weeks of receiving draft FHCP.</p>
NIA Process - On-site inspection(s)	Complete on-site NIA 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

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Notice to the Proponent to advertise pursuant to NWPAs s. 9(3), if required	TC may provide the proponent with advertisement package pursuant to NWPAs 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	<p>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.</p> <p>Proponent is to provide to TC proof of deposit and advertising.</p>	Proponent Land Title Office, Canada Gazette	Advertisement process is to occur for a minimum of 30 +1 calendar days.
Address public and/or Aboriginal groups’ comments regarding the Project’s potential impact on navigation	<p>Should TC receive concerns from the public and/or Aboriginal groups regarding navigation, the Proponent and TC will work together to resolve concerns.</p> <p>Additional requirements might be deemed necessary by TC in regard to potential impacts on navigation posed by proposed works.</p> <p>TC will facilitate public comment process if required.</p>	<p>Proponent & TC</p> <p>TC</p> <p>TC</p>	To be completed within 2 months of completion of advertisement process.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Resubmission of NWPA and NEBA 108(4) application(s) (if required)	Resubmission of NWPA and NEBA 108(4) application(s) (where applicable) and re-deposit and re-advertising of plans in one or more local papers and the Canada gazette is required if substantial changes to proposed works are required. Furthermore, if applicable, DFO FHCP will have to be reviewed prior to issuing an approval.	Proponent	TBD by Proponent
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 NWPA and/or s. 108(4) under NEBA (if appropriate)	If appropriate, issue approvals under NWPA and/or s. 108(4) under NEBA	TC	Within 90 calendar days following EA course of action decision, if NWPA applications are submitted before or in conjunction with the EIS.

Annex V

Other Federal Departments and Agencies Roles and Responsibilities

ROLES / RESPONSIBILITIES	
NEB	<p><u>Joint EA and Regulatory</u></p> <ul style="list-style-type: none"> • Identify and coordinate RAs and expert FAs for the purposes of initiating and coordinating the EA process; • Prepare the EA Work Plan; • Conduct the NEB hearing process; • Prepare EA report; • Issue regulatory decision in regards to the Proponent’s Certificate application; and, • Post RA’s CEAA determinations on the CEAR. <p><u>Post-EA Regulatory</u></p> <ul style="list-style-type: none"> • Monitor compliance with conditions imposed on the Certificate if issued
DFO	<ul style="list-style-type: none"> • Review and comment on the Proponent’s Certificate application and other documents as directed by the NEB and RAs; • Participate in the NEB hearings as government participants, Intervenor or by letter of comment or oral statement; • Review and submit comments on the draft NEB EA report; • 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; • Participate, as necessary in Aboriginal consultation processes as part of the “Whole of Government” approach; and, • Should an authorization under the <i>Fisheries Act</i> be required due to a failure of a primary crossing methodology, and where the impacts resulting from the contingency crossing methods have been found acceptable to DFO should provide the necessary <i>Fisheries Act</i> authorizations within 4 weeks of receiving all required information from the proponent, including an acceptable compensation agreement. Should an authorization for a contingency methodology be required, DFO will rely on the information contained within the NEB screening report to the extent possible to complete their EA. TC will be afforded an opportunity to review any necessary compensation agreements with respect to TC’s legislative mandate prior to the issuance of authorizations.

ROLES / RESPONSIBILITIES	
EC NRCan HC	<ul style="list-style-type: none"> • Review and comment on the Proponent’s Certificate application and other documents as requested by the NEB and RAs; • Participate in the NEB hearing as government participants, Intervenor or by letter of comment or oral statement; • Review and submit comments on the draft NEB EA report; • Provide support to the review of the design and implementation of the follow-up program and/or mitigation measures that arise from expert FA recommendations made, and as agreed to, with the RAs; and, • NRCan will prepare the Minister of Natural Resources regarding the Proponent’s application for the Certificate if required.
INAC	<ul style="list-style-type: none"> • Provide advice in regard to Aboriginal engagement and consultation to support the Government of Canada in respect of the Project.
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 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 expert FAs, RAs, and the Proponent on the EA and regulatory milestones into the MPMO Tracker.