

PROJECT AGREEMENT FOR THE NAIKUN OFFSHORE WIND ENERGY PROJECT IN HECATE STRAIT, CANADA

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 NaiKun Wind Energy Group Inc. (the Proponent) has submitted a Project Description in support of its proposal to develop an offshore wind farm in the Hecate Strait, Canada, an area that is considered federal land;

AND WHEREAS Fisheries and Oceans Canada (DFO), Public Works and Government Services Canada (PWGSC), Transport Canada (TC) and the Prince Rupert Port Authority (PRPA) have, and, Natural Resources Canada (NRCan) and Indian and Northern Affairs Canada (INAC) may have, regulatory and statutory duties in relation to the development proposal;

AND WHEREAS DFO, PWGSC/NRCan, TC and the PRPA will conduct a screening pursuant to the *Canadian Environmental Assessment Act (CEAA)*;

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 British Columbia Environmental Assessment Office (BC EAO) and the Canadian Environmental Assessment Agency (CEA Agency) have agreed to coordinate the federal and provincial EAs to the extent possible pursuant to the Canada-BC Environmental Assessment Cooperation Agreement;

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

As the EA for this Project commenced prior to the commencement of the MPMO Initiative, this Agreement describes the main remaining 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 a wind energy generating facility in the shallow waters off the northeast coast of Haida Gwaii in Hecate Strait, Canada. This area is considered federal land. The development proposal, submitted by the Proponent, consists of 67 to 110 turbines, spaced 450 to 1000 meters apart with an anticipated capacity of 320 megawatts, covering an area of 30 to 60 square kilometers. The hub of each proposed turbine is at an approximate elevation of 80 meters above the ocean surface and is to be mounted to a tower that is anchored to the seabed. The lower extremity of the blades will be no less than 20 meters above the water at highest astronomical tide. Each tower will have a diameter of 6 meters. The generated power from the turbines will be gathered via sea cables at an offshore substation and transmitted via buried underwater sea cables westward to Haida Gwaii (through a 69kV cable with a landfall near Tlell) and eastward to the BC mainland where it will connect with BC Hydro's 287kV powerline near Port Edward.

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;
- TC has regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWPA) and, pursuant to the CEAA, is a RA. TC requires all the information in the 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 the timelines in this Agreement this information must be submitted no later than the time of submission of 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 RAs;

- PWGSC has regulatory and statutory responsibilities under the *Federal Real Property and Federal Immovables Act* (FRPFIA) and, pursuant to the CEAA, is an RA. These responsibilities may be transferred to NRCan, and therefore NRCan may become an RA. NRCan may also be in possession of specialist or expert information or knowledge with respect to the Project and where applicable shall make available that information or knowledge. In the situation where PWGSC transfers its responsibility under the FRPFIA to NRCan, PWGSC will no longer be an RA;
- PRPA has regulatory and statutory responsibilities under the *Canada Marine Act* and, pursuant to section 3 of the *Canada Port Authority Environmental Assessment Regulations*, is a prescribed authority. The PRPA 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. For the purposes of this Agreement, the PRPA will be included in the collective term Responsible Authority;
- Indian and Northern Affairs Canada (INAC) may have statutory responsibilities under the CEAA, and will participate as a likely RA. INAC also has advisory responsibilities to support the Government of Canada's Aboriginal engagement and consultation activities in relation to the Project;
- Environment Canada (EC) and Health Canada (HC) are federal authorities (FAs) pursuant to the CEAA and may be in possession of specialist or expert information with respect to the Project and, upon request, shall make available that information or knowledge to the RAs;
- The 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 and the Crown Consultation Coordinator (CCC) for the EA in relation to the Project, and will coordinate the federal input into the provincial EA, 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 (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.

