

THE CITY OF EDMONTON
DESIGN-BUILD AGREEMENT
CAPITAL LINE SOUTH LRT EXTENSION

Schedule 28
Project Approvals and Utility Matters
Part 1 – Project Approvals

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SCHEDULE 28
PROJECT APPROVALS AND UTILITY MATTERS
PART 1 – PROJECT APPROVALS

1. GENERAL

- (a) This Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*] sets out the Parties' rights, responsibilities and obligations with respect to identifying, obtaining and maintaining all third party approvals, consents, licences, permits, concessions and any other authorization of any kind (each, a "**Project Approval**") that may be required in connection with or in any way relating to the completion of the Project, including the performance by Design-Builder of the Project Work. For the purposes of this Agreement, including this Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*] all City of Edmonton departments, officials and offices, with the exception of the City LRT, shall be considered to be third parties and at arm's length from the City, the City's Representative and the City LRT. The City LRT shall be treated as if it were a counterparty to this Agreement and not a third party.
- (b) For clarity, and notwithstanding the preceding paragraph, this Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*] does not apply with respect to Project Approvals that may be required from Utility Companies. Part 2 [*Utility Matters*] of this Schedule 28 [*Project Approval and Utility Matters*] sets out the Parties' rights, responsibilities and obligations with respect to identifying, obtaining and maintaining Project Approvals that may be required from Utility Companies in respect of Utility Work, provided, however, that if particular Utility Work requires a Regulatory Approval, then the provisions of this Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*] shall apply with respect to the Parties' rights, responsibilities and obligations for obtaining and maintaining such Regulatory Approval.
- (c) The listing or description of any Project Approval in this Schedule 28 [*Project Approvals and Utility Matters*] is for illustrative and general guidance purposes only and shall not be interpreted to limit Design-Builder's responsibility under this Agreement with respect to Project Approvals, including pursuant to Part 2 [*Utility Matters*] of this Schedule 28 [*Project Approvals and Utility Matters*].

2. CATEGORIES OF APPROVALS

2.1 General

For the purposes of this Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*], Project Approvals are categorized as follows

- (a) Project Approvals required from a Governmental Authority (each, a "**Regulatory Approval**"), including those Project Approvals that may be required from City of Edmonton departments, officials and offices (each, a "**City Approval**"), in each case according to Applicable Law; and
- (b) Project Approvals required from other third parties (the "**Other Approvals**").

For greater certainty, "Regulatory Approvals" includes all Environmental Permits.

2.2 Agreement-related Approvals, Consents, Authorizations

For clarity, this Part 1 [Project Approvals] of this Schedule 28 [Project Approvals and Utility Matters] does not apply with respect to, and City Approvals do not include, approvals, consents, or other authorizations Design-Builder requires from the City or the City's Representative, including the City LRT, under various provisions of this Agreement when the City is acting in its capacity as a signatory to this Agreement, or the City's Representative, including the City LRT, is representing the City as a signatory to this Agreement. These Agreement-related approvals, consents and other authorizations involving the City, the City's Representative, and the City LRT, and the process for obtaining such approvals, consents and other authorizations, are set out in the applicable provisions of this Agreement, including Schedule 4 [Design and Construction Protocols], Schedule 10 [Environmental Performance Requirements] and Schedule 12 [Communications and Engagement].

3. CITY RESPONSIBILITIES

3.1 City Permits

The City shall be responsible for only the following Project Approvals (collectively, the "City Permits") in accordance with the following:

- (a) Environmental Impact Assessment: obtaining any necessary approvals pursuant to Bylaw 7188 prior to the Effective Date as may be required based on the Reference Design;
- (b) Road Plan Registrations: registering all road plans prepared by the City with the Alberta Land Titles Office on such basis and at such times as the City may in its discretion determine appropriate having regard to the best interests of the Project;
- (c) Access and Road Closures: obtaining necessary approvals for access and road closures pursuant to the *Highways Development and Protection Act* (Alberta) and the *Municipal Government Act* (Alberta). The City will obtain the access and road closure approval for the one location required pursuant to the Reference Design prior to the Effective Date. For such approved closure, in addition to any requirements to provide notice as outlined in Schedule 12 [Communications and Engagement], Design-Builder shall provide the City with notice at least 6 months in advance of the date that Design-Builder requires that vehicular access to the applicable Roadway be blocked or removed.

