



30200-20/SUKC-10

Ref: 102883

March 6, 2013

SENT VIA EMAIL

Elaine Feldman
President
Canadian Environmental Assessment Agency
elaine.feldman@ceaa-acee.gc.ca

Dear Ms. Feldman:

I am extremely pleased that we now have both signed the Memorandum of Understanding (MOU) between the Canadian Environmental Assessment Agency (the Agency) and the British Columbia Environmental Assessment Office (EAO) on Substitution of Environmental Assessments (2013).

I look forward to working with you to implement the MOU and I am confident that it will provide a strong framework for the working relationship between our two agencies in reaching decisions on substitution and implementing substituted environmental assessments.

In accordance with section 3 of the MOU, British Columbia requests substitution for the environmental assessment of the proposed Sukunka Coal Project under the *Canadian Environmental Assessment Act 2012* (CEAA 2012). If substitution is approved by Minister Kent, British Columbia commits to fulfill the conditions for substitution under the CEAA 2012 in accordance with section 4 of the MOU.

In addition, should Minister Kent request that British Columbia undertake procedural delegation of Aboriginal consultation for the proposed Sukunka Coal Project, British Columbia would be prepared to undertake that responsibility in accordance with section 5 and the Annex of the MOU.

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The project proposed by Xstrata Coal Canada is reviewable under the British Columbia *Reviewable Projects Regulation* (BC Reg. 720/02) and a section 10 Order has been issued requiring the Proponent to undergo a provincial environmental assessment. A Project description for the proposed Sukunka Coal Project was accepted by the Agency on January 21, 2013 and a public comment period on the Project description is currently underway.

I understand that the Agency will shortly be in a position to determine whether a federal environmental assessment is required.

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

Sincerely,

<original signed by>

Dave Nikolejsin
Associate Deputy Minister

cc: Lisa Walls, Regional Director, Pacific and Yukon Region
Canadian Environmental Assessment Agency

Josh Handysides, Project Assessment Manager
British Columbia Environmental Assessment Office