



File: ENVA-30020-04/RCMETA 05 02

Reference: 411976

September 4, 2024

SENT VIA EMAIL

Terence Hubbard
President
Impact Assessment Agency of Canada
22 floor, Place Bell
160 Elgin Street
Ottawa ON K1A 0H3
Terence.Hubbard@iaac-aeic.gc.ca

Dear Terence Hubbard:

I am writing to request substitution pursuant to the *Impact Assessment Act* (IAA) and in accordance with the Impact Assessment Cooperation Agreement Between Canada and British Columbia (B.C.) (the Cooperation Agreement) for the proposed Rocky Creek Metallurgical Coal Project (the Project).

CTI Plus has proposed to construct and operate a new open pit metallurgical mine called Rocky Creek Metallurgical Coal Project. The proposed mine will be located approximately 47 kilometres southwest of the district of Chetwynd, British Columbia. The mine is expected to produce an average of 8,220 tonnes of raw coal per day (3,000,000 tonnes of raw coal per year) with a mine life of approximately 14 years plus two years of initial construction.

On August 26, 2024, I, as the Environmental Assessment Office's (EAO) Chief Executive Assessment Officer (CEAO), received the Initial Project Description for the Rocky Creek Coal Mine. This project meets the thresholds for a reviewable project requiring an environmental assessment (EA) under the *Environmental Assessment Act* (2018) (the Act) *Reviewable Project Regulation*, as its proposed production capacity exceeds the thresholds for the construction of a new mine facility that, during operations, will have a production capacity of $\geq 250,000$ tonnes/year of clean coal or raw coal or both.

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The Rocky Creek Coal Mine is also expected to meet the definition of a designated project under the IAA's *Physical Activities Regulations*. Those criteria are:

- Section 18 (a) the construction, operation, decommissioning and abandonment of the following:
 - (a) a new coal mine with a coal production capacity of 5,000 tonnes/day or more.

Coordination with IAAC

I understand that the Impact Assessment Agency of Canada (IAAC) received an Initial Project Description for Rocky Creek Coal Mine on August 26, 2024, and intends to conduct a joint comment period with the EAO for the public and Indigenous peoples shortly.

In accordance with the Cooperation Agreement, I am submitting this request for substitution at this time to allow IAAC to consult the public and Indigenous peoples on the substitution request as part of the planned comment period. I understand that later in the planning phase, IAAC will decide whether an impact assessment is required, and following that, the federal Minister of Environment and Climate Change (the Minister) will respond to this request for substitution.

As per the Cooperation Agreement, the EAO has been working closely with IAAC on a joint process for the EAO's Early Engagement and IAAC's Planning phase to enable coordinated engagement, facilitate a common process and issue joint documents where possible. The EAO is committed to this cooperative approach with IAAC throughout the review of the Rocky Creek Coal Mine.

If substitution is approved by the Minister, the EAO commits to meet the legislative requirements of both Canada and B.C. and fulfil the conditions for substitution under the IAA set out in Section 7 of the Cooperation Agreement and any conditions the Minister may establish. The EAO will take into account the factors set out under the subsection 22(1) of the IAA and fully assess the effects to areas of federal jurisdiction as defined in Section 2 of that Act, when conducting the assessment and providing an Assessment Report with the findings and conclusions to the Minister. The EAO will work with IAAC to consider the recent amendments to the IAA and any potential implications on the conduct of a substituted process.

During the assessment, the EAO would seek, manage, and rely on the advice of members of the Technical Advisory Committee (TAC), including representatives from federal authorities, in establishing information requirements for the assessment, assessing the potential effects of the Rocky Creek Coal Mine project and assessing the adequacy of any proposed mitigation measures.

Conclusion and next steps

In accordance with the provisions of the IAA and the Cooperation Agreement, the EAO requests that the Minister approve the substitution of B.C.'s assessment process for the Project, should an impact assessment be required under the IAA.

Additionally, if the Minister approved the substitution request, consultation with Indigenous peoples, federal authorities, and engagement with the public will be carried out by the EAO in accordance with the Cooperation Agreement and the Act. The EAO will work with IAAC to coordinate engagement with Indigenous peoples. The EAO will also work with IAAC on the preparation of a permitting plan, including federal requirements, for the Project.

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

Sincerely, _____
<Original signed by>

Elenore Arend
Chief Executive Assessment Officer and Associate Deputy Minister

cc: Todd Goodsell, Executive Project Director
Environmental Assessment Office
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Jessie Giles, Project Assessment Director
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