For all other access and road closures, Design-Builder shall consult, cooperate and coordinate with and support the City in making and managing the applications for approval for such access and road closures. In particular, and in addition to any requirements to provide notice as outlined in Schedule 12 [Communications and Engagement], Design-Builder shall provide the City with notice at least 6 months in advance of the date that Design-Builder requires that vehicular access to the applicable Roadway be blocked or removed;

- (d) Historical Resources Clearance Letters: as described in Section 1.1.5 of Appendix 28-1A [Compliance, Approvals and Authorizations] to this Schedule 28 [Project Approvals and Utility Matters], the City has obtained, prior to the Effective Date, the necessary Clearance Letter for the Project pursuant to the *Historical Resources Act* (Alberta); and
- (e) TRRP: obtaining approval of a TRRP pursuant to the City's *Corporate Tree Management Policy* (C456C) as may be required based on the Reference Design.
- (f) Infrastructure in Natural Areas: obtaining approval for Infrastructure to be located within lands designated as natural pursuant to City's *Natural Area Assessment Policy* (C531).
- (g) Beneficial Re-Use of Soil: obtaining approval for the re-use of Soils Available for Reuse pursuant to EPEA.

- (h) Wetland Removal: obtaining approval for the permanent removal of wetlands required for the Project pursuant to the *Water Act* (Alberta).
- (i) Ministerial Consents: the City will obtain the ministerial consents pursuant to the Edmonton Restricted Development Area Regulation AR 287/1974 for the Infrastructure in accordance with the AHD License Agreement. For certainty, Design-Builder shall obtain all other approvals, authorizations and permits required for Design-Builder to perform Project Work within the Transportation Utility Corridor.

3.2 Changes to City Permits

A change to a City Permit, including any cancellation or revocation of a City Permit, is a Designated Change in Law, and will be addressed in accordance with Section 10.5 [*Designated Change in Law*] of this Agreement. For clarity, changes to City Permits necessitated by Design-Builder's design or Design-Builder's construction methodologies are not Designated Changes in Law and Design-Builder shall assume the full risk and responsibility of any change, modification, revocation or termination to or of any issued City Permit arising from Design-Builder's design or Design-Builder's construction methodologies.

3.3 City Information

The City shall use reasonable commercial efforts to provide Design-Builder with supplemental information that is in the City's Representative's and the City LRT's possession and control in accordance with Section 5 [*Consultation, Cooperation and Coordination*] in connection with the Project Approvals and to provide such reasonable assistance to Design-Builder as Design-Builder may reasonably request with respect to obtaining, maintaining and renewing Project Approvals.

3.4 City LRT Consultation, Cooperation and Coordination

For the purposes of this Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*], the City shall cause the City LRT, through the meetings of the Construction Joint Committee, to consult, cooperate and coordinate with Design-Builder regarding the status of City Approvals. The City shall cause the City LRT to attend to the delivery of any formal notice, documentation or other communication that may be required to be completed and delivered in the City's name in connection with any Regulatory Approval or Other Approval as prepared by and reasonably directed by Design-Builder in accordance with Section 5 [*Consultation, Cooperation and Coordination*].

For greater certainty, the City's obligations as described in Section 3.3 [*City Information*] and Section 5 [*Consultation, Cooperation and Coordination*] shall not apply to City of Edmonton departments, officials or offices, such that City of Edmonton departments, officials and offices shall have no such obligations. The City shall not be obligated to:

- (a) exercise any of its legal rights in order to avoid or eliminate the requirement to obtain any Project Approvals; or
- (b) automatically grant approvals for which it is the authorizing entity and Design-Builder acknowledges that all City of Edmonton departments, officials and offices will apply their usual procedures and criteria in considering applications from Design-Builder for Project Approvals issued by these entities.

No Other City Responsibilities Except for the specific responsibilities and obligations expressly identified above in Section 3 [*City Responsibilities*], the City shall have no other responsibilities, obligations or liabilities of any kind whatsoever under this Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*] in relation to Project Approvals.

4. DESIGN-BUILDER RESPONSIBILITIES

4.1 Project Approvals

Design-Builder shall:

- (a) Project Approvals: except for the specifically identified City Permits as set out in Section 3.1 [*City Permits*], be fully responsible for identifying, investigating, assessing, applying for, obtaining, and maintaining in effect for all relevant periods of time during the Term, all Project Approvals, including all Regulatory Approvals, all City Approvals and all Other Approvals, and including those Project Approvals identified as being the responsibility of Design-Builder in Appendix 28-1A [*Compliance, Approvals and Authorizations*], that are necessary for Design-Builder to perform the Project Work in accordance with this Agreement, including in accordance with the accepted Construction Schedule; and
- (b) Protocols:
 - (i) in respect of Regulatory Approvals, including City Approvals, whenever possible in accordance with Applicable Laws and the policies and practices of the applicable Governmental Authority or City of Edmonton department, official or office, have each Regulatory Approval, including each City Approval, issued in Design-Builder's name, with the right or ability of Design-Builder to transfer the same to the City on termination or expiry of this Agreement, or as may otherwise be required by the terms of this Agreement; and
 - (ii) in respect of Other Approvals, whenever possible in accordance with the terms and conditions of any applicable contract(s) associated with the Other Approval and any administrative practices or policies of the entity issuing the Other Approval, have each Other Approval issued in Design-Builder's name, with the right of Design-Builder to transfer the same to the City on termination or expiry of this Agreement, or as may otherwise be required by the terms of this Agreement.

If a Regulatory Approval, including a City Approval or an Other Approval must be applied for or issued in the name of the City, Design-Builder shall remain responsible for such Regulatory Approval, City Approval and Other Approval in accordance with this Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*].

4.2 Status Reports

As part of Design-Builder's normal course monthly reporting required pursuant to Section 3.2 [*Monthly Progress Report*] of Schedule 4 [*Design and Construction Protocols*], and as a regular agenda item for the meetings of the Construction Joint Committee, and as otherwise required by the City, Design-Builder shall provide written reports to the City on the status of Design-Builder's preparation of, and applications for, any and all Project Approvals, including the Regulatory Approvals, City Approvals and Other Approvals.

Design-Builder shall promptly notify the City of any notice or other communication received from a Governmental Authority, including a City of Edmonton department, official or office, or other third party, regarding the refusal to issue a Project Approval, an assertion to revoke or cancel a Project Approval, or the assertion to impose material conditions or terms attaching thereto, which may have implications for the City or for the Project. Following such notification Design-Builder shall provide the City with an opportunity to consult with Design-Builder in respect of such matters.

4.3 Changes to Project Approvals

Subject only to Section 3.2 [*Changes to City Permits*] of this Schedule and Sections 9 [*Force Majeure*] and 10 [*Relief Events and Limited Relief Events*] of this Agreement, Design-Builder shall assume the full risk and responsibility of any change, modification, revocation or termination to or of any issued Project Approval, including any issued Regulatory Approval, City Approval or Other Approval, which occurs or arises during the Term.

4.4 City Access

At the request of the City, to the extent that Design-Builder's consent, authorization and/or direction is required, Design-Builder shall execute such consents, authorizations and directions as may be necessary to permit any inspection of the progress or status of the Project Approvals, or to enable the City or its authorized representatives to obtain access to files and records relating to Project Approvals maintained by Governmental Authorities.

4.5 Public Communications

To the extent that the application for or management of any Project Approval process requires Design-Builder to initiate, undertake or participate in any public communication, engagement or interaction of any kind, Design-Builder shall ensure that it applies and complies with the terms and requirements of Schedule 12 [*Communications and Engagement*].

5. CONSULTATION, COOPERATION AND COORDINATION

5.1 General

The Parties acknowledge that:

- (a) certain information in relation to Project Approvals that may be required by Design-Builder to support an application for issuance of a Project Approval may be information that is in the possession of the City;
- (b) certain Project Approvals are to be issued by City of Edmonton departments, officials or offices;
- (c) certain applications for Project Approvals may have to be prepared in the name of the City or submitted by the City; and
- (d) the City may possess certain insights or experiences with respect to certain Project Approvals that may be useful to Design-Builder in the timely preparation and submission of the applicable applications for such Project Approvals, and, as such, the Parties shall, subject to the limitations, restrictions or qualifications set out in this Part 1 of Schedule 28 [*Project Approvals and Utility Matters*], comply with this Section 5 [*Consultation, Cooperation and Coordination*].

5.2 Regular Coordination

Without limiting any of Design-Builder's responsibilities and obligations as set out elsewhere in this Agreement, including in this Part 1 [*Project Approvals*] of this Schedule 28 [*Project Approvals and Utility Matters*], Design-Builder and the City shall work cooperatively together in the timely coordination and management of the preparation and submission of Project Approval applications and related communications through:

- (a) the inclusion of Project Approvals as a regular agenda item for the Construction Joint Committee;
- (b) adherence by Design-Builder to the submission protocol requirements of Schedule 2 [*Submittal Review Procedure*], Schedule 4 [*Design and Construction Protocols*] and Schedule 10 [*Environmental Performance Requirements*], to the extent applicable to Project Approvals; and
- (c) each Party providing information, records and other material to the other, as otherwise may be reasonably required or contemplated by this Agreement in relation to Project Approvals.

5.3 Submission of Applications for Regulatory Approvals, City Approvals and Other Approvals

- (a) Design-Builder shall keep the City informed of the planned timing for the submission of applications for Regulatory Approvals, City Approvals and Other Approvals, and shall provide the City with a reasonable opportunity to:
 - (i) provide input to Design-Builder in respect of the application, particularly in respect of possible conditions or terms that may be associated with the applicable Project Approval with implications for the City or for the Project;
 - (ii) consider participating with Design-Builder in any meeting that may be requested by the Governmental Authority, including a City of Edmonton department, official or office, or other applicable third party in respect of the application or any subsequent notification to change, modify, revoke or terminate a Project Approval;
 - (iii) consider having the application made by or led by the City in the interests of the City and the Project and with Design-Builder's concurrence;
 - (iv) review minutes or summaries of meetings that Design-Builder has attended with Governmental Authorities, including City of Edmonton departments, officials or offices, or other applicable third party within 5 Business Days of the meetings; and
 - (v) consider, comment on and direct, in accordance with Schedule 12 [*Communications and Engagement*] any public communications or engagement activities that may be associated with a Project Approval.
- (b) At least ten Business Days in advance of filing a request for review pursuant to Bylaw 7188, an application for an environmental review in accordance with Applicable Laws or when applying for any Project Approval, Design-Builder shall provide the complete review or application package, together with all supporting information, to the City.

5.4 City Approvals Protocol

While all City of Edmonton departments, officials and offices, with the exception of the City LRT, are to be considered to be at arm's length from the City, the City's Representative and the City LRT for purposes of this Agreement, including this Part 1 *[Project Approvals]* of this Schedule 28 *[Project Approvals and Utility Matters]*, the City acknowledges that the City's Representative and the City LRT may have certain insights or information in relation to City Approvals. Accordingly, and without limiting any of Design-Builder's responsibilities and obligations as set out elsewhere in this Agreement, including in this Part 1 *[Project Approvals]* of this Schedule 28 *[Project Approvals and Utility Matters]*, Design-Builder shall:

- (a) except for City Permits, have full responsibility for planning, preparing, submitting and managing all applications for City Approvals according to normal course policies, practices, requirements and guidelines, as are applicable to any infrastructure developer, contractor and operator dealing with City of Edmonton departments, officials and offices in respect of any capital project;
- (b) within 60 days from the Effective Date, cause its designated representatives to meet with the City's Representative and applicable City of Edmonton departments, officials and offices in person for the purpose of discussing Design-Builder's plan and schedule for obtaining such City Approvals, to confirm the expected protocol requirements and, to the extent applicable and considered helpful by Design-Builder, to obtain relevant insights and required information from City of Edmonton departments, officials and offices to obtain such City Approvals in a timely and efficient manner;
- (c) at all relevant times diligently consult, cooperate and coordinate and exchange information with the City LRT in relation to the City Approvals and Design-Builder's dealings with City of Edmonton departments, officials and offices; and
- (d) notwithstanding the foregoing, and for greater clarity, subject only to applicable Relief Events or Force Majeure Events, assume the full risk and responsibility of City Approvals not being obtained in a timely manner or at all, recognizing that if the designs are compliant with this Agreement and proper applications for City Approvals are prepared, submitted and managed in a diligent manner early in the Construction Schedule, City Approvals should be capable of being obtained within the reasonably expected time frame of Design-Builder.

