



File: 30050-25/KIT LNG-18

Reference: 346795

July 10, 2019

SENT VIA EMAIL

Ron Hallman
President
Canadian Environmental Assessment Agency
160 Elgin Street 2nd floor
Ottawa ON K1A 0H3
Ron.Hallman@canada.ca

Dear Mr. Hallman:

I am writing to you to request substitution for the Kitimat LNG Expansion Project pursuant to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and our Memorandum of Understanding (MOU) on Substitution of Environmental Assessments (2013).

KM LNG Operating General Partnership (KM LNG) was originally issued an Environmental Assessment Certificate (EAC) for the Kitimat LNG Project (KLNG) on June 1, 2006 under British Columbia's *Environmental Assessment Act*, and was amended on January 9, 2009, and on March 10, 2010.

A comprehensive study under the former *Canadian Environmental Assessment Act* was conducted for KLNG, and the federal authorities took their course of action decision on August 31, 2006. On June 24, 2019, the Agency wrote to Chevron Canada Resources, a partner in KM LNG, to indicate that the proposed expansion of KLNG constituted a designated project under CEAA 2012.

On July 8, 2019, KM LNG submitted a project description for the Kitimat LNG Expansion Project, which is a proposed expansion of KLNG, to the Environmental Assessment Office (EAO) and the Canadian Environmental Assessment Agency (CEAA). This project description and accompanying letter to the EAO requested an amendment to their provincial EAC. The project description that was submitted to CEAA was accompanied by a letter requesting an environmental assessment from Canada.

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British Columbia's EAC amendment will require an environmental assessment as per Section 19 of the *Environmental Assessment Act*. I am aware that CEAA must first accept the project description and determine whether a federal environmental assessment is required before it can respond to this request for substitution.

In accordance with section 3 of the MOU, British Columbia requests substitution for the environmental assessment required for the Kitimat LNG Expansion Project under CEAA 2012.

If substitution is approved by the Minister of Environment and Climate Change, British Columbia commits to fulfil the conditions for substitution under CEAA 2012 in accordance with section 4 of the MOU. The EAO will take into account the factors set out under Subsection 19(1) of CEAA 2012 when conducting the environmental assessment, issuing legal orders, and providing an environmental assessment report with findings and conclusions. In relation to paragraph 4(a)(ii) of the MOU, any legal orders issued under Subsection 19(2) of British Columbia's *Environmental Assessment Act* will require the assessment of the factors in Subsection 19(1) of CEAA 2012.

British Columbia also commits to provide an assessment report and Aboriginal consultation record that fulfils the requirements of section 7 of the MOU.

In addition, should the Minister request that British Columbia undertake procedural aspects of Aboriginal consultation on behalf of the Agency, British Columbia would be prepared to undertake that responsibility in accordance with Section 5 and the Annex of the MOU.

I look forward to hearing from you as soon as possible regarding the Minister's decision on this request for substitution.

With best regards,

<Original signed by>

Kevin Jardine
Associate Deputy Minister

cc: Scott Bailey, Assistant Deputy Minister
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