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

4.0 FEDERAL REVIEW PROCESS

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

- All marine components of the project (wind turbines, offshore converter station, submarine transmission cables to mainland and Haida Gwaii, and submarine power lines between wind turbines); and,
- Components which are on federal (PRPA) lands (onshore converter station, onshore transmission line, staging, operations, and maintenance infrastructure).

The RAs will work together with the expert FAs to jointly meet their responsibilities under the CEAA. The RAs have determined that the type of EA required is a screening.

The CEA Agency and the BC EAO will coordinate their respective review processes, to ensure that joint steps are undertaken wherever that can appropriately be done pursuant to the Canada-BC Environmental Assessment Cooperation Agreement. Annex I shows a Gantt chart of the federal review processes. 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 that are included in the CEAA. 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.

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 Crown will rely on the consultation efforts of the Proponent, to the extent possible, to meet the duty to consult. The Crown will continuously monitor the adequacy or sufficiency of its Aboriginal consultation efforts throughout the federal review.

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

6.0 TIMELINES

Timelines identified in the Project Agreement represent the time taken by federal departments in carrying out their respective tasks for the federal review. The target timelines for the federal review are detailed in the Gantt chart in Annex I, and are as follows:

- a) Completion of the federal EA – 7 months from the submission of the draft EIS (May 15th, 2009) to the posting of EA course of action decisions;

- b) If appropriate, issuance of *Fisheries Act* Approvals – 3 months from the EA course of action decisions posted on the CEAR;
- c) If appropriate, issuance of NWPA Approvals – 3 months from the EA course of action decisions posted on the CEAR; and,
- d) If appropriate, issuance of the land licence under the FRPFIA – 12 months from the posting of EA course of action decisions posted on the CEAR.

The above timelines have been established on the basis of a number of assumptions, such as the fact that the assessment will be conducted by way of a screening, as well 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 have responsibilities under the CEAA in relation to ensuring the implementation of mitigation measures and the design and implementation of a follow-up program. If the RAs determine a follow-up program is appropriate in the circumstance, the RAs will work with the expert FAs, the Proponent and the province, 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 federal review is delayed at the request of the Proponent and/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.

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.

Original Signed by _____ November 20, 2009
Cassie Doyle
Deputy Minister
Natural Resources Canada
Date

Original Signed by _____ November 25, 2009
Peter Sylvester
President
Canadian Environmental Assessment Agency
Date

Original Signed by _____ November 25, 2009
Claire Dansereau
Deputy Minister
Fisheries and Oceans Canada
Date

Original Signed by _____ November 25, 2009
Yaprak Baltacıoğlu
Deputy Minister
Transport Canada
Date

Original Signed by _____ December 05, 2009
Ian Shugart
Deputy Minister
Environment Canada
Date

