

**MEMORANDUM OF AGREEMENT
ON THE ASSESSMENT PROCESS
FOR THE PRINCE RUPERT FAIRVIEW TERMINAL PHASE II
FACILITY EXPANSION PROJECT**

PARTIES:

**TRANSPORT CANADA
(TC)**

AND

**ENVIRONMENT CANADA
(EC)**

AND

**FISHERIES AND OCEANS CANADA
(DFO)**

AND

**CANADIAN TRANSPORTATION AGENCY
(CTA)**

AND

**CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY
(AGENCY)**

AND

**ENVIRONMENTAL ASSESSMENT OFFICE OF BRITISH COLUMBIA
(THE PROVINCE)**

WHEREAS The Prince Rupert Port Authority (Proponent) proposes to expand the Fairview Terminal and increase the capacity to 2 million twenty foot equivalent units (TEU's) annually (Project);

WHEREAS the Project is subject to the environmental assessment processes (EA) under both the *Canadian Environmental Assessment Act S.C. 1992, c. 37 (CEAA)*, and the *British Columbia Environmental Assessment Act, S.B.C. 2002, c.43(BCEAA)*;

WHEREAS EC, CTA and DFO are or may be responsible authorities in relation to the environmental assessment under the CEAA;

WHEREAS TC is or may be a federal authority in relation to the environmental assessment under the CEAA;

WHEREAS the Government of British Columbia and the Government of Canada are signatories to the *Canada-British Columbia Agreement for Environmental Assessment Cooperation (2004)*,

WHEREAS Subsection 12(4) of the CEAA allows the responsible authorities to cooperate with the Province respecting the environmental assessment of the Project;

WHEREAS the Parties wish to promote a coordinated approach to achieve environmental assessment process efficiencies;

WHEREAS Section 27 of the BCEAA allows the British Columbia Minister of Environment to enter into an agreement regarding any aspect of environmental assessment with Canada and provides for accepting another party's or jurisdiction's assessment as being equivalent.

THEREFORE


A. British Columbia accepts that the terms of this Agreement will constitute an equivalent assessment under Section 27 of the BCEAA;

B. The Parties agree that the Project will undergo an EA pursuant to CEAA and its Regulations in accordance with the following terms:

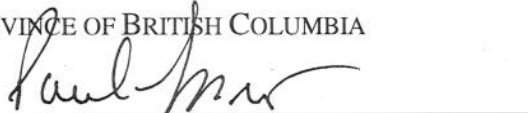
1. The Agency will act as the Federal Environmental Assessment Coordinator (FEAC) and co-ordinate the federal EA process for federal agencies.
2. The Parties agree that any public consultation activities are carried out as required by the CEAA.
3. Key EA documents developed pursuant to CEAA (e.g. report on the scope of the Project, EA report), will be shared with all of the Federal Parties.

4. Relevant documentation will be posted on the Canadian Environmental Assessment Registry as per the requirements of the CEAA. The Province will post this Agreement on its Project Information Centre website and identify the Agency contact for the Project.
5. The provisions of this Memorandum of Agreement are not to be interpreted in a manner that would fetter the discretion of statutory decision-makers.
6. The Parties may amend this Memorandum of Agreement upon the agreement of all Parties.

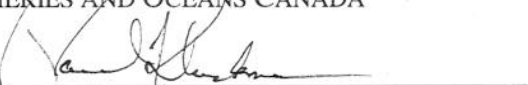
SIGNED:




Robin Junger
Associate Deputy Minister
ENVIRONMENTAL ASSESSMENT OFFICE
PROVINCE OF BRITISH COLUMBIA



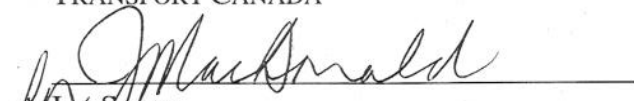
Paul Sprout
Regional Director General
FISHERIES AND OCEANS CANADA



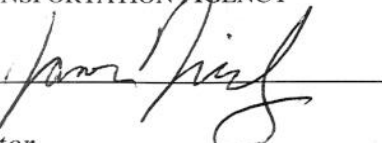
Paul Kluckner
Acting Regional Director General, Pacific and Yukon Region
ENVIRONMENT CANADA



Mike Henderson
Regional Director General
TRANSPORT CANADA



Ian Spear
Director, Rail Infrastructure Directorate
CANADIAN TRANSPORTATION AGENCY



Jason Quigley
Regional Director
CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY