

APPENDIX A

Regulatory Correspondence and Approvals



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada

Suite 200
1801 Hollis Street
Halifax NS B3J 3N4

Bureau 200
1801, rue Hollis
Halifax, NÉ B3J 3N4

January 4, 2023

Paul MacLean
Chief Operating Officer and Country Manager
Bear Head Energy Inc.
1969 Upper Water Street, Suite 1903
Halifax, NS B3J 3R7
paul.maclean@bearheadenergy.ca

**SUBJECT: Proposed Bear Head Green Hydrogen and Ammonia Production,
Storage and Loading Facility**

Dear Paul MacLean:

On September 17, 2022, Bear Head Energy Inc. submitted information (the Project Description Update, dated September 1, 2022) to the Impact Assessment Agency of Canada (the Agency) on the proposed construction and operation of a Green Hydrogen and Ammonia Production, Storage and Loading Facility (the Project), located in the Point Tupper Industrial Park, Nova Scotia. The Agency has reviewed the information with respect to the potential application of the *Impact Assessment Act* (the IAA).

The Agency understands that the Project is an update to the previously proposed Bear Head Liquefied Natural Gas Export Facility (2015) and Bear Head Liquefied Natural Gas Terminal Project (2004). The Project will be located on lands owned by Bear Head Energy Inc. within the footprint of the original projects, which were partially constructed beginning in 2005.

The [Physical Activities Regulations](#) (the Regulations) under the IAA set out a list of physical activities considered “designated projects.” Based on the Project Description Update and follow-up information, the Project would be considered a designated project under the IAA because it includes the construction of a new marine terminal designed to handle ships up to 128,900 dead weight tonnage, exceeding the 25,000 dead weight tonnage threshold in item 52 in the Regulations.

The Agency notes that in 2004 the marine terminal proposed for the Bear Head Liquefied Natural Gas Terminal Project underwent a federal screening-level environmental assessment and was approved under the former *Canadian Environmental Assessment Act, 1992*. Based on the Project Description Update, the design for the Project’s marine terminal is substantially the same as that assessed in



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2004. Therefore, in accordance with section 185.1(1) of the IAA and section 128(1)(c) of *Canadian Environmental Assessment Act, 2012*, the Project is not subject to the IAA.

Based on this analysis, Bear Head Energy Inc. is not required to submit an Initial Project Description of a Designated Project to the Agency. However, you are advised to review the Regulations and contact the Agency if, in your view, any changes to the Project are such that the Regulations may apply.

The proponent is advised that under section 9(1) of the IAA, the Minister may, on request or on his or her own initiative, by order, designate a physical activity that is not prescribed by regulations made under paragraph 109(b) if, in his or her opinion, either the carrying out of that physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrant the designation. Should the Agency receive a request for a project to be designated, the Agency would contact the proponent with further information.

Please note Section 82 requires that, for any project occurring on federal lands, the federal authority responsible for administering those lands or for exercising, any power to enable the project to proceed must make a determination regarding the significance of environmental effects of the project. The Agency is not involved in this process; it is the responsibility of the federal authority to make and document this determination.

If you have any questions, do not hesitate to contact Lachlan MacLean, Project Manager, by phone at 902-476-2732, or by email at lachlan.maclean@iaac-aeic.gc.ca.

Sincerely,

Mike Atkinson
Regional Director – Atlantic

c.c. Helen McPhail, Nova Scotia Environment and Climate Change



**Environment and Climate Change
Office of the Minister**

PO Box 442, Halifax, Nova Scotia, Canada B3J 2P8 • Telephone 902-424-3736 • novascotia.ca

File number: 10700-40-58362

October 7, 2022

Paul MacLean
Chief Operating Officer and Country Manager
Bear Head Energy Inc.
paul.maclea@bearheadenergy.ca

Dear Paul MacLean:

**RE: Environmental Assessment Evaluation
Hydrogen and Ammonia Production Facility**

The Environmental Assessment (EA) evaluation of the proposed Bear Head Energy's Hydrogen and Ammonia Production Facility in Richmond County, Nova Scotia has been completed.

