

September 20, 2019

Cindy Parker
Panel Manager
Impact Assessment Agency of Canada
<contact information removed>

Dear Ms. Parker:

Re: **Changes to federal legislation and implications for the Roberts Bank Terminal 2 Project**

Thank you for your letter of August 12, 2019 regarding the transition provisions of the new *Impact Assessment Act*.

On behalf of the Vancouver Fraser Port Authority I can confirm that we do not wish to have the assessment of the Roberts Bank Terminal 2 Project continued under the new act, and instead it will continue to be governed by the *Canadian Environmental Assessment Act, 2012*, as per section 183(1) of the *Impact Assessment Act*, which states:

183 (1) 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2012 Act before the day on which this Act comes into force is continued under the 2012 Act as if that Act had not been repealed.

I would also like to address one other matter in your letter. You stated:

As outlined in subsection 183(3)(a), given that the review panel for the Project was appointed on May 31, 2016, that review panel is deemed to have been established, and its members to have been appointed, under section 41 of the IAA.

In our view, section 183(3)(a) has no application to this situation because the introductory words in section 183(3) state, "The following rules apply **in respect of an impact assessment referred to in subsection (2)**" (Emphasis added). As we are not requesting the minister move our assessment process into the new act under subsection (2), none of the provisions in section 183(3) have any application.

Please let us know if the Impact Assessment Agency holds a different position on this issue.

Yours sincerely,

<Original signed by>

Cliff Stewart, P.Eng., ICD.D
Vice President, Infrastructure

cc Nathan Braun, Executive Director, British Columbia Environmental Assessment Agency