



File: 30050-20/TBNG-05-07

Reference: 356732

March 5, 2020

**SENT VIA EMAIL**

David McGovern  
President  
Impact Assessment Agency of Canada  
22<sup>nd</sup> Floor, Place Bell  
160 Elgin Street  
Ottawa ON K1A 0H3  
[david.mcgovern@canada.ca](mailto:david.mcgovern@canada.ca)

Dear David McGovern:

I am writing to request substitution pursuant to the *Impact Assessment Act* (IAA) and in accordance with the Impact Assessment Cooperation Agreement Between Canada and British Columbia (the Cooperation Agreement) for the Tilbury Phase 2 LNG Expansion Project.

As per the Cooperation Agreement, the Environmental Assessment Office (EAO) has been working closely with the Impact Assessment Agency of Canada (the Agency) on the development of a joint planning phase to enable coordinated engagement, facilitate common requirements and issue joint documents where possible, in support of the shared principle of “one-project, one-assessment.” The EAO is committed to this cooperative approach with the Agency in the review of the Tilbury Phase 2 LNG Expansion Project.

The Tilbury Phase 2 LNG Expansion Project is reviewable under the British Columbia Reviewable Projects Regulation (BC Reg. 607/2019) and will require an environmental assessment under the *Environmental Assessment Act, 2018*.

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In accordance with the IAA and the Cooperation Agreement, British Columbia requests that Canada's Minister of Environment and Climate Change (Minister) approve the substitution of British Columbia's assessment process for the proposed Tilbury Phase 2 LNG Expansion Project, should an impact assessment be required under the IAA, and should the project proceed to an EA under the *Environmental Assessment Act, 2018*.

I understand that the Agency received an Initial Project Description for the Tilbury Phase 2 LNG Expansion Project on February 11, 2020, and intends to conduct a joint public comment period with the EAO. In accordance with the Cooperation Agreement, I am submitting this request for substitution to allow the Agency to consult the public and Indigenous groups on the request as part of the planned comment period. I am aware that the Agency must determine whether an assessment is required. Additionally, British Columbia must decide whether the project should proceed to an EA, under our respective legislation, in order for the Minister to respond to this request for substitution.

If substitution is approved by the Minister, British Columbia commits to meet the legislative requirements of both Canada and British Columbia and fulfil the conditions for substitution under the IAA set out in Section 7 of the Cooperation Agreement and any conditions the Minister may establish. The EAO will take into account the factors set out under subsection 22(1) of the IAA, including effects within federal jurisdiction as defined in Section 2 of that Act, when conducting the assessment and providing an Assessment Report with findings and conclusions to the Agency.

In addition, if the Minister approves the substitution request, consultation with Indigenous groups and engagement with the public will be carried out by the EAO in accordance with the Cooperation Agreement and the *Environmental Assessment Act, 2018*. The EAO will work with the Agency to coordinate communications with Indigenous groups. The EAO will also work with the Agency on their preparation of a permitting plan, including federal requirements, for the Tilbury Phase 2 LNG Expansion Project.

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

Sincerely,   
<Original signed by>

  
Kevin Jardine  
Associate Deputy Minister

cc: Scott Bailey, Assistant Deputy Minister, Environmental Assessment Office  
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