Following a review of the information provided to the Department on September 1, 2022, I have determined the proposed project to be a modification of an undertaking requiring a Class I EA pursuant to section 11 (3)(b) of the EA Regulations. This determination is based on the fact that the proposed project requires changes to an approved project that have the potential to cause adverse effects or significant environmental effects if not properly mitigated. Bear Head Energy will be required to register the proposed project for a Class I EA in accordance with the *Environment Act* and the EA Regulations.

EA Branch staff are available to answer questions and to assist Bear Head in scoping the project. If you have any questions regarding the EA process, please contact Helen MacPhail, Supervisor, Environmental Assessment Branch, at (902) 483-2696 or via email at Helen.MacPhail@novascotia.ca.

Sincerely,

Timothy Halman, MLA
Minister of Environment and Climate Change

c: Helen MacPhail, Supervisor, Environment and Climate Change
Lorrie Roberts, Executive Director, Environment and Climate Change



PO Box 1006, P500
Dartmouth, Nova Scotia B2Y 4A2

January 6, 2023

Your file *Votre référence*

Our file *Notre référence*
16-HMAR-00088

Bear Head Energy Inc.
Attention: Paul MacDonald
1969 Upper Water Street, Suite 1903
Halifax, NS B3J 3N2

Subject: Amendment of *Fisheries Act* Authorization for Bear Head LNG Facility Marine Terminal (16-HMAR-00088) – Notice of amendment

Dear Paul MacDonald:

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO) would like to acknowledge receipt of your request made pursuant to section 5 of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations* (the Regulations) on September 16, 2022 to amend your authorization issued under paragraph 35(2)(b) of the *Fisheries Act*.

DFO understands that the works, undertakings, and activities related to the marine terminal and facilities for the updated project will be the same those previously authorized under *Fisheries Act* Authorization 16-HMAR-00088 (Attachment 1).

The Program has reviewed the content of your amendment request and is notifying you that it is complete and that the authorization is hereby amended effective on this date. The amendments to the authorization are described below.

The following section(s) of your authorization are deleted and replaced by the following

Original Authorization	Amended Authorization
Authorization issued to: Paul MacLean Strategic and Regulatory Affairs Advisor Bear Head LNG Corporation Inc. Purdy's Wharf Tower II 1969 Upper Water Street, Suite 1903	Authorization issued to: Paul MacLean Chief Operating Officer and Country Manager Bear Head Energy Inc. Purdy's Wharf Tower II

Halifax, NS B3J 3R7	1969 Upper Water Street, Suite 1903 Halifax, NS B3J 3R7
<p>Conditions of Authorization</p> <p>1. Conditions that relate to the period during which the work, undertaking or activity that will result in serious harm to fish can be carried on</p> <p>The work, undertaking or activity that results in serious harm to fish authorized to be carried on during the following period:</p> <p>From dated signed by the Regional Director General to December 31, 2025</p>	<p>Conditions of Authorization</p> <p>1. Conditions that relate to the period during which the work, undertaking or activity that will result in serious harm to fish can be carried on</p> <p>The work, undertaking or activity that results in serious harm to fish authorized to be carried on during the following period:</p> <p>From the Date of Issuance to December 31, 2031</p>

Failure to comply with any of the terms or conditions of the authorization as amended may lead to prosecution under the *Fisheries Act*.

A copy of the original authorization, and this letter containing the amendments should be kept on site while the work is in progress and upon request be provided to relevant federal or provincial officials. The authorization holder is responsible for ensuring work crews are familiar with, and able to adhere to, the conditions.