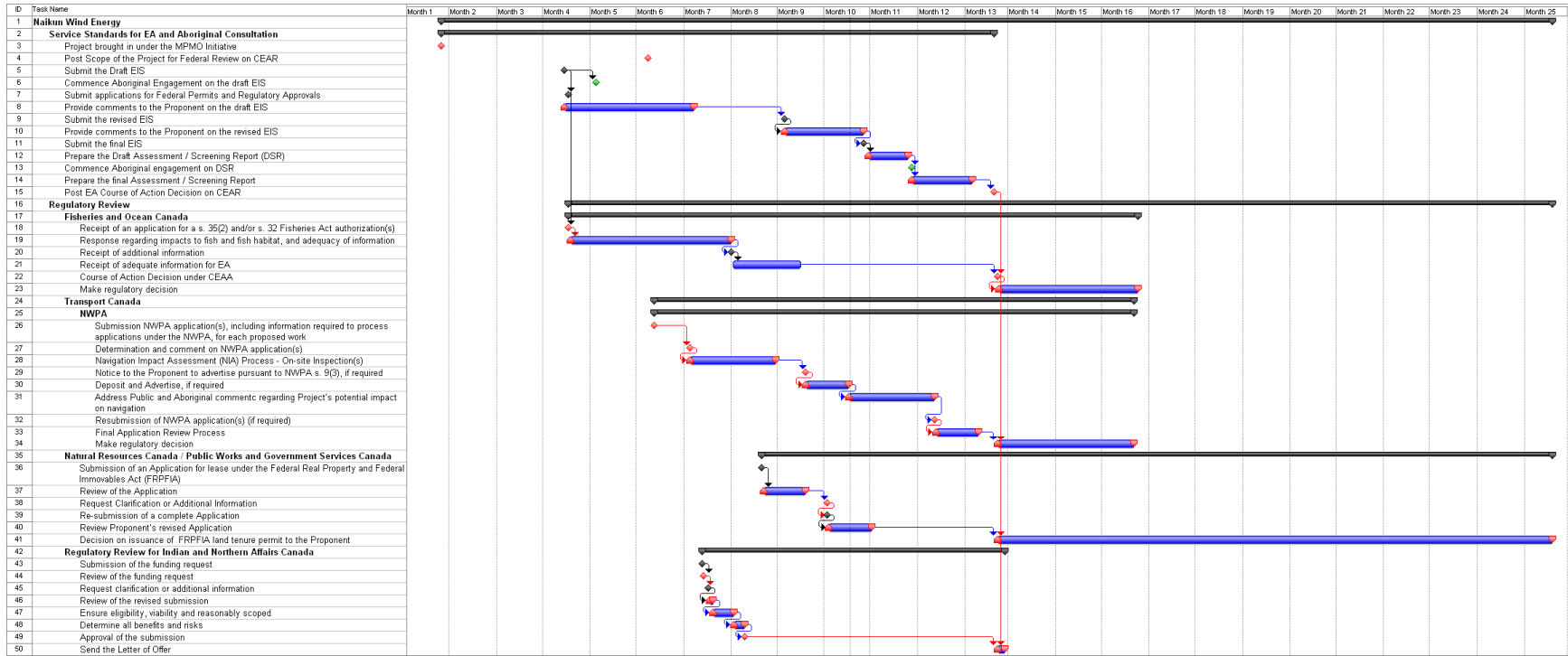
Original Signed by _____ November 27, 2009
Michael Wernick
Deputy Minister
Indian and Northern Affairs Canada
Date

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 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 Natural Resources Canada and Public Works and Government Services Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex VII Indian and Northern Affairs Canada: Roles, Responsibilities, Key Milestones and Service Standards
- Annex VIII Other Departments and Agencies: Roles and Responsibilities

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

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
Project brought in under the MPMO Initiative	MPMO	RAs expert FAs, CEA Agency	February 24 th , 2009
Post the Scope of the Project for federal review on CEAR	RAs	CEA Agency and FAs	July 8 th , 2009
Submit the draft EIS	Proponent		May 15 th , 2009
Commence Aboriginal engagement on the draft EIS	CEA Agency	RAs and expert FAs	June 4 th , 2009
Submit applications for Federal Permits and Regulatory Approvals	Proponent		July 13 th , 2009 for TC September 21, 2009 for NRCan To be determined by the Proponent for DFO.
Provide comments to the Proponent on the draft EIS	CEA Agency	RAs, expert FAs	August 6, 2009
Submit additional information related to EIS	Proponent		To be determined by the Proponent
Provide comments to the Proponent on the additional information	CEA Agency	RAs, expert FAs	Within 7 weeks from the submission additional information related to EIS
Submit the final EIS	Proponent		To be determined by the Proponent
Prepare the Draft Assessment / Screening Report (DSR)	CEA Agency	RAs, expert FAs	Within 4 weeks from the submission of the final EIS
Commence Aboriginal engagement on the DSR	CEA Agency	RAs, expert FAs	Upon finalizing the DSR
Prepare the final Assessment / Screening Report	CEA Agency	RAs, expert FAs	Within 6 weeks from the completion of the Draft Screening Report
Post the EA course of action decision(s) on the CEAR	RAs	CEA Agency	Within 2 weeks of completion of the final Screening Report

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 on Improving the Performance of the Regulatory System for Major Resource Projects* and the associated Memorandum of Understanding (MOU) (June, 2007). The *Directive* states that Parties will work together towards a coordinated approach for Aboriginal consultation that is integrated with the EA, to the extent possible. The approach for federal consultation of Aboriginal groups for major resource projects was created in accordance with *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult* (INAC/Department of Justice; February 2008).