5.5 Other Project Approvals Protocol

Consistent with the foregoing approach to the management of City Approvals, and without limiting any of Design-Builder's responsibilities and obligations as set out elsewhere in this Agreement, including in this Part 1 *[Project Approvals]* of this Schedule 28 *[Project Approvals and Utility Matters]*, Design-Builder shall:

- (a) take the lead in overseeing and coordinating all activities necessary for obtaining Regulatory Approvals (that are not City Approvals as those are addressed pursuant to Section 5.4 and Other Approvals, and shall have full responsibility for planning, preparing, submitting and managing all applications for Regulatory Approvals (that are not City Approvals as those are addressed pursuant to Section 5.4 and Other Approvals, according to:
 - (i) Applicable Laws and the policies and practices of the applicable Governmental Authority in relation to such Regulatory Approvals; or
 - (ii) the terms and conditions of the applicable contract(s) and any administrative practices or policies of the entity issuing the Other Approval in relation to the Other Approvals, as the case may be;

- (b) within 60 days from the Effective Date, cause its designated representatives to meet with the City's designated representatives and each entity which will be issuing a Regulatory Approval (that is not a City Approval as those are addressed pursuant to Section 5.4 and an Other Approval in person or by conference call for the purpose of confirming the expected protocol requirements and planned timing for exchanging information, responding to queries, for reviewing and commenting on developed plans, and for the issuance of any required Regulatory Approval (that is not a City Approval as those are addressed pursuant to Section 5.4 and Other Approval;
- (c) at all relevant times, diligently consult, cooperate and coordinate in respect of the foregoing dealings with the entity which will be issuing the Regulatory Approval (that is not a City Approval as those are addressed pursuant to Section 5.4 and the Other Approval with a view to facilitating the timely issuance of the applicable Regulatory Approval (that is not a City Approval as those are addressed pursuant to Section 5.4 and Other Approval having regard to Design-Builder's Construction Schedule; and
- (d) notwithstanding the foregoing, and for greater clarity, subject only to applicable Relief Events or Force Majeure Events, assume the full risk and responsibility of Regulatory Approvals (that are not City Approvals as those are addressed pursuant to Section 5.4 and Other Approvals not being obtained in a timely manner or at all, recognizing that if proper applications for Regulatory Approvals (that are not City Approvals as those are addressed pursuant to Section 5.4 and Other Approvals are prepared, submitted and managed in a diligent manner early in the Construction Schedule, Regulatory Approvals (that are not City Approvals as those are addressed pursuant to Section 5.4 and Other Approvals should be capable of being obtained within the reasonably expected time frame of Design-Builder.

5.6 City Waivers

The Parties acknowledge that certain of the Regulatory Approvals and Other Approvals are routine in nature and/or solely within the control of Design-Builder with no role or purpose for the City's involvement or participation in the process. As such, the City may, in its discretion, waive all or certain of Design-Builder's protocol requirements that are set out in Section 4 [*Design-Builder Responsibilities*] and Section 5 [*Consultation, Cooperation and Coordination*].

**APPENDIX 28-1A
COMPLIANCE, APPROVALS AND AUTHORIZATIONS**

(Illustrative Only – Not Exhaustive)

Compliance/Approval/Authorization	Responsibility
1. Regulatory Approvals	
1.1 Provincial Regulatory	
1.1.1 EPEA	
<ul style="list-style-type: none"> • administered by AEP • application for registration to construct and operate a municipal storm drainage system • waste and contamination management • notification under the Wastewater and Storm Drainage Regulation • beneficial re-use of soil 	<p>Design-Builder</p> <p>Design-Builder</p> <p>Design-Builder</p> <p>City</p>
1.1.2 Wildlife Act (Alberta)	Design-Builder
<ul style="list-style-type: none"> • issued by AEP • Research Permit • Collection Licence • Approval to work within restricted activity periods • Nest or know habitat disturbance 	
1.1.3 Water Act (Alberta)	
<ul style="list-style-type: none"> • issued or administered by AEP • Code of Practice Notifications • Temporary Diversion Licence • Permanent Wetlands removal approval 	<p>Design-Builder</p> <p>Design-Builder</p> <p>City</p>
1.1.4 Public Lands Act (Alberta)	Design-Builder
<ul style="list-style-type: none"> • issued by AEP • dispositions to enter/use/lease/occupy lands owned by the Province of Alberta 	
1.1.5 Historical Resources Act (Alberta)	City
<ul style="list-style-type: none"> • issued by the Province of Alberta • Clearance Letters 	
1.1.6 Fisheries (Alberta) Act	Design-Builder
<ul style="list-style-type: none"> • issued or administered by AEP 	