Bill C-68 included new provisions (sections 42.2 to 42.5) in the *Fisheries Act* that require the Minister of Fisheries and Oceans to establish a public registry to facilitate public access to certain records, including amongst other items, authorizations issued pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*. While the public registry provisions of the *Fisheries Act* are not yet in force, the Department has begun to post a list of authorizations issued since August 28, 2019, when amendments to the fish and fish habitat protection provisions of the Act came into force.

Information pertaining to this authorization will be posted to the *Fisheries Act* Registry and accessible from the Department's website at <https://www.dfo-mpo.gc.ca/pnw-ppe/registry-registre-eng.html> as well as from the Open Government Portal at <https://open.canada.ca/data/en/dataset/2c09d2fd-9a8e-4d8c-b5af-95747e36eaac> and the Common Project Search at <https://common-project-search.canada.ca/>. Information and data will be updated as the Department continues to develop the *Fisheries Act* Registry.

Any disclosure of information will be conducted in accordance with the *Access to Information Act* and the *Privacy Act*. Should you have any documents that contain sensitive or proprietary information that you believe should be protected from public

disclosure, please contact us to discuss whether and how the information may be protected.

If you, or anyone conducting work on your behalf have any questions please contact Chris Burbidge at 902-233-9731 or by email at christopher.burbidge@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

Wambolt
, Michael

Digitally signed by
Wambolt, Michael
Date: 2023.01.06
11:09:03 -04'00'

Michael Wambolt
Manager, Regulatory Reviews
Ecosystems Management
DFO Maritimes

cc:
DFO Conservation and Protection Branch

Attachment(1):

1. *Fisheries Act* Authorization 16-HMAR-00088, signed and dated December 23, 2016



Fisheries and Oceans Pêches et Océans
Canada Canada

1 Challenger Drive
P.O. Box 1006
Dartmouth, NS
B2Y 4A2

DEC 23 2016

Our file Notre référence
16-HMAR-00088

Paul MacLean
Strategic and Regulatory Affairs Advisor
Bear Head LNG Corporation Inc.
Purdy's Wharf Tower II
1969 Upper Water Street, Suite 1903
Halifax, NS B3J 3R7

Dear Mr. MacLean:

**Subject: Fisheries Act Authorization – Strait of Canso –
LNG Terminal and Material Offloading Facility**

Pursuant to paragraph 35(2)(b) of the *Fisheries Act*, the Minister of Fisheries and Oceans Canada authorizes the carrying on of your proposed work, undertaking or activity that results in serious harm to fish arising from infilling of marine fish habitat and operation of the tug wharf at the Bear Head LNG site in Richmond County, Nova Scotia. A paragraph 35(2)(b) *Fisheries Act* authorization is attached. .

Failure to comply with any of the terms or conditions of the attached Authorization may lead to prosecution under the *Fisheries Act*.

A copy of this Authorization should be kept on site while the work is in progress and upon request be provided to relevant federal or provincial officials. Work crews should be familiar with, and able to adhere to, the conditions.

If you or anyone conducting work on your behalf have any questions please contact Shannan Murphy at our Dartmouth office by telephone at (902) 401-5094, by fax at (902) 426-1489, or by email at shannan.murphy@dfp-mpo.gc.ca.

Yours sincerely,

Morley Knight
Regional Director General
Maritimes Region

Attachment: Authorization 16-HMAR-00088

c.c.: Shannan Murphy, DFO
Dean Hart, Bear Head LNG

Canada



PARAGRAPH 35(2)(b) FISHERIES ACT AUTHORIZATION

Authorization issued to

Bear Head LNG Corporation

Attention to:

Paul MacLean
Purdy Wharf Tower II, Suite 1903
1969 Upper Water Street
Halifax, NS B3J 3R7

Location of Proposed Project

Port Hawkesbury
Richmond County
Nova Scotia
Name of watercourse, waterbody: Strait of Canso
UTM Coordinates: NAD 83 Zone 20N 632158.290 Easting, 5046108.346 Northing

Description of Proposed Project

The proposed project of which the work, undertaking or activity authorized is a part involves:

The construction and operation of a Liquefied Natural Gas (LNG) facility at the Point Tupper Industrial Park, Richmond County, Nova Scotia for the purpose of exporting up to 8 million tons of LNG per annum. The three main components of the Project include vessel loading facilities, an LNG storage tank area and liquefaction plant. The marine components of the project include a combined materials offloading facility and tug wharf, a temporary wharf, and the marine terminal (jetty) and associated infrastructure, capable of accommodating LNG vessels with a capacity of 267,000 cubic meters (m³).