2.0 Identifying Aboriginal Groups

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

3.0 The Federal Crown Consultation Process

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

Where accommodation is required, the Crown, coordinated by the CEA Agency, will monitor and determine whether identified mitigation measures 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 CCC for the EA phase of 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 Party are:

The CEA Agency will:

- Act as the CCC for the EA phase of the federal review in relation to the Project, coordinate and facilitate the Crown's engagement and consultation activities before and during the EA, and ensure a smooth transition to the regulatory review if required. As the CCC, the CEA 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 are integrated with the EA process to the extent possible, including the provision of opportunities to Aboriginal groups to review EA documents, as part of the Crown's consultation efforts;
 - Ensure that a consultation process is in place for the regulatory review through the transfer of the CCC role to an RA;
 - Track and refer project specific issues raised by Aboriginal groups to the appropriate entities (e.g., RAs, Proponent, Province, etc.);
 - Track and refer non-project specific issues (e.g. land claims, treaty rights) to the appropriate entities (e.g., INAC, Province, etc.);
 - Ensure RAs consider 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;
 - Compile and update the Record of Crown Consultation Activities (housed at MPMO) conducted during the federal review, and then transfer responsibility for managing the Record to the MPMO at the end of the review;
 - Coordinate the evaluation of the scope, nature, and sufficiency of the Crown's consultation efforts, with input from the Department of Justice (DOJ), INAC and RAs; and
 - Coordinate the response, with input from INAC and the RAs, on behalf of the Government of Canada, to Aboriginal groups on how concerns were addressed.

The Major Projects Management Office will:

- Provide oversight to ensure the overall consistency, accountability, and transparency of the Aboriginal Crown engagement and consultation effort, for the entire federal review;
- House and maintain the official Record of Crown Consultation Activities for the Project; and,
- Incorporate information relating to consultation activities into the MPMO Tracker.

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 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 engagement and consultation activities to the CEA Agency and the MPMO in accordance with the established records-management process;
- Provide input into the response to Aboriginal groups on how concerns were addressed; and,
- Support issues analysis work, where required.
- Rely on TC to determine and carry responsibility for determining the sufficiency of consultations on Aboriginal Title, as it relates to Ridley Island

Expert Federal Authorities will:

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

The Department of Justice and Indian and Northern Affairs Canada will:

