



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,

<Original signed by>

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