Description of Authorized work(s), undertaking(s) or activity(ies) likely to result in serious harm to fish

The work(s), undertaking(s), or activity(ies) associated with the proposed project described above, that are likely to result in serious harm to fish, are:

The infilling of fish habitat associated with the construction of the combined material offloading facility and tug wharf and approaches to the marine terminal, and habitat alteration associated with operations.

The serious harm to fish likely to result from the proposed work(s), undertaking(s), or activity(ies), and covered by this authorization includes:

The destruction of 6500 m² of marine fish habitat during construction and the permanent alteration of 1800 m² eelgrass habitat during operations. Incidental mortality of sessile or slow moving species may also result from infilling activities.

Conditions of Authorization

The above described work, undertaking or activity that is likely to result in serious harm to fish must be carried on in accordance with the following conditions.

1. Conditions that relate to the period during which the work, undertaking or activity that will result in serious harm to fish can be carried on

The work, undertaking or activity that results in serious harm to fish is authorized to be carried on during the following period:

From dated signed by Regional Director General to December 31, 2025.

If the Proponent cannot complete the work, undertaking or activity during this period, Fisheries and Oceans Canada (DFO) must be notified in advance of the expiration of the above time period. DFO may, where appropriate, provide written notice that the period to carry on the work, undertaking or activity has been extended.

The periods during which other conditions of this authorization must be complied with are provided in their respective sections below. DFO may, where appropriate, provide written notice that these periods have been extended, in order to correspond to the extension of the period to carry on a work, undertaking, or activity.

2. Conditions that relate to measures and standards to avoid and mitigate serious harm to fish

2.1 Sediment and erosion control: Sediment and erosion control measures must be in place and shall be upgraded and maintained, such that release of sediment is avoided at the location of the authorized work, undertaking, or activity.

2.2 List of measures and standards to avoid and mitigate serious harm to fish:

2.2.1 All materials imported to the site, including rock to be used in marine construction, shall be free of excessive fines, non-acid generating, non-toxic (free of fuel, oil grease or other contaminants) and from a non-watercourse source.

2.2.2 Environmental protection measures for work in and around the marine and fresh water environments at the site shall be consistent with those described in Bear Head LNG's November 2015 "*Environmental Protection Plan (EPP) Version No. 6 (Construction and Commissioning)*" and subsequent updates.

2.2.3 The Project EPP shall be updated as needed to incorporate any new measures required to address construction of the Materials Offloading Facility and Tug Wharf, the jetty approach infill, or other in water work that may be necessary to facilitate project construction and operation.

2.2.4 Emergency response plans will be implemented in the event of sediment release or spill of a deleterious substance. An emergency spill kit including absorbent material, booms and pads shall be available on-site. All spills or leaks must be promptly contained, cleaned up and reported to the 24-hour environmental emergencies reporting system (1-800-565-1633).