- Provide legal services, information and advice to the CEA Agency, 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;
- Review, comment on and approve the EA work plan and Aboriginal Consultation work plan;
- Review and comment on the EIS Guidelines and/or scoping document;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Afford TC an opportunity to review proposed mitigation measures with respect to potential impacts on navigation;
- Provide expert advice with respect to its mandate, regulatory responsibilities and areas of interest, where appropriate;
- Consult with affected/potentially affected Aboriginal groups on the EIS and Screening Report, as appropriate;
- Review, comment on, and approve the Screening Report;
- Take course of action decision following the finalization of the Screening Report;
- Provide input into the follow-up and monitoring programs relative to its mandate, regulatory responsibilities and areas of interest, as required; and
- If DFO determines a follow-up program is appropriate under the circumstances, it will 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 impact on potential or established s. 35 right, 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;
- Afford TC an opportunity to review any necessary compensation agreements with respect to TC's legislative mandate prior to the issuance of authorizations;
- 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
Receipt of an application for a s. 35(2) and/or s. 32 Fisheries Act authorization(s)	DFO receives application from the Proponent for authorization of impacts to fish and fish habitat under s. 35(2) and/or s. 32 of the <i>Fisheries Act</i> complete with adequate plans, maps, reports and data to support the review. This may include a FHCP to support the <i>Fisheries Act</i> review.	Proponent	Dependent on timing of the submission of the application by the Proponent.
Response regarding impacts to fish and fish habitat, and adequacy of information	<p>DFO reviews the application package (including proposed FHCP and associated estimate of financial security, if provided), for adequacy, to support the <i>Fisheries Act</i> review, and responds to the Proponent.</p> <p>DFO requests further information, if required, to proceed with review of the application. This may include information on fish habitat compensation, if not yet provided.</p> <p>Provide TC with a copy of the draft FHCP and any potential comments for the review with respect to navigational concerns.</p>	DFO	<p>Within 60 days of receipt of a complete application, including an acceptable FHCP. If the compensation plan is submitted at a different time from when the EIS is submitted, an additional 45 days will be required to review the compensation plan.</p> <p>Within 4 weeks of receiving draft FHCP.</p>
Receipt of additional information	DFO receives additional information from the Proponent.	Proponent	Dependent on timing of the submission of additional information by the Proponent
Receipt of adequate information for EA	DFO determines that adequate information on fish and fish habitat, including FHCP, has been provided for the EA to make a conclusion on significance of adverse effects on fish and fish habitat.	DFO	Adequate information on the FHCP, considered mitigation for the EA, must be provided during the EA for inclusion in

	DFO informs the Proponent.		the EA report before the report can be completed. Within 45 days of receipt of adequate information.
Course of Action Decision under CEAA	DFO reaches a course of action decision under CEAA that will determine whether authorization(s) may be issued. If course of action decision allows for proceeding with authorization(s), the subsequent activities and milestones will apply.	DFO	As per EA work plan.
Make regulatory decision	Make regulatory decision under the <i>Fisheries Act</i> in regards to the impacts to fish and fish habitat.	DFO	DFO makes regulatory decision 90 calendar days after DFO makes an appropriate course of action decision. Decision will be contingent upon: 1. The receipt of an acceptable application, including a FHCP and proof of financial security. 2. The discharge of any legal Aboriginal consultation obligations associated with the authorization(s). 3. An EA course of action Decision under s. 20 (1) of the CEAA.

			<p>The regulatory decision may also consider the Proponent's timing needs for the decision(s) in that, should a decision not be required until much later than the timeline above, DFO will make the decision when it is appropriate.</p>
--	--	--	---

Annex V

Transport Canada Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities, where appropriate;
- Review, comment on and approve the EA work plan and Aboriginal Consultation work plan;
- Review and comment on the EIS Guidelines and/or scoping document;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Review the draft fish habitat compensation plan/strategy (FHCP) for potential impact on navigation and provide expert advice to DFO with respect to proposed mitigation measures;
- Provide expert advice with respect to its mandate, regulatory responsibilities and areas of interest, where appropriate;
- Consult with affected/potentially affected Aboriginal groups on the EIS and Screening Report, as appropriate;
- Review, comment on, and approve the Screening Report;
- Take a course of action decision following the finalization of the Screening Report;
- 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 the follow-up program, where appropriate, accommodation of adverse impact 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 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
Liase with the Proponent regarding potential works in regards to impacts on navigability	Liase with the Proponent regarding works that could potentially impact navigation and on potential alternatives and mitigation strategies to ensure that navigability is maintained.	TC	Ongoing.
Submit NWPAs application(s), including information required to process applications under the NWPAs, for each proposed work	Provide TC with application for each proposed work and request for NWPAs approval(s) complete with dimensioned plans, maps, reports, studies and data as outlined on the NWPAs website.	Proponent	July 13 th , 2009.
Determination and comment on NWPAs application(s)	<p>Review application package and information/plans for adequacy to support NWPAs review.</p> <p>Requests further information if required to proceed with application.</p> <p>Review draft Fish Habitat Compensation Plan 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>August 4th, 2009</p> <p>Within 2 weeks of receiving draft Fish Habitat Compensation Plan</p>
Navigation Impact Assessment (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.
Notice to the Proponent to advertise pursuant to NWPAs s. 9(3), if required	Provide the Proponent with advertisement package pursuant to NWPAs s. 9(3).	TC	October 19 th , 2009
Deposit and Advertise, if required	Deposit "Final Plans" and other relevant information with Land Title Office or the	Proponent	Advertisement process is to occur for a minimum of 30 +1

