

MEMORANDUM

**Amendment to the Agreement
To Establish a Joint Review Panel
for the Jackpine Mine Expansion Project**

Between

The Minister of the Environment, Canada

- and -

Energy Resources Conservation Board, Alberta

WHEREAS each of the Parties signed the Agreement To Establish a Joint Review Panel for the Jackpine Mine Expansion Project (hereinafter referred to as the Agreement) dated September 13, 2011 to establish a Joint Review Panel for the Jackpine Mine Expansion Project; and

WHEREAS section 13 of the Agreement allows it to be amended by written memorandum executed by both the Federal Minister of the Environment and the Chairman of the Energy Resources Conservation Board (ERCB); and

WHEREAS the Parties wish to amend the Agreement to allow the Joint Review Panel to coordinate or combine its review process with the review process for the Pierre River Mine Project, where the Joint Review Panel determines that the joint panel review may benefit from a coordinated or combined review process.

Now Therefore, the Parties hereby amend the Agreement as follows:

1. The Agreement is amended by adding the following paragraphs as the third last and second last paragraphs of the Preamble:

“**WHEREAS** the Federal Minister of the Environment and the ERCB have established a joint review panel for the Pierre River Mine Project, as evidence by their written agreement dated XX XX, 2012; and

WHEREAS the Federal Minister of the Environment and the ERCB have determined that, given commonalities between the two projects and the single, integrated Environmental Impact Statement that has been prepared for the two projects, the joint review panel for this project may proceed with increased efficiency from coordinating or combining its review process with the review process for the Pierre River Mine Project.

2. Article 4 of the Agreement is amended by adding the following Articles 4.6, 4.7 and 4.8 thereto:

- “4.6 If at any time prior to issuing its report, the Joint Review Panel is of the opinion that the review process for the project may proceed with increased efficiency by being combined with or coordinated with the review process for the Pierre River Mine Project, the Joint Review Panel may combine or coordinate this review process with the Pierre River Mine Project’s review process.
- 4.7 The Joint Review Panel may at any time consider the progress of the Pierre River Mine Project review process when making decisions about the conduct of the Jackpine Mine Expansion Project review process, and may decide to combine or to coordinate the review processes as set out in Article 4.6.
- 4.8 If the Joint Review Panel decides to combine or coordinate the review process for the project with the review process for the Pierre River project, the Joint Review Panel shall ensure that the coordination or combination of the review processes is done in a manner consistent with this Agreement, and in a manner that ensures that the review process for the project is procedurally fair.

3. Article 7.3 is amended by replacing Article 7.3 with the following:

7.3 On completion of the assessment of the project, the Joint Review Panel shall prepare a report. The report shall include an executive summary in both official languages. The report will set out the rationale, conclusions and recommendations of the Joint Review Panel relating to the environmental assessment of the project, including any mitigation measures and follow-up program, and a summary of comments received from the public, including Aboriginal persons and groups. The report will be conveyed to the Government of Alberta and the Federal Minister of the Environment within 90 days of the close of the record if the public hearing is not coordinated or combined with the Pierre River Mine Project’s public hearing, or within 120 days of the close of the record if the public hearing is coordinated or combined with the Pierre River Mine Project’s public hearing. Simultaneously, the report will be published and made available to the public by the Joint Review Panel.

4. Part IV of the Agreement entitled “Appendix - Terms of Reference” is amended as follows:

- a) The existing paragraph 5 is deleted and replaced with the following:

“If the Joint Review Panel concludes that it has adequate information to proceed to hearing, it will announce the hearing following the close of the public comment period; however, the Joint Review Panel may defer announcing the hearing until after a decision to hold a hearing has been made by the joint review panel considering the Pierre River Mine Project. In any case, the Joint Review Panel shall provide for a minimum of 60 days notice prior to the commencement of the hearing.”

- b) The title “Public Hearings” that appears following paragraph 11 is changed to “Public Hearings and Combined or Coordinated Review Process”;

- c) The following paragraph is added below the heading “Panel Process”, in Part IV of the Appendix, Terms of Reference and before “The main steps of the joint

review by the Joint Review Panel will be as follows:”

“The Joint Review Panel may coordinate or combine its review process with the review process for the Pierre River Mine Project, as provided in Articles 4.6, 4.7 and 4.8 of this Agreement; and

- d) The following paragraph is added as paragraph 12 of Part IV of the Appendix, Terms of Reference:

“The Joint Review Panel may coordinate or combine its hearing with the Pierre River Mine Project hearing, as provided in Article 4 of this Agreement.”

- e) The original paragraph 12 is renumbered as paragraph 13.

- f) The original paragraph 13 is renumbered as paragraph 14 and the text is amended by replacing the text with the following:

“The Joint Review Panel will deliver its report to the Federal Minister of the Environment within 90 days following the close of the record if the public hearing is not coordinated or combined with the Pierre River Mine Project’s public hearing, or will deliver two separate reports, one for each of the two Projects, within 120 days following the close of the record if the public hearing is coordinated or combined with the Pierre River Mine Project’s public hearing. The report will take into account and reflect the views of all Joint Review Panel members.”

5. The Agreement, as hereby amended, remains in full force and effect in accordance with the terms thereof.

The Honourable Peter Kent
Minister of the Environment

Dan McFadyen, Chairman
Energy Resources Conservation Board

Date

Date