

30 July 2019

Reference No. 1314220049-295-L-Rev3

Kim Walters, Project Assessment Director
BC Environmental Assessment Office
836 Yates Street
Victoria, BC V8W 1L8

REQUEST FOR TEMPORARY SUSPENSION IN EAC APPLICATION REVIEW FOR TILBURY MARINE JETTY PROJECT

Dear Kim:

Further to recent discussions, and at your request, please accept this letter as a formal request by WesPac – Midstream LLC (WesPac) to temporarily suspend the EAC Application Review for the Tilbury Marine Jetty Project (the Project), pursuant to Section 24(2) of the *British Columbia Environmental Assessment Act* (BCEAA).

REGULATORY CONTEXT

The assessment of the Project under the *Canadian Environmental Assessment, 2012* (CEAA 2012), has been approved for substitution under the Memorandum of Understanding dated July 10, 2015 between the Canadian Environmental Assessment Agency (CEA Agency) and the British Columbia Environmental Assessment Office (EAO). We acknowledge that the provincial review will satisfy all conditions set out in the Substitution Decision document for the scope of the Project and of the assessment, including meeting the information requirements outlined in CEAA 2012, specifically subsection 19(1) factors and environmental effects as defined in section 5 of CEAA 2012.

On July 9, 2019, the federal Minister of Environment and Climate Change issued a letter confirming that the geographic extent of the assessment of potential impacts of marine shipping should be extended to the 12-nautical mile limit of the territorial sea of Canada. WesPac is submitting this request to the EAO to provide our team the necessary time to conduct the studies required to prepare a Marine Shipping Assessment Supplemental Report in response to this additional requirement.

INDIGENOUS CONSULTATION

WesPac understands that the EAO and CEA Agency will lead all Indigenous consultation on the expanded scope of assessment of marine shipping. This will include determining potential adverse effects on the exercise of any asserted or established Aboriginal rights.

WesPac also understands that EAO and the CEA Agency will seek approval from Indigenous Groups for the use of traditional ecological knowledge (TEK) and traditional use (TU) data published for the Roberts Bank Terminal 2 (RBT2) and TransMountain Expansion (TMX) projects for the purposes of the expanded assessment of marine shipping. The Marine Shipping Assessment Supplemental Report will describe the consultation undertaken by EAO and the CEA Agency, the issues and interests raised by Indigenous Groups during consultation, WesPac's responses to those issues and interests, and the proposed actions intended to address those issues and interests.

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CLOSURE

WesPac is committed to providing full attention to completing and filing the Marine Shipping Assessment in an efficient manner. It is WesPac's intent to keep EAO and the CEA Agency apprised of our progress in preparing the supplemental report, and to address any subsequent concerns that may be brought forward by Working Group members related to potential effects and mitigation measures associated with Project-related shipping activities identified in the supplemental Marine Shipping Assessment.

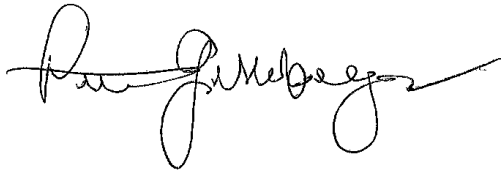
Upon filing the supplemental Marine Shipping Assessment, we understand that the EAO and CEA Agency will initially review it for adequacy against the formal information request, and then in collaboration with the broader Working Group members, including Indigenous Groups, prior to resuming the balance of the Application Review period.

In the meantime, WesPac understands that despite the temporary suspension of time, the EAO, CEA Agency, and Working Group members will work to avoid delay by continuing to advance the review of other portions of the EAC Application and preparing draft Environmental Assessment Certificate conditions.

We appreciate your efforts to facilitate helping us to advance through the Application Review process for the Tilbury Marine Jetty Project.

Yours very truly,

WESPAC – MIDSTREAM LLC

A handwritten signature in black ink, appearing to read 'Peter Gallenberger', with a long horizontal flourish extending to the right.

Peter Gallenberger
Senior Vice President of Engineering Operations

PG/KM/DG/lih

CC: Kate Moss, Golder Associates Ltd.
Don Gamble, Golder Associates Ltd.