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File No: 00729

February 21, 2017

*Sent via E-mail: PacificRefinery@ceaa.gc.ca*

Canadian Environmental Assessment Agency  
410 – 701 West Georgia Street  
Vancouver, British Columbia V7Y 1C6

**Attention: Brett Maracle, Panel Manager**

Dear Mr. Maracle:

**Re: Pacific Future Energy Refinery Project, Ref. No. 80127**

I write on behalf of Douglas Channel Watch with respect to your letter of January 30, 2017 in response to our letter of December 15, 2016 regarding the Pacific Future Energy Refinery Project. Your letter of January 30, 2017 failed to respond to a number of concerns raised in our letter December 15, 2016.

Specifically, your letter failed to provide any explanation as to why the Addendum to the Project Description (“Addendum”) sent to the Agency on September 28, 2016 was not posted to the Registry until sometime after November 7, 2016.

As discussed in our previous letter, the Addendum presented an option of a pipeline from the Kitimat area to Nasoga Gulf that was not included in any previous Project description. Therefore, there may have been members of the public, particularly living in the vicinity of the Kitsumkalum and Nass Rivers, who may have submitted comments on the draft Environmental Impact Assessment Guidelines (“EIS Guidelines”) had they been aware of the potential geographic scope of the project. This is a significant failure of the consultation process given that the Agency had the Addendum in its possession well in advance of the deadline to comment on the draft EIS Guidelines, but failed to post it to the Registry in a timely manner.

Further, we seek clarification from the Agency as to which documents received by the Agency will be posted to the Registry. We were surprised that our letter of December 15, 2016, pertaining to the draft EIS Guidelines review process, was not posted to the Registry. Had that letter been posted to the Registry, we believe that there may have been other parties who would have commented on the need to reopen the consultation period on the draft EIS Guidelines.

Therefore, we specifically request that the Agency:

1. post our December 15, 2016 letter, the Agency's response of January 30, 2017, and this letter on the Registry;
2. provide an explanation as to why the Addendum dated September 28, 2016 was not posted to the Registry until after November 7, 2016;
3. provide further guidance as to the types of documents received by the Agency that will be posted on the Registry and those that will not, in order that documents that will not be posted may be sent directly to interested parties; and
4. reconsider its decision to not reopen the consultation period on the draft EIS Guidelines.

Sincerely,

<Original signed by>

Barry Robinson  
Staff Lawyer

*c: Cheryl Brown, Douglas Channel Watch  
Fraser Thomson, Ecojustice*