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	<p>government agent and advertise in one or more local papers and the Canada Gazette.</p> <p>Provide proof of deposit and advertising to TC.</p>		calendar days.
Address Public and Aboriginal comments regarding 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 regards to potential impacts on navigation posed by proposed works.</p> <p>TC will facilitate public comment process if required.</p>	<p>Proponent and TC</p> <p>TC</p>	To be completed within 2 months of completion of advertisement process.
Resubmission of NWPA application(s), if required	<p>Resubmission of NWPA 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.</p> <p>Furthermore, DFO fish habitat compensation plans will have to be reviewed prior to issuing an approval</p>	Proponent	Determined by the 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 NWPA, if appropriate	Make regulatory decision under NWPA.	TC	Within 90 calendar days following EA course of action decision. The applications were

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
			submitted two months after the time of submission of the EIS.

Annex VI

Natural Resources Canada and Public Works and Government Services Canada Roles, Responsibilities, Key Milestones and Service Standards

The Minister of PWGSC has the default administration of the seabed and therefore has the requisite authority to issue a land-use authorization under the *Federal Real Property and Federal Immovables Act* absent some other instrument providing that another Minister has administration. Ministers can transfer administration to each other. NRCan and PWGSC are working to transfer administration for the area covered by the wind farm to NRCan so that NRCan would issue the license for the wind farm.

The following roles, responsibilities, key milestones and service standards will be shared by both NRCan and PWGSC until administration of the federal land is either transferred to NRCan or until PWGSC determines that it will be issuing its own licence under the FRPFIA.

EA

- Participate in meetings with other federal/provincial authorities, where appropriate;
- Review, comment on and approve the EA work plan and Aboriginal consultation work plan;
- Review and comment on the EIS Guidelines and/or scoping document;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Provide expert advice with respect to its mandate, regulatory responsibilities and areas of interest, where appropriate;
- Consult with affected/potentially affected Aboriginal groups on the EIS and Screening Report, as appropriate;
- Review, comment on, and approve the Screening Report;
- Take course of action decision following the finalization of the Screening Report;
- 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
Submission of project description & information on Project to NRCan/PWGSC	NRCan/PWGSC liaise with project Proponent regarding location of project and need for land lease.	Proponent	Ongoing
Determination / Notification of whether a land tenure permit is required under the <i>Federal Real Property and Federal Immovables Act (FRPFIA)</i>	NRCan/PWGSC review proponent's proposal/project description.	NRCan/PWGSC	Completed
Submission of application for a FRPFIA land tenure permit	The proponent compiles information and submits an application to NRCan/PWGSC for a land tenure authorization under FRPFIA	Proponent	September 21, 2009
Review of the Application	NRCan/PWGSC reviews the proponent's application to ensure that all of the required information is included.	NRCan or PWGSC	If the application is complete, require 4 weeks to review and process application and issue the lease
Request Clarification or Additional Information	If there are aspects of the application that are unclear, or if additional information is required, NRCan/PWGSC will request clarification or additional information from the Proponent	NRCan or PWGSC	Within 2 weeks of receipt the application
Re-submission of a complete Application	Proponent re-submits a completed application	Proponent	Dependent on Proponent
Review Proponent's revised Application	NRCan/PWGSC continues its review of the application which includes clarifications or additional information requested	NRCan or PWGSC	Within 4 weeks from receipt of the complete application
Decision on issuance of FRPFIA land tenure permit to the	NRCan or PWGSC can issue a land tenure authorization under the FRPFIA, if appropriate.	NRCan or PWGSC	Within 12 months of the EA course of action decision being

