

**IN THE MATTER OF
THE *ENVIRONMENTAL ASSESSMENT ACT*, S.B.C. 2018, c. 51 (ACT)**

**AND
FORTISBC HOLDINGS INC. (FORTISBC)
(PROPONENT)**

**AND
THE PROPOSED
TILBURY PHASE 2 LNG EXPANSION PROJECT
(PROPOSED PROJECT)**

NOTICE OF DECISION UNDER SECTION 18(1)

WHEREAS:

- A. The Proponent proposes to develop the Proposed Project in Delta, British Columbia.
- B. On February 27, 2020, the Chief Executive Assessment Officer (CEAO) issued an Order under Section 13(3)(a) of the Act approving the Initial Project Description and Engagement Plan.
- C. On August 14, 2020, the CEAO issued a notice under Section 13(5) of the Act setting out a summary of public comments received on the Initial Project Description and the Indigenous nations that are Participating Indigenous Nations.
- D. Since August 14, 2020, two additional Indigenous nations have identified as Participating Indigenous Nations.
- E. On September 7, 2021 the Proponent submitted a Detailed Project Description in accordance with Section 15 of the Act to the CEAO.
- F. On January 4, 2022, the Proponent submitted an updated Detailed Project Description to provide clarifications and meet the requirements of the *Impact Assessment Act*.
- G. Pursuant to Section 16(2)(a) of the Act, the CEAO may require a revised Detailed Project Description. The CEAO did not require the Proponent to submit a revised Detailed Project Description.
- H. The CEAO reviewed the Readiness Decision Report provided by the Environmental Assessment Office (EAO), which included: a description of the results of consensus-seeking with participating Indigenous nations; considerations respecting whether the Proposed Project should be

recommended to the Minister of Environment and Climate Change Strategy (Minister) for exemption from review or termination; and recommendations regarding whether the CEAO or the Minister should determine the process for the assessment for the Proposed Project.

- I. The EAO sought to achieve consensus with participating Indigenous nations with respect to this Notice of Decision under Section 16(2) of the Act.
- J. The CEAO has decided not to exercise the power under Sections 16(2)(b) or (c) of the Act to recommend to the Minister that the Proposed Project not proceed as proposed, or that the Proponent is exempt from the requirement to obtain an environmental assessment certificate for the Proposed Project.
- K. Pursuant to Section 18(1) of the Act, the CEAO must either consider the Proposed Project under Section 19 of the Act, under which the CEAO issues an Order with respect to the process for the environmental assessment, or refer the Proposed Project to the Minister for a determination under Section 24, to determine the appropriate process for the review, including recommendations respecting whether the assessment should be conducted by an assessment body.

NOW THEREFORE:

Pursuant to Section 18(1) of the Act, the Project will be considered under section 19(1) of the Act.



Elenore Arend
Chief Executive Assessment Officer and
Associate Deputy Minister
Environmental Assessment Office
Dated January 12, 2022