

MEMORANDUM

Amendment to the Agreement to Establish a Joint Review Panel for the Frontier Oil Sands Mine Project

Between

The Minister of the Environment, Canada

– and –

The Alberta Energy Regulator, Alberta

WHEREAS each of the Parties signed the Agreement To Establish a Joint Review Panel for the Frontier Oil Sands Mine Project (hereinafter referred to as the Agreement) to establish a Joint Review Panel for the Frontier Oil Sands Mine Project (project); and

WHEREAS article 8.1 of the Agreement allows it to be amended by a written memorandum executed by both the Federal Minister of the Environment and the Chief Executive Officer of the Alberta Energy Regulator; and

WHEREAS the World Heritage Committee released a report following a reactive monitoring mission to Wood Buffalo National Park World Heritage Site that recommended that the State Party conduct an environmental and social impact assessment of the project in line with the International Union for Conservation of Nature World Heritage Advice Note, fully taking into account the Outstanding Universal Value of the World Heritage Site, including the Peace-Athabasca Delta;

WHEREAS the parties wish to amend portions of the Agreement and “Appendix 1 Terms of Reference” of the Agreement, to reflect certain project updates provided by the proponent and to give direction to the Joint Review Panel to consider the effects of the project on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site, including the Peace-Athabasca Delta in its environmental assessment of the project.

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

1. Part 5 of the Agreement, entitled “Record of Joint Review and Report,” is amended by deleting paragraph 5.3 and replacing it as follows:

“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 of Canada. 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 Federal Minister of the Environment within the overall time limit for the review established by the Federal Minister of the Environment. Upon receipt, the Federal Minister of

the Environment will submit the report to the World Heritage Centre, for review by the International Union for Conservation of Nature with respect to the potential effects of the project on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site.”

2. Part I of Appendix 1 of the Agreement, entitled “Scope of the Project,” is amended as follows:

a) by deleting the production volumes that appear in the last sentence of the first paragraph of Part I, and replacing them so that portion of the sentence reads as follows:

“..., the proposed project would produce 41 337 cubic metres per calendar day (260 000 barrels pcd) of partially deasphalted bitumen.”

b) by deleting the last paragraph of Part I and replacing it with the following paragraph:

“The project would have a disturbance area of 29 217 hectares, resulting from two development phases. The Proponent proposes to start producing partially deasphalted bitumen in 2026. Mining operations would cease in 2066 with decommissioning and reclamation to be completed by 2081.”

3. The final paragraph of Part II of Appendix 1 of the Agreement, entitled “Scope of the Environmental Assessment of the Project,” is deleted and replaced with the following paragraph:

“As provided in paragraph 19(1)(j) and subsection 19(3) of CEAA 2012, the assessment by the Joint Review Panel shall also include a consideration of the additional following matters:

- a) effects of the project on asserted or established Aboriginal or treaty rights, to the extent the Joint Review Panel receives such information as provided in Part III hereof;
- b) community knowledge and aboriginal traditional knowledge (such as, but not limited to, traditional use studies) received during the joint review; and
- c) effects of the project on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site, including the Peace-Athabasca Delta.”

4. Part III of Appendix 1 of the Agreement, entitled “Scope of the factors,” is amended by adding the following new heading and paragraphs immediately before the heading “Cumulative Effects Assessment”:

“Effects on the Outstanding Universal Value of Wood Buffalo National Park, World Heritage Site, including the Peace-Athabasca Delta

Wood Buffalo National Park was designated as a World Heritage site by the United Nations Educational, Scientific and Cultural Organization's (UNESCO) World Heritage Convention based on its integrity, its protection and management and because it met World Heritage criteria vii, ix and x, as follows:

- Criteria vii: The great concentrations of migratory wildlife are of world importance and the rare and superlative natural phenomena include a large inland delta, salt plains and gypsum karst that are equally internationally significant.
- Criteria ix: Wood Buffalo National Park is the most ecologically complete and largest example of the entire Great Plains-Boreal grassland ecosystem of North America, the only place where the predator-prey relationship between wolves and wood bison has continued, unbroken, over time.
- Criteria x: Wood Buffalo National Park contains the only breeding habitat in the world for the whooping crane, an endangered species brought back from the brink of extinction through careful management of the small number of breeding pairs in the park. The park's size (4.5 million ha), complete ecosystems and protection are essential for in-situ conservation of the whooping crane.

The Park's Outstanding Universal Value is described in its *Statement of Outstanding Universal Value*, which can be found on the UNESCO World Heritage Centre website on the site description page.

The Joint Review Panel shall accept as part of its record and review information related to the environmental effects of the project on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site, including the Peace-Athabasca Delta. This shall include any cumulative effects and any changes to the environment occurring on federal lands. The Joint Review Panel shall consider:

- Evidence presented concerning any potential effects of the project on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site, including the Peace-Athabasca Delta, including any effects as noted above under Aboriginal Rights and Interests;
- Evidence presented concerning the measures proposed to mitigate and monitor any identified effects on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site, including the Peace-Athabasca Delta.

The Joint Review Panel, based on its assessment of the environmental effects of the project, may recommend measures to mitigate any adverse environmental effects of the project on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site, including the Peace-Athabasca Delta.

The Joint Review Panel shall, in considering the alternative means of carrying out the project, have regard to the effects of the alternative means on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site.”

5. Part V of Appendix 1 of the Agreement, entitled “Review Process” is amended by adding new paragraph 26 under the heading entitled “Joint Review Panel Report”:

“In its report, the Joint Review Panel shall include a separate chapter outlining its rationale, conclusions and recommendations regarding the potential effects of the project on the Outstanding Universal Value of Wood Buffalo National Park World Heritage Site.”

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

<Original signed by>

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The Honourable Catherine McKenna
Minister of the Environment

Jim Ellis
Chief Executive Officer
Alberta Energy Regulator

AUG 14 2017

August 16, 2017

Date

Date