- 2.2.5 Materials including but not limited to pumps, hoses, rock, sediment control fence, and hay bales shall be available on site to enable a timely response to contingencies associated sediment laden runoff.
- 2.2.6 Turbidity levels during construction shall not exceed 8 Nephelometric Turbidity Units (NTU) above background levels at 100 m from the nearest edge of the work site over a 24 hour period when background levels are between 8 and 80 NTU. Turbidity levels shall not increase more than 10% above background levels at 100 m from the nearest edge of the dredge site when background is > 80 NTU. Background levels shall be measured at least 500 m from the project site in a non-disturbed area and away from any sediment movement.
- 2.2.7 Avoid work during periods which the Department of Environment and Climate Change has issued rainfall or wave warning for the work area.
- 2.2.8 Construction work in the intertidal zone will be limited to those activities in order to establish erosion and sediment controls and to place fill and structural elements.
- 2.2.9 Marine and other equipment will be maintained and refuelled in a designated area and if necessary, within a boomed area to avoid potential for deleterious substances to enter the marine environment or local watercourses.
- 2.2.10 Firewater and/or other water supply intakes shall be screened appropriately to prevent impingement and entrainment of fish.
- 2.2.11 If conventional pile driving is undertaken, a marine mammal monitoring plan for cetaceans will be submitted to DFO for review and approval.
- 2.3 Contingency measures: Additional mitigation measures shall be put in place if monitoring required in condition 3 below indicates that the measures and standards to avoid and mitigate serious harm to fish are not successful.
- 2.4 Dates by which these measures and standards shall be implemented: Measures and standards to avoid and mitigate serious harm to fish shall be implemented as necessary, prior to, during and after construction activities.

3. Conditions that relate to monitoring and reporting of measures and standards to avoid and mitigate serious harm to fish

- 3.1 Monitoring of avoidance and mitigation measures: The Proponent shall monitor the implementation of avoidance and mitigation measures referred to in section 2 of this authorization and report to DFO-FPP within 30 days that the work authorized has been completed, and indicate whether the measures and standards to avoid and mitigate serious harm to fish were conducted according to the conditions of this authorization. This shall be done, by:
 - 3.1.1 Demonstration of effective implementation and functioning: Providing dated photographs and inspection reports to demonstrate effective implementation and functioning of mitigation measures and standards described above to limit the serious harm to fish to what is covered by this authorization.
 - 3.1.2 Contingency measures: Providing details of any contingency measures that were followed, to prevent impacts greater than those covered by this authorization in the event that mitigation measures did not function as described.
- 3.2 Other monitoring and reporting conditions:
 - 3.2.1 The proponent is required to develop and undertake an impact study to validate the conclusions concerning potential impacts of the Project on Communal Commercial and Food-Social-Ceremonial fisheries. If the results of this study indicate that adverse impacts to these fisheries have resulted from changes to fish habitat caused by the Project, the proponent will work with DFO, the Kwiilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) and the Native Council of Nova Scotia (NCNS) to develop additional offsetting measures to address decreases in productivity which have occurred as a result of the project.

A report shall be prepared for each year of monitoring and provided to DFO for review and comment within 90 days of completion of monitoring activities.

- 3.2.2 The proponent shall develop and implement the environmental effects monitoring and environmental protection plans for the Project in consultation with DFO, the KMKNO and the NCNS.

4. Conditions that relate to the offsetting of the serious harm to fish likely to result from the authorized work, undertaking or activity

