



30200-20/AANT-10

Ref: 102987

April 11, 2013

SENT VIA EMAIL

Yves Leboeuf
A/President
Canadian Environmental Assessment Agency
yves.leboeuf@ceaa-acee.gc.ca

Dear Mr. Leboeuf:

I am writing to you to request substitution pursuant to the *Canadian Environmental Assessment Act 2012* (CEAA 2012) and our Memorandum of Understanding (MOU) on Substitution of Environmental Assessments (2013).

In accordance with section 3 of the MOU, British Columbia requests substitution for the environmental assessment (EA) of the proposed Arctos Anthracite Project under CEAA 2012. If substitution is approved by Minister Kent, British Columbia commits to fulfil 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 Arctos Anthracite Project, British Columbia would be prepared to undertake that responsibility in accordance with section 5 and the Annex of the MOU.

Based on discussions to date with Arctos Anthracite Joint Venture (Proponent) and on the draft Project description received by Environmental Assessment Office (EAO), the proposed Arctos Anthracite Project is reviewable under the British Columbia *Reviewable Projects Regulation* (BC Reg. 720/02). Notwithstanding unforeseen circumstances, EAO anticipates initiating a section 10 Order shortly, which will require the Proponent to undergo a provincial EA.

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A Project description for the proposed Arctos Anthracite Coal Project was submitted to the Canadian Environmental Assessment Agency (Agency) on April 2, 2013 and I understand that the Agency must first accept the Project description and determine whether a federal EA is required before it can respond to this request for substitution.

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

Sincerely,

Dave Nikolejsin
Associate Deputy Minister

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

Karen Christie, Executive Project Director
BC Environmental Assessment Office