



File: ENVA 30150-20/SUMLAK

Reference: 408557

February 23, 2024

SENT VIA EMAIL

Terence Hubbard
President
Impact Assessment Agency of Canada
22nd 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' (the Cooperation Agreement) for the proposed Summit Lake PG LNG Project (Summit Lake LNG).

JX LNG Canada Ltd. proposes to develop a liquefied natural gas (LNG) facility with a production capacity of 2.70 million tonnes per annum of LNG in British Columbia (B.C.), approximately 30 kilometres north of Prince George.

On January 30, 2024, I, as the Environmental Assessment Office's (EAO) Chief Environmental Assessment Officer, received the Initial Project Description for Summit Lake LNG. This project meets the thresholds for a reviewable project requiring an environmental assessment under *the Environmental Assessment Act* (2018) (the Act), as its proposed LNG production capacity exceeds the thresholds for the construction of a new facility for the liquefaction, storage or regasification of LNG as described in item 37(d) of the Physical Activities Regulations.

Coordination with the Agency

I am aware that on October 13, 2023, the Supreme Court of Canada issued its decision on the constitutionality of the IAA. Following this decision, the

...2

Government of Canada released the 'Statement on the Interim Administration of the IAA Pending Legislative Amendments' (Interim Statement) on October 26, 2023, to allow process continuity so that time is not lost to support responsible project development in Canada. I understand that the guidance within the Interim Statement is intended to provide certainty to ongoing processes while the Government prepares for the introduction of targeted and meaningful amendments to the IAA that align with the decision of the Supreme Court of Canada.

I understand that the Impact Assessment Agency of Canada (the Agency) received an Initial Project Description for Summit Lake LNG on January 30, 2024, and intends to conduct a comment period for the public and Indigenous peoples shortly. In accordance with the Cooperation Agreement, therefore, I am submitting this request for substitution at this time to allow the Agency to consult the public and Indigenous peoples on the substitution request, as part of the planned comment period. In accordance with the Interim Statement, I understand that later in the Planning phase, the Agency will provide an opinion regarding whether an impact assessment is required, and following that, the federal Minister of Environment and Climate Change (the Minister) will then respond to this request for substitution.

As per the Cooperation Agreement, the EAO has been working closely with the Agency on the development of a joint Early Engagement and 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 the Agency throughout the review of Summit Lake LNG.

If the Minister is of the opinion that the provincial process is an appropriate substitute for assessing the effects of Summit Lake LNG, the EAO commits to meet the existing 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 provide the Minister with an Assessment Report with findings and conclusions. Should the upcoming amendments to the IAA include changes to the provisions or requirements of substitution, the EAO will work with the Agency to consider those amendments and any potential implications on this request or 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, including representatives from federal authorities, in establishing information requirements for the assessment, assessing the potential effects of the project and assessing the adequacy of any proposed mitigation measures.

Conclusion and next steps

In accordance with the existing provisions of the IAA and the Cooperation Agreement, B.C. requests that the Minister renders an opinion about whether the provincial process is an appropriate substitute for assessing the effects of Summit Lake LNG, should the Agency be of the opinion that a federal impact assessment is required.

Additionally, if the Minister is of the opinion that substitution is appropriate, 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 the Agency to coordinate engagement with Indigenous peoples. The EAO will also work with the Agency on the preparation of a permitting plan, including federal requirements, for Summit Lake LNG.

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

Sincerely,

<Original signed by>

Elenore Arend
Chief Executive Assessment Officer and Associate Deputy Minister

cc: Kelly Wintemute, Executive Project Director
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Brennan Hutchison, Project Assessment Director
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