



August 12, 2019

Mr. David Black
President, Kitimat Clean
Kitimat Clean Ltd.
3175 Beach Drive
Victoria B.C. V8R 6L7

Dear Mr. Black:

RE: Changes to Federal Legislation and implications for the Kitimat Clean Refinery Project

On August 28, 2019, the *Impact Assessment Act* (IAA) will come into force, repealing the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). The IAA contains transitional provisions that apply to projects undergoing an environmental assessment under CEAA 2012. This letter is to inform you of the transition provisions relevant to the Kitimat Clean Refinery Project (the Project), and next steps.

On September 9, 2016, the Canadian Environmental Assessment Agency (the Agency) posted a notice of referral to a review panel for the environmental assessment of the Project under CEAA 2012. As per the transition provision described in subsection 183 of the IAA: *“Any environmental assessment of a designated project referred to a review panel under section 38 of the 2012 Act before the day on which this Act comes into force is continued under the 2012 Act as if that Act had not been repealed.”*

On August 28, 2019, the *Physical Activities Regulations* (the Regulations) of the IAA will also come into force. The Project is a designated project under the IAA as described under the following item(s) of the Regulations:

s.37 The construction, operation, decommissioning and abandonment of one of the following:

- (a) *a new oil refinery, including a heavy oil upgrader, with an input capacity of 10 000 m³/day or more;*

.../2



Request to be subject to IAA

Under subsection 183(2) of the IAA, on request made to the Minister, you may request that the assessment of the Project continue under the IAA as if the impact assessment had been referred by the Minister to a review panel under subsection 36(1) of the IAA. As such, should you wish to continue the assessment of the Project under the IAA, you are requested to inform the Agency by **October 27, 2019**.

Further information on the IAA and associated processes, including opting into the IAA, is available on the Agency's website.

If you have any questions, do not hesitate to contact me, Isabelle Turcotte, by phone ^{<contact information removed>} or email *KitimatCleanRefinery@ceaa.gc.ca*.

Sincerely,

<Original signed by>

Isabelle Turcotte
Senior Panel Analyst

cc.: Nathan Braun – Executive Project Director, British Columbia
Environmental Assessment Office