

Release Date: 25 August 2011

OPERATIONAL PROCEDURES

for the Hebron Development Application Public Review

1. INTRODUCTION

1.0.1. This document outlines operational procedures to be followed in the public review of the Hebron Development Application, including the time frames for stages of the public review and guidelines for written and oral submissions and for the conduct of Public Review Sessions.

1.0.2. The review is being conducted by an independent Commissioner appointed by the Board in accordance with the Accord Acts. Subject to the requirements of the Commissioner's [Terms of Reference](#) and the [Accord Acts](#), the Commissioner will conduct a review of the proposed and potential development of the Hebron Significant Discovery Area, to include:

- considerations of human safety and environmental protection incorporated into the proposed design and operation of the Project;
- the general approach to the proposed and potential development and exploitation of the petroleum resources within the Hebron Significant Discovery Area; and
- the resulting benefits that are expected to accrue to the Province of Newfoundland and Labrador and to Canada, having particular regard to the requirements for a Canada-Newfoundland and Labrador Benefits Plan.

1.0.3. The Commissioner shall include in his review a consideration of the matters dealt with in the Development Plan Guidelines and the Benefits Plan Guidelines. The Commissioner's mandate shall **not** include an examination of questions of energy policy, jurisdiction, the fiscal or royalty regime of governments, the division of revenues between the Government of Canada and the Government of Newfoundland and Labrador, or matters which go beyond the potential or proposed development of the Hebron Significant Discovery Area.

1.0.4. The objective of the public review is to provide opportunities for:

- the Proponent to explain the Project and respond to concerns and questions raised by Participants during the hearings;
- Participants (including individuals, organizations, and members of the general public) to make known their views and opinions, and to present information on the effects of the Project; and
- the Commissioner to receive information to assist him in reaching informed and objective conclusions with regard to the Project, which will form the basis for his recommendations.

1.0.5. A large number of Participants may wish to be present and be heard during the Public Review Sessions. These procedures are intended to promote and facilitate public participation and to ensure that the review takes place in a fair and equitable manner, with maximum cooperation and courtesy.

The Commissioner will maintain order and efficiency in a structured, but informal, atmosphere. As the Commissioner's conclusions and recommendations will not have legal force but will be advisory in nature, the public review will not be governed by the strict rules of procedure and evidence required by a court. However, the Commissioner will conduct the public review in a manner which will require accountability, whether experiential or evidential, for statements made by the Proponent and Participants.

1.0.6. The Commissioner has the discretion to modify, add to or waive these operational procedures or any specific provision herein where there are reasons why the objectives of the public review can be better achieved by taking a different approach.

2. REVIEW PROCESS

2.0.1. As of August 25, 2011, the Board has now determined that the documentation contained in the Development Application is complete for public review and has referred it to the Commissioner.

2.0.2. The public can make submissions to the Commissioner during two distinct stages of the Public Review process. The first stage, the Additional Information Review, addresses the issue of whether additional information should be requested by the Commissioner and provided by the Proponent prior to convening the Public Review Sessions. The second stage, the Merits Review, gives Participants (be they individuals, organizations or members of the general public) the opportunity to express their views and opinions on the merits of the information and conclusions contained in the Development Application and to present information on the effects of the Project to the Commissioner during the Public Review Sessions.

2.0.3. During the Public Review Sessions, the Proponent has the opportunity to present information on the Project and to discuss Project-related issues with individuals, organizations and the general public.

2.0.4. The information presented during the public review will assist the Commissioner in reaching informed and objective conclusions with regard to the Project, which will form the basis for his recommendations. The Commissioner's report will be submitted to the Board, the federal Minister of Natural Resources, and the provincial Minister of Natural Resources.

3. ADDITIONAL INFORMATION REVIEW

3.0.1. Early in the process, the Commissioner will request submissions from the public to determine whether additional information should be provided by the Proponent before convening the Public Review Sessions. At this stage, submissions to the Commissioner should not address the merits of the Project, but may be made to request that the Proponent provide additional information to the Commissioner on the following subjects:

- information relevant to the Project;
- existing technical, environmental or other information relevant to the public review of the Project;

- supplementary information including a description of any Proponent-initiated public consultation program, its nature and scope, issues identified, commitments made and outstanding issues; and
- any proposed work plans, terms of reference or guidelines relating to the Proponent's preparation of its Development Application.

3.0.2. Anyone wishing to make a submission to the Commissioner regarding requests for additional information must do so in writing within the time period to be set by the Commissioner, not to exceed thirty (30) days.

3.0.3. Submissions should be forwarded in hard copy and in electronic format [as Acrobat or MS-Word files] to the Commissioner's office.

3.0.4. All written submissions for the Additional Information Review must include:

- the name and address of the Participant;
- the names of all individuals, groups, organizations, or entities on whose behalf the Participant is acting; and
- complete citations of all studies, articles, reports or other documents used in support of the Participant's submission.