	<ul style="list-style-type: none"> • instream activities 	
1.1.7	Land Titles Act (Alberta)	City
	<ul style="list-style-type: none"> • registration of road plans for municipal road rights of way 	
1.2	Municipal Regulatory	
1.2.1	Bylaw 7188 Environmental Impact Assessment and Review	
	<ul style="list-style-type: none"> • EIA Approval for work within portions of the Lands that are governed by Bylaw 7188 based on Reference Design 	City
	<ul style="list-style-type: none"> • work described in Section 4(a) of Schedule 10 [<i>Environmental Performance Requirements</i>] requires a request for review under Bylaw 7188 – approval issued by City Planning 	Design-Builder
1.2.2	Natural Area Assessment (City's Natural Area Systems Policy (C531))	
	<ul style="list-style-type: none"> • City administration approval for work within the Lands and potentially affecting Blackmud Creek River Valley 	City
	<ul style="list-style-type: none"> • work described in Section 4(b) of Schedule 10 [<i>Environmental Performance Requirements</i>] may require review under Policy C531 	Design-Builder
1.2.3	City's Community Standards Bylaw, 14600	Design-Builder
	<ul style="list-style-type: none"> • exemptions to working hours and noise levels • issued by Community Standards and Neighbourhoods Branch 	
1.2.4	Building Permits -Safety Codes Act (Alberta)	Design-Builder
	<ul style="list-style-type: none"> • various permits/approvals (including <i>hoarding permits, demolition and excavation permits</i>) • issued by Urban Planning and Economy, Development Services 	
1.2.5	Electrical Permits - Safety Codes Act (Alberta)	Design-Builder
	<ul style="list-style-type: none"> • various permits/approvals • issued by Urban Planning and Economy, Development Services 	
1.2.6	Traffic Management Approvals	
	(a) OSCAM	Design-Builder
	<ul style="list-style-type: none"> • on street construction and maintenance permit • City's <i>Traffic Bylaw, 5590</i> 	
	(b) Road/Access Closures	City
	<ul style="list-style-type: none"> • individual Bylaws for each Road or Access closure pursuant to <i>Highways Development and Protection Act (Alberta)</i> and <i>Municipal Government Act (Alberta)</i> 	
	(c) Roadway Signage	City
	<ul style="list-style-type: none"> • City's <i>Traffic Bylaw, 5590</i> 	

1.2.7	Waste and Debris Disposal	<ul style="list-style-type: none"> • City's <i>Waste Services Bylaw</i>, 20363 	Design-Builder
1.2.8	Drainage Work	<ul style="list-style-type: none"> • City's <i>Drainage Bylaw</i>, 18093 • City's <i>EPCOR Drainage Services and Wastewater Treatment Bylaw</i>, 19627 	Design-Builder
1.2.9	City's Corporate Tree Management Policy (C456C)	<ul style="list-style-type: none"> • TRRP approval for Project 	Design-Builder
1.2.10	City's Parkland Bylaw, 2202	<ul style="list-style-type: none"> • lay-down areas within City Parks 	Design-Builder
1.2.11	City's Public Tree Bylaw, 18825	<ul style="list-style-type: none"> • Public tree permit prior to removal or protection of trees in the Lands 	Design-Builder
1.3	Provincial - Other	<ul style="list-style-type: none"> • Ministerial consent for Infrastructure to be constructed within the Transportation Utility Corridor • all other approvals, authorizations and permits required for Design-Builder to perform Project Work within the Transportation Utility Corridor 	City Design-Builder
1.4	Federal Regulatory		
1.4.1	Fisheries Act (Canada)	<ul style="list-style-type: none"> • instream works or changes to Project where self-assessment under the act can no longer be met • issued and administered by Fisheries and Oceans Canada 	Design-Builder
1.4.2	Migratory Birds Convention Act (Canada)	<ul style="list-style-type: none"> • determination of local migratory bird restricted activity periods • administered by Environment and Climate Change Canada 	Design-Builder
1.4.3	Species at Risk Act (Canada)	<ul style="list-style-type: none"> • identification, permitting and mitigations required should a listed species be encountered • administered by Environment and Climate Change Canada 	Design-Builder
1.4.4	Navigable Waters Act (Canada)	<ul style="list-style-type: none"> • consultation and approvals as required if Blackmud Creek is determined a navigable water • Administered by Transport Canada 	Design-Builder