



File: ENVA-30300-20/DPB4-05-06

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20 July 2023

**SENT VIA EMAIL**

Mike McLellan  
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Dear Mike McLellan:

I am writing in response to the written request from GCT Canada Limited Partnership (GCT), received June 21, 2023, for the British Columbia Environmental Assessment Office (EAO) to grant GCT additional time to complete the Deltaport Expansion Berth Four Project (DP4) Impact Statement Development and Review Phase.

On May 31, 2022, the EAO and the Impact Assessment Agency of Canada (the Agency) published the Joint Assessment Plan which outlines an assessment process that meets the requirements of both a federal impact assessment and a provincial environmental assessment. On the same day they also published the Joint Guidelines, which identify the minimum information requirements for DP4. The Joint Guidelines are Schedule C to the Process Order issued by the EAO pursuant to Section 19 of the *Environmental Assessment Act* (the Act) also on the same day.

Section 39(b) of the Act provides that the Chief Executive Assessment Officer (CEAO) may terminate an assessment under the Act if “3 years have elapsed since a proponent was required to provide information by an order made under section 19...and the proponent has not provided the information.” Section 39(b) does not provide that an assessment is automatically terminated if the information required by the Process Order is not submitted within three years; rather, it empowers the CEAO to terminate an assessment in that scenario. In the current context, the CEAO’s power under Section 39(b) could only be exercised starting on May 31, 2025.

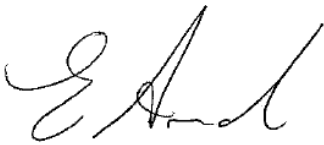
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A decision to terminate is at the discretion of the CEAO. The CEAO would, at the relevant time, take into account all relevant matters in exercising that discretion. Also, GCT would be provided with an opportunity to provide its views on a potential termination should this decision be considered by the EAO in the future. The EAO acknowledges that GCT has been working on its Impact Statement with input from the EAO, the Agency, and participating Indigenous nations and understands that it continues to actively engage with these parties in developing a revised final Impact Statement.

The EAO has engaged with the Agency in considering this request. Although this response is specific to provincial requirements under the Act the EAO and Agency will continue to conduct the assessment in a coordinated manner, as outlined in the draft Canada-British Columbia Cooperation Agreement on the Coordination of the Environmental and Impact Assessment process for the GCT Deltaport Expansion – Berth Four Project.

Should you have any questions, please contact the EAO Project Lead, Ian Cowan at 778 676-1310 or [Ian.Cowan@gov.bc.ca](mailto:Ian.Cowan@gov.bc.ca).

Sincerely,



Elenore Arend  
Chief Executive Assessment Officer and Associate Deputy Minister

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