3.0.5. The Commissioner will review and consider all written submissions received in accordance with this section in determining whether to request additional information from the Proponent in accordance with section 9 of the Commissioner's Terms of Reference.

3.0.6. All written submissions received in accordance with this section will be made available at the Commissioner's website (www.hebronpublicreview.ca).

4. MERITS REVIEW

4.0.1. The review of the merits of the Project provides for both written submissions to the Commissioner and for oral presentations during Public Review Sessions. This stage of the review allows Participants to make known their views and opinions on the merits of the information and conclusions contained in the Development Application, and to present information on the effects of the Project to the Commissioner during the Public Review Sessions.

4.1. Written Submissions - Guidelines for Participants

4.1.1. Anyone wishing to register a written submission with the Commissioner's office must do so by filing three (3) copies of the entire submission at least ten (10) working days prior to the commencement of the Public Review Session. Submissions should be provided in hard copy and in electronic format (as Acrobat or MS-Word files).

4.1.2. All written submissions must include:

- the name and address of the Participant;
- the names of all individuals, groups, organizations, or entities on whose behalf the Participant is acting;
- if presenting, the name of the person(s) who will present the Participant's submission at the Public Review Sessions;
- if presenting, the particular Public Review Session(s) at which the Participant wishes to make the presentation;
- complete citations of all studies, articles, reports or other documents used in support of the Participant's submission; and
- the Participant's position and recommendations with respect to the Project.

4.1.3. All written submissions received in accordance with this section will be reviewed and considered by the Commissioner and made available at the Public Review Sessions, the Commissioner's office and/or the Commission website (www.hebronpublicreview.ca).

4.2. Oral Presentations - Guidelines for Participants

4.2.1. Anyone wishing to make an oral presentation at any Public Review Session is requested to pre-register as a Participant by notifying the Commissioner's office and submitting three (3) copies of any speaking notes or materials to be presented at least ten (10) working days prior to the commencement of the Session. Any person providing timely notice will be included as a Participant and will be given priority to speak. Unless such information will be included as part of a written presentation pursuant to section 4.1, Participants must provide the following information when registering :

- the name and address of the Participant;
- the names of all individuals, groups, organizations, or entities on whose behalf the Participant is acting;
- the name of the person(s) who will present the Participant's submission at the public review sessions;
- the particular Public Review Session(s) at which the Participant wishes to make the presentation;
- complete citations of all studies, articles, reports or other documents used in support of the Participant's submission;
- what audio-visual support will be required; and
- the Participant's position and recommendations with respect to the Project.

4.2.2. Use of audio-visual materials to complement oral presentations is encouraged.

4.2.3. Any oral presentation which refers to written material, including journal articles, studies, reports or a written submission under section 4.1 above, should be limited to highlighting essential features of the material or responding to questions on it.

4.2.4. A schedule listing the order of presentations by Participants will be available at the beginning of each session.

4.2.5. Persons wishing to make a presentation at any session and who are not pre-registered as a Participant may register prior to the start of a session or during intermission. The opportunity to present will depend upon the time remaining after the pre-registered Participants have been heard. The Commissioner may organise further sessions if sufficient interest exists.

4.2.6. A Participant (including any other individual, group, organization or entity on whose behalf it is acting) will be allowed to make one presentation to the Commissioner per session and may present to the Commissioner at more than one session, provided the Participant has registered to do so and the presentations are not repetitious in substance.

4.2.7. Participants shall prepare oral presentations so that they can be concluded within fifteen (15) minutes. A longer period may be granted at the discretion of the Commissioner if such a request for more time is provided to the Commissioner's office at the time of registration.

4.2.8. More than one individual may participate in an oral presentation by a Participant. When a presentation is made on behalf of a Participant by several persons, the collective presentation must take place within the time period assigned for that Participant.

4.2.9. Once the notice for Public Review Sessions has been given and a Participant makes or files a submission in accordance with these Procedures, the Commissioner may also request any additional information from that Participant which, in the Commissioner's opinion, is relevant.

4.2.10. The Commissioner will not accept any information following the completion of the Public Review Sessions.

4.3. Public Review Sessions - Location and Scheduling

4.3.1. Public Review Sessions will be held in St. John's and in any other locations in the Province as may be determined by the Commissioner. Priority will be given to people wishing to participate in the session held in their area.

4.3.2. In addition to general sessions, focus sessions addressing specific topics which form an integral part of the Development Application may be held in St. John's. These topics will be announced before the Public Review Sessions begin.

4.3.3. The Commissioner may exercise discretion to include or limit presentations as time allows.

4.3.4. A notice outlining the schedule, including dates and locations of the public review sessions, will be published by the Commissioner no later than 30 days before the sessions are to commence. This and any other relevant information is available by contacting the Commissioner's office pursuant to section 5.

4.4 Public Review Sessions - Order of Presentations

4.4.1. The normal order of presentations is as set out below.

4.4.2. The Proponent will make a presentation at the start of each Public Review Session to explain the proposed Project. The Proponent will be allotted 30 minutes to make its presentation. At focus sessions, the Proponent's presentation will address the issue designated for that particular session. Each presentation by the Proponent will be followed by a question and answer period of a determined length.