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Proponent	Authorizations may include Terms and Conditions, relating to mitigation measures or follow-up requirements identified during the EA review phase of the Project.		posted on the CEAR

Annex VII

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

EA

- Participate in meetings with other federal/provincial authorities, where appropriate;
- Review, comment on and approve the EA work plan and Aboriginal consultation work plan;
- Review and comment on the EIS Guidelines and/or scoping document;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Provide expert advice with respect to its mandate, regulatory responsibilities and areas of interest, where appropriate;
- Consult with affected/potentially affected Aboriginal groups on the EIS and Screening Report, as appropriate;
- Review, comment on, and approve the Screening Report;
- Take course of action decision following the finalization of the Screening Report;
- 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; and,
- 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.

Note: The following milestones represent the key activities associated with the application for funding under the Major Resources and Energy Project application process. It is 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
Submit the funding request	Complete the Business Proposal Form	Proponent	Dependent on Proponent
Review of the funding request	Receive necessary information. Accepts completeness of information.	Major Resource and Energy Development (MRED) Officer	Dependent on the completeness of the Business Proposal Form
Request clarification or additional information	If there are aspects of the application that are unclear, or if additional information is required, INAC will request clarification or additional information.	Proponent	Dependent on Proponent
Review of the revised submission	Review application and determine whether MRED could potentially fund the project	MRED Manager	Within 48 hours after receiving the complete Business Proposal Form
Ensure eligibility, viability and reasonably scoped	Screen project to ensure that it is eligible, viable and reasonably scoped	MRED Screening Committee	Within 2 weeks after triage
Determine all benefits and risks	Assess project in detail to determine all benefits and risks. Outside expertise may be required including any related EA work	MRED Manager	Within one week after screening if no expertise advice required
Approval of the submission	Prepare Project Summary Form and obtain approval	MRED Manager	Dependant on funding level, may require approval by Director, DG, ADM, DM, Minister, NAEDB
Send the Letter of Offer	Prepare contribution agreement detailing all elements of the financing arrangement including conditions such as the Minister of the Environment's EA Decision	MRED Director	Within one week after EA course of action decision is posted on the CEAR

Annex VIII

Other Departments and Agencies: Roles and Responsibilities

PARTY	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 including consultations with Aboriginal communities; • Where appropriate, work in cooperation with RAs and FAs, the Province 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 the accommodation of adverse impacts on potential or established s. 35 rights, and those aspects of the follow-up programs; • Manage the CEAR; • Coordinate the federal review of the EIS and Screening Report; • Prepare the Screening Report.
EC	<p>Upon request from an RA, EC 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 and work plan Aboriginal Consultation work plan; • Participate in federal project review committee meetings for provision of relevant expertise that is available; • Review and submit comments on the EIS; • Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group; • Consult with affected/potentially affected Aboriginal groups on the EIS and on the Screening Report as appropriate; • Provide support to the review of other comments received on the EIS; and • Provide any assistance requested by an RA in ensuring the implementation of a mitigation measure on which the FA and the RA have agreed.

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 and Aboriginal Consultation work plan; • Participate in federal project review committee meetings for provision of relevant expertise that is available; • Provide support to 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. • Provide advice regarding the potential human health implications of the Project when requested by the RAs. Advice will be provided within timelines requested by an RA; and • Review and submit comments on the EIS, regarding the potential human health implications, and comments received on it.
INAC	<ul style="list-style-type: none"> • Provide advice in regard to Aboriginal engagement and consultation.
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 FA(s) RA(s), and proponent on the EA and regulatory milestones into the MPMO Tracker.