



Canadian Environmental  
Assessment Agency

Agence canadienne  
d'évaluation environnementale

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Ross Van Bostelen  
Via email

December 9, 2014

Dear Mr. Van Bostelen:

**Robb Trend Coal Mine Expansion Project - Information Request to Coal Valley Resources Inc.**

In support of the upcoming Panel Review of the proposed Robb Trend Coal Mine Expansion Project, the Canadian Environmental Assessment Agency (the Agency) has reviewed the Environmental Impact Assessment (EIA) and supporting documentation that was provided to the Department of Fisheries and Oceans (DFO) during the course of the screening process. This review was undertaken to ensure completeness of available information to meet the requirements of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) including the requirements set out in the draft Joint Review Panel Agreement (JRP Agreement) and Panel's Terms of Reference. For clarity, this review is not intended to be a technical review given that such a review would be undertaken by the Joint Review Panel. The Agency has consulted with the Alberta Energy Regulator on this request and the AER has no additional Information Requests to add at this time.

We require the following supplemental information to provide for appropriate and complete information upon appointment of the review panel to ensure an efficient and timely process. We also request that all information provided in response to this Information Request is information specifically and directly related to the Robb Trend Coal Mine Expansion Project rather than the existing Coal Valley Mine.

For all of the Information Requests identified below, refer to the "Prescribed Information for the Description of a Designated Project Regulations", the Operational Policy Statements and Guidance provided by the Agency on its website at <http://ceaa.gc.ca>, where available, unless otherwise indicated.

**Corporate Profile and Contact Information**

1. Provide an update on the corporate profile for the proposed project to include:
  - a. Applicant name including relationship to Westmoreland Coal Company
  - b. Contact Information
  - c. Any other matter deemed relevant

## **Project Description**

1. Provide an update to the Project description describing the following:
  - a. Any changes to the project's components, since the initial EIA was submitted to the ERCB, Alberta Environment and Water and the Canadian Environmental Assessment Agency in April 2012, such as waste management, wastewater management, transportation infrastructure and scheduling.
  - b. Please provide a map clearly showing all project components associated with the Robb Trend Mine Expansion Project.

## **Project Schedule**

1. Provide an updated Project schedule.

## **Concordance Table**

1. Provide an updated Concordance Table. This table should include the following at a minimum:
  - a. All new information provided by Coal Valley Resources Inc. (CVRI) as a result of this Information Request and previous information requests from ERCB, DFO and other federal departments and any other department or ministry (add a new column for this information);
  - b. Information reflecting all elements of the Panel's Terms of Reference included with the draft JRP Agreement; and
  - c. Verify the accuracy of references in the existing Concordance Table.

## **Aboriginal Consultation**

NOTE: For the purpose of this information request, "potentially affected Aboriginal groups" refer to: Alexis Nakota First Nation, Ermineskin First Nation (Mountain Cree (Smallboy) Camp), Foothills Ojibway First Nation, Gunn Metis Local 55, Horse Lake First Nation, Metis Nation of Alberta – Region 4, Nakcowinewak Nation of Canada, O'Chiese First Nation, Paul First Nation, Samson Cree First Nation, Stoney First Nation, Sunchild First Nation, Whitefish Lake First Nation.

1. Provide an update of consultation measures undertaken with potentially affected Aboriginal groups, or any Aboriginal groups who have expressed an interest in the Project, since the time of completion of the latest submissions included in the SIR II "ESRD Appendix 2: First Nation Consultation" that includes:
  - a. any updated consultation activities or current information provided by Aboriginal groups that has been received; and

- b. any update to the identification of issues of concern organized in a disaggregated manner, attributable to a specific Aboriginal group.
2. For each potentially affected Aboriginal group, provide an assessment of the effects of changes to the environment caused by the Project on current use of lands and resources for traditional purposes; and the potential impacts of the Project on asserted or established Aboriginal or treaty rights and other relevant interests of the Aboriginal groups.

This assessment should include:

- baseline information;
  - in relation to current use, a prediction of environmental effects (including identification of technically and economically feasible mitigation measures, characterization of residual effects and determination of significance);
  - in relation to rights and interests, an assessment of the seriousness of potential impacts;
  - a prediction of cumulative effects (including identification of mitigation measures, characterization of residual cumulative effects and determination of significance); and
  - consideration of whether a follow-up program is required.
3. For each potentially-affected Aboriginal group, provide a separate and distinct assessment of the effects of changes to the environment that may be caused by the Project on:
    - a) physical and cultural heritage;
    - b) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and
    - c) health and socio-economic conditions.

This assessment should include:

- baseline information;
- a prediction of environmental effects (including identification of technically and economically feasible mitigation measures, characterization of residual effects and determination of significance);
- a prediction of cumulative effects (including identification of mitigation measures, characterization of residual cumulative effects and determination of significance); and
- consideration of whether a follow-up program is required.

4. Provide an update on the status of completed and in-progress Traditional Land Use Studies indicated in the existing EIA, and where appropriate, the integration of updated information from 1) and the assessment requested in 2) and 3) above.

### **Public Engagement**

1. Provide an update of engagement measures undertaken with public groups or individuals who have expressed an interest in the Project, since the time of completion of the latest submission included in the SIR 3 response dated April 1, 2014 that includes:
  - a. a description of any updated engagement activities or current information provided by the public;
  - b. a description of how the Project as proposed has accommodated the concerns raised including an identification of specific mitigation measures which may address the stated concern; and
  - c. a consideration of whether a follow-up program is required.

### **Alternative Means**

1. Provide a description and assessment of the environmental effects of any alternative means of carrying out the Project using the Agency's Operational Policy Statement *Addressing 'Purpose of' and 'Alternative Means' under the Canadian Environmental Assessment Act, 2012* as a guideline, as required under section 19(1)(g) of CEEA, 2012.

### **Cumulative Effects Assessment**

1. The Terms of Reference included with the draft JRP Agreement Part III, Section B (page A3) outline the need to conduct a cumulative effects assessment in a pre-Coal Valley Mine case. Update the cumulative effects assessment to be consistent with the pre-Coal Valley Mine case. The Agency is in the process of updating its guidance on Cumulative Effects Assessment. A copy of the draft updated guidance is attached for reference.

### **Accidents and Malfunctions**

1. Provide a description and assessment of the environmental effects of any potential accidents and malfunctions that may occur in connection with the designated project, including an assessment of the significance of these effects. The assessment should consider the likelihood of occurrence of a malfunction or an accident and the sensitive elements of the environment (e.g. communities, homes, natural sites of interest, areas of major use) that may be affected in the event of any such malfunction or accident. Plans, measures and systems to reduce the potential occurrence of a malfunction or accident should be

considered and should indicate how they will reduce the effects or consequences of any such malfunction or accident. The assessment should include the following components:

- a. tailings management;
- b. surface water diversion and management;
- c. waste management and disposal;
- d. use, handling or spills of chemicals and hazardous materials on-site;
- e. the increase in road traffic, and the risk of road accidents; and
- f. any other project components or systems that have the potential, through accident or malfunction, to adversely affect the natural environment.

### **Aquatic Ecology**

1. Provide