4.4.3. Participants who have pre-registered to make an oral presentation will be next to address the Commissioner, followed by Participants who have not pre-registered, if time permits. Each Participant's presentation will be expected to conform with the time allotted and will be followed by a similar question and answer period.

4.4.4. The Commissioner will allow a reasonable opportunity for the Proponent to present a reply to any oral presentation or written submission.

4.5 Public Review Sessions - Guidelines for Questioning

4.5.1. Persons making presentations may be subject to questioning for greater clarification by the Commissioner, and where appropriate, by the Proponent and other Participants. The purpose of these questions should always be to elicit information that will help the Commissioner understand more fully the issues which relate directly to his mandate.

4.5.2. The Proponent and Participants should pose their questions in a tone and style that are courteous to, and respectful of, others. Clarity and brevity are encouraged. Questions should be asked in a non- confrontational manner for the purpose of obtaining further information or explanations.

4.5.3. Each presenter may be questioned immediately following his or her presentation. The order of questioning will be determined by the Commissioner but typically will be by the Commissioner and the Proponent/ Participants as appropriate. Should time permit, the Commissioner may also invite members of the general public who have not registered as Participants, to ask pertinent questions. The Commissioner may ask questions at any time during the session.

4.5.4. The following points provide general guidelines for questioning during Public Review Sessions:

- Questions should be directed to the Commissioner who may invite the appropriate person(s) to respond to the question;
- The Commissioner may limit or exclude questions or comments which, in the Commissioner's opinion, fall outside the mandate of the Commissioner, are needlessly repetitive, irrelevant, confrontational or immaterial; and
- The Commissioner may limit discussion that exceeds the time limit allocated.

4.6 Public Review Sessions - Transcripts and Official Documents

4.6.1. The Commissioner will appoint a person to act as Clerk to the Public Review Sessions. The Clerk will receive the written submissions and other documents presented to the Commissioner and will be present at the sessions to receive and mark exhibits.

4.6.2. Written transcripts will be made of all public review sessions, and will be made available for purchase by the public within a reasonable period of time by application to the Commissioner's office. To facilitate the making of transcripts, all speakers during the Public Review Sessions should clearly identify themselves and their organizations as appropriate when addressing the Commissioner.

4.7 Public Review Sessions - Representation by Agent

4.7.1. The Commissioner encourages Participants who wish to make an oral presentation to speak on their own behalf and ask their own questions at the Public Review Sessions, although representation by an agent such as legal counsel, or technical professionals will be allowed. The sessions will generally be informal in nature and will not have the formality, tone or procedures of a courtroom.

4.8 Public Review Sessions - Interpretation

4.8.1. Public Review Sessions will be conducted in English. The Commissioner's Office will make every effort to accommodate requests for French translation, provided the request is received by the Commissioner in a timely manner as directed by the Commissioner and where translation is required for the proper conduct of the session.

5. REGISTRATION AND INFORMATION

5.0.1. At any time throughout the public review, contact can be made with the Commissioner through the Public Relations Manager. For further information respecting the public review or to register for either an oral presentation or to file a written submission, please contact:

Shannon Lewis-Simpson
Communications Manager
Hebron Public Review Commission
Suite 903, 139 Water Street
St. John's, NL A1B 3T2

Telephone: (709) 778-4255

Fax: (709) 778-4261

Website: www.hebronpublicreview.ca

E-mail: info@hebronpublicreview.ca

6. DEFINITIONS

6.0.1. In these Procedures,

"Accord Acts" means the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*;

"Benefit Plan Guidelines ", means the Benefit Plan Guidelines dated 2006 as published by the Board and available at the Board's website (www.cnlopb.nl.ca) under "Legislation and Guidelines".

"Board" means The Canada-Newfoundland and Labrador Offshore Petroleum Board;

"Canada-Newfoundland and Labrador Benefits Plan" has the meaning set out in section 45 of the Accord Acts;

"Commissioner" means the individual appointed pursuant to paragraph 44(2)(b) of the Accord Acts;

"Development Application" means all documentation provided to the Board by the Proponent for the purpose of paragraph. 44 (2)(c) of the Accord Acts, to support approval of the Project

"Development Plan Guidelines" means the Development Plan Guidelines dated 2006 as published by the Board and available at the Board's website (www.cnlopb.nl.com) under "Legislation and Guidelines";

"Development Plan" has the meaning set out in section 2 of the Accord Acts;

"Participant" means an individual, organization, or member of the general public other than the Proponent who makes an oral presentation or files a written submission to the Commissioner pursuant to paragraphs three and four of these operational procedures;

"Project" means the proposed development of the Hebron oil field;

"Proponent" means ExxonMobil Canada Ltd.;

"Terms of Reference" means the "Commissioner's Terms of Reference for the Proposed Hebron Project Public Review" as published by the Board.