BRITISH COLUMBIA

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SENT VIA EMAIL

James (Jim) O'Rourke
Chairman
Compliance Coal Corporation
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Dear Mr. O'Rourke:

I am writing to follow up on the correspondence you recently received from Shelley Murphy, Executive Project Director, Environmental Assessment Office (EAO) (dated August 5, 2015 and February 26, 2016) seeking updates on the status of the Raven Underground Coal project (Raven) and Compliance Coal Corporation's (Compliance) plans regarding advancing the environmental assessment (EA).

As noted in the letters from Ms. Murphy, Section 24(3) of the *Environmental Assessment Act* (the Act) allows for the Executive Director or the Minister to terminate an EA if, after being requested to provide information in an application or at any other time in the EA, the proponent does not provide the information within the prescribed period. A deadline of three years for response to information is set out under the Act in the Prescribed Time Limits Regulation.

The Application Information Requirements for Raven was issued more than three years ago (June, 2012). The EA process requires high quality and up to date assessment information, and it is in the interests of all parties to ensure proponents do not expend effort on resuming an assessment based on process or information requirements that have become out of date. I have therefore considered whether to terminate the EA for this project.

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I recognize that up until March, 2015, Compliance was actively working to advance the EA, and that EAO provided to Compliance a detailed list of the outstanding information that must be met for the EA to advance into the Application Review stage. I considered whether the EA should continue, but require that information requirements be updated as appropriate, based on current policy and practice. That is not, however, a reasonable option in this circumstance, given that Compliance has offered no indication that it is planning to engage further with EAO on this EA. EAO is not aware of any efforts undertaken to advance the EA since March 2015, and has not received any information from Compliance regarding its intentions in this regard. Further, based on publicly available information, EAO is of the understanding that Compliance Coal has no plans to advance the EA for Raven in the foreseeable future.

Based on this information, I have decided to terminate the current EA of Raven in accordance with my authority under Section 24(3) of the Act.

To be clear, this decision to terminate the EA is not a reflection of the Raven project or potential effects related to the project. It is based on an assessment that continuation of an EA at this time would be neither efficient nor appropriate given the timing and readiness of the project to proceed with the EA.

Should Compliance wish to advance the Raven project, a new Project Description would need to be submitted to EAO. Raven would then be reviewed in accordance with the provisions of the Act and its associated regulations, as well as EAO's current policy and practice. A new Section 11 Order and Application Information Requirements document will be required, and applicable fees will be applied.

Should you have any questions, please feel free to contact Shelley Murphy by email at Shelley.Murphy@gov.bc.ca or by telephone at 250 387-1447.

Yours truly,

Kevin Jardine
Associate Deputy Minister and Executive Director