



File: 30300-20/WTMJ-05-06

Reference: 347206

August 6, 2019

SENT VIA EMAIL

Peter Gallenberger
Senior Vice President of Engineering & Operations
WesPac Midstream – Vancouver LLC
2355 Main Street, Suite 210
Irvine California 92614
pgallenberger@wespac.com

Dear Mr. Gallenberger:

Thank you for your letter of July 30, 2019 regarding the Environmental Assessment (EA) of the proposed WesPac Tilbury Marine Jetty Project (WesPac).

WesPac Midstream – Vancouver LLC (WPMV) has requested that the Environmental Assessment Office (EAO) suspend Application Review as a result of the federal Minister of Environment and Climate Change Canada's July 9, 2019 decision to expand the geographic scope of WesPac¹.

I understand that the EAO Project Team has been working closely with WPMV and is consulting the technical Working Group to determine the necessary information that will be required in order for the EAO to complete its assessment, and that this formal information request will be issued soon.

The Prescribed Time Limits Regulations, BC Reg. 372/2002 establishes a time limit of 180 days for review of an Application under the *Environmental Assessment Act* (Act). Pursuant to Section 24(2) of the Act, and after considering your request and reasons, I have decided to grant your request to suspend the review time limit for

...2

¹ See attached letter of July 9, 2019 from the federal Minister of Environment and Climate Change Canada to the Hon. George Heyman regarding the revised geographic scope of assessment for marine shipping for WesPac.

WesPac effective today, August 6, 2019 on day 139 of the 180-day review period. As Ms. Kim Walters, the EAO Project Lead, has advised WPMV, the EAO will need sufficient time to complete its review, which will include engaging the Marine Shipping Working Group, once the supplemental analysis is submitted.

The 180-day timeline will resume once WPMV has provided the supplemental analysis for the expanded scope area according to the information request that will be issued to WPMV by EAO, and when the EAO is satisfied with the information provided. In determining the adequacy of the information required, the EAO will be consulting with the Marine Shipping Working Group, including Indigenous groups. As part of this review, WPMV must meaningfully respond to all comments received from the Marine Shipping Working Group, including Indigenous groups, on the supplemental analysis. The EAO Project Lead will outline in more detail the steps required to satisfy the deliverables above in subsequent correspondence.

As WesPac is undergoing a substituted EA with the Canadian Environmental Assessment Agency (Agency), the EAO will be notifying the Agency of the timeline suspension and coordinating with the Agency in the development of a revised review schedule once the timeline resumes.

If you have any questions related to this letter or the time limit suspension of the EA process, please contact Kimberly Walters, Project Assessment Director, by phone at 778 698-3398 or by email at Kimberly.Walters@gov.bc.ca.

With best regards,



Kevin Jardine
Associate Deputy Minister, Environmental Assessment Office

Attachments (1)

cc: Kim Walters, Project Assessment Director, Environmental Assessment Office
Kimberly.Walters@gov.bc.ca

Jennifer Karmona, Project Assessment Officer,
Environmental Assessment Office
Jennifer.Karmona@gov.bc.ca

Zoltan Fabian, Project Liaison, Canadian Environmental Assessment Agency
Zoltan.Fabian@canada.ca



JUL 09 2019

The Honourable George Heyman, M.L.A.
Minister of Environment and Climate Change Strategy
Government of British Columbia
Parliament Building
Victoria BC V8V 1X4

Dear Minister Heyman:

On July 10, 2015, my predecessor approved the substitution of the federal environmental assessment for the WesPac Tilbury Marine Jetty Project, located in Delta, British Columbia, to the province. The approval specifies the geographic extent of the assessment of environmental effects from marine shipping activities associated with the WesPac Project as a condition under paragraph 34(1)(f) of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). Currently, the geographic extent of the assessment of marine shipping activities ranges from the marine terminal, along the shipping route within the South Arm of the Fraser River, to the pilot station at Sand Heads near the mouth of the river.

On August 30, 2018, the Federal Court of Appeal released its decision in *Tsleil-Waututh Nation v. Canada*, quashing the Governor-in-Council decision to approve the TransMountain Pipeline Expansion Project. Among the reasons for the decision, the Court indicated that the National Energy Board had unjustifiably excluded marine shipping from the scope of the TransMountain Pipeline Expansion Project.

During the course of the WesPac environmental assessment, I understand the proponent provided new information, including its submission of an Application for an environmental assessment certificate, indicating that the WesPac Project may result in environmental effects beyond the existing geographic scope of assessment. Additionally, I am informed that Indigenous groups and Federal Authorities have recommended that the environmental assessment consider effects from marine shipping activities beyond the Sand Heads pilot station into the Salish Sea.



In light of the Federal Court of Appeal's ruling regarding the TransMountain Pipeline Expansion Project and the new information received during the environmental assessment of the WesPac Project, I am exercising my powers under subsection 14(3) of CEAA 2012 to revise the condition to expand the geographic extent of marine shipping to include an assessment of the effects of marine shipping activities from the Project's marine terminal to the 12-nautical-mile limit of Canada's territorial sea and to the Point Grey disposal at sea site.

This approach is consistent with the one taken for the TransMountain Pipeline Expansion and Roberts Bank Terminal 2 Projects. I am advised that the British Columbia Environmental Assessment Office is accepting of this approach and has expressed its confidence in its ability to conduct the additional work. To assist in gathering the additional assessment information required for this change of scope, officials at the Canadian Environmental Assessment Agency will work closely with the British Columbia Environmental Assessment Office, and will look to gather any relevant information from the conduct of other federal environmental assessments.

I appreciate the British Columbia Environmental Assessment Office's strong collaboration on this matter and I am confident in its capabilities and ongoing commitment to meet the requirements under the *Memorandum of Understanding between the Canadian Environmental Assessment Agency and B.C.'s Environmental Assessment Office on the Substitution of Environmental Assessments (2013)*.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'C McKenna', with a long horizontal flourish extending to the right.

The Honourable Catherine McKenna. P.C., M.P.