- 4.1 Letter of credit: Offsetting has been addressed primarily through the withdrawal of habitat credits from St. Francis Harbour habitat bank in 2007.
- 4.2 Scale and description of offsetting measures: In keeping with the July 10, 2016 *Offsetting Plan for Bear Head LNG Marine Terminal*, 3,800 m² of habitat credits established in 2007 will be withdrawn from the St. Francis Harbour habitat bank and two rock rubble structures totalling 1518 m² will be placed on site during construction to offset 5300 m² of residual serious harm. Offsetting measures shall be undertaken in accordance with the measures set out in the Proponent's offsetting plan dated July 2016 and approved by DFO.
- 4.3 Offsetting criteria to assess the implementation and effectiveness of the offsetting measures: Baseline conditions in the eelgrass bed in the project area will be monitored in summer months prior to construction to establish baseline conditions and facilitate monitoring in year 1, 3 and 5 of operations to confirm functioning of the rock rubble structures as productive habitat. A report of monitoring results with comparison to any prior events shall be provided to DFO every monitoring year within 90 days of completion.
- 4.4 Contingency measures: If the results of monitoring as required in condition 5 indicate that the offsetting measures are not completed by the date specified and/or are not functioning according to the above criteria in 4.3, the Proponent shall give written notice to DFO and shall implement the contingency measures and associated monitoring measures, as contained within the approved offsetting plan referenced in section 4.2, to ensure the implementation of the offsetting measures is completed and/or functioning as required by this authorization.
- 4.4.1 Scale and description of contingency measures: In keeping with condition 3.2.1, additional offsetting measures will be developed with DFO, NCNS and KMKNO if contingency measures are required.
- 4.4.2 Monitoring measures to ensure offsetting contingency is completed and/or functioning as required: In keeping with condition 3.2.1, additional offsetting monitoring measures will be developed with DFO, NCNS and KMKNO if contingency measures are required.
- 4.5 The Proponent shall not carry on any work, undertaking or activity that will adversely disturb or impact the offsetting measures.
- 4.6 Other conditions related to offsetting: N/A

5. Conditions that relate to monitoring and reporting of implementation of offsetting measures (described above in section 4):

- 5.1 Schedule(s) and criteria: The Proponent shall conduct monitoring of the implementation of offsetting measures according to the approved timeline and criteria below:
- 5.1.1 List of timeline(s) and monitoring and reporting criteria: Monitoring for the offsetting will include establishment of baseline conditions in the year prior to construction and subsequent monitoring in years 1, 3 and 5 of operations. Monitoring will include a visual assessment of impacts to the eelgrass bed on site and the general productivity of the rock rubble structures including information on macrophytes and fish species observed.

5.2 List of reports to be provided to DFO: The Proponent shall report to DFO on whether the offsetting measures were conducted according to the conditions of this authorization by providing the following:

5.2.1 Reports will include information on macrophytes and fish species from one monitoring period to the next with a final report prepared in the last year of monitoring. Video and still photos will be provided with the report, to be provided to DFO within 90 days of completion for each monitoring year.

5.3 Other monitoring and reporting conditions for offsetting: N/A

Authorization Limitations and Application Conditions

The Proponent is solely responsible for plans and specifications relating to this authorization and for all design, safety and workmanship aspects of all the works associated with this authorization.

The holder of this authorization is hereby authorized under the authority of Paragraph 35(2)(b) of the *Fisheries Act*, R.S.C., 1985, c.F. 14 to carry on the work(s), undertaking(s) and/or activity(ies) that are likely to result in serious harm to fish as described herein. This authorization does not purport to release the applicant from any obligation to obtain permission from or to comply with the requirements of any other regulatory agencies.

This authorization does not permit the deposit of a deleterious substance in water frequented by fish. Subsection 36(3) of the *Fisheries Act* prohibits the deposit of any deleterious substances into waters frequented by fish unless authorized by regulations made by Governor in Council.

This authorization does not permit the killing, harming, harassment, capture or taking of individuals of any aquatic species listed under the *Species at Risk Act* (SARA) (s. 32 of the SARA), or the damage or destruction of residence of individuals of such species (s. 33 of the SARA) or the destruction of the critical habitat of any such species (s. 58 of the SARA).]

Video and still photos will be provided with the report, to be provided to DFO within 90 days of completion for each monitoring year. At the date of issuance of this authorization, no individuals of aquatic species listed under the *Species at Risk Act* (SARA) were identified in the vicinity of the authorized works, undertakings or activities.

The failure to comply with any condition of this authorization constitutes an offence under Paragraph 40(3)(a) of the *Fisheries Act* and may result in charges being laid under the *Fisheries Act*.

This authorization must be held on site and work crews must be made familiar with the conditions attached.

This authorization cannot be transferred or assigned to another party. If the work(s), undertaking(s) or activity(ies) authorized to be conducted pursuant to this authorization are expected to be sold or transferred, or other circumstances arise that are expected to result in a new Proponent taking over the work(s), undertaking(s) or activity(ies), the Proponent named in this authorization shall advise DFO in advance.

Date of Issuance: DEC 23 2016

Approved by: Mulallee for
Morley Knight
Regional Director General
Maritimes Region
Fisheries and Oceans Canada



Fisheries and Oceans Pêches et
Canada Océans Canada

COMPLETION OF AUTHORIZED WORK(S), UNDERTAKING(S) OR ACTIVITY(IES)

A condition of this Authorization requires that the Authorization Holder notify Fisheries and Oceans Canada **within 30 days** that the work(s), undertaking(s) or activity(ies) authorized has been completed.

Please enter the information on this sheet and return it to Fisheries and Oceans Canada at the following address:

Fisheries and Oceans Canada, Maritimes Region
Fisheries Protection Program
BIO 4th Floor Polaris Building
PO Box 1006, 1 Challenger Drive
Dartmouth, Nova Scotia, B2Y 4A2

Phone: (902) 401-5094
Fax: (902) 426-1489
Email: ReferralsMaritimes@dfo-mpo.gc.ca
DFO-FPP Contact: Shannan Murphy

AUTHORIZATION NUMBER: 16-HMAR-00088

NAME OF AUTHORIZATION HOLDER: Bear Head LNG Corporation

NAME OF WATERBODY: Strait of Canso

WORK(S), UNDERTAKING(S) OR ACTIVITY(IES) AUTHORIZED: Permanent infilling to support a combined Materials Offloading Facility and Tug Wharf and marine terminal.

NAME OF CONTRACTOR(S): _____

DATE AUTHORIZED WORK(S), UNDERTAKING(S) OR ACTIVITY(IES) COMPLETED: _____

COMMENTS (please attach photos and provide the final footprint area below):

By signing below the Authorization Holder verifies the work was done in accordance with the terms and conditions of this Authorization.

SIGNATURE: _____

DATE: _____

POSITION TITLE: _____



Transport
Canada

Transports
Canada

Navigation Protection Program
Programme de protection de la navigation
P.O. Box / C.P. 42
95 Foundry Street-Heritage Court
Moncton, N.B. E1C 8K6

Your File Votre référence

Our File Notre référence
8200-03-2355

September 30, 2015

Bear Head LNG Corporation
1201 Lake Robbins Drive
The Woodlands, TX, 77380

Re.: Request by Bear Head LNG Corporation for Approval Extension of the Marine Terminal located at Strait of Canso, in the Province of Nova Scotia

We are in receipt of your letter dated February 25, 2014 requesting an extension to the time limits placed on commencement and completion of your work. A review of our file indicates that following approvals were issued for the work:

- Section 5(1) Navigable Waters Protection Act (NWP) dated June 28, 2005.
- Section 10(2) Alteration NWP) dated March 7, 2006.

On April 1, 2014 the Navigable Waters Protection Act (NWP) was repealed and replaced with the Navigation Protection Act (NPA). Works approved pursuant to the NWP are now under the legislative framework of the Navigation Protection Act and remain valid. The NPA does not stipulate time limits for completion, commencement or expiry of works. Therefore the expiry conditions as stated in your 5(1) NWP approval are no longer applicable.

Please note all other conditions and plans as approved must be adhered to when construction is commenced and completed. Should the proposed work deviate from your approval you will be required to submit a new application for Notice of Works to the Navigable Waters Protection Program.

Further information on the NPA may be found at: <http://www.tc.gc.ca/eng/programs-632.html>

Should you have any questions, please do not hesitate to contact our office in Moncton at (506) 851-3113 or by facsimile transmission at (506) 851-7542 or by e-mail at nppatl-ppnatl@tc.gc.ca

Sincerely,

Carl Ripley
Manager, Navigation Protection Program
Transport Canada
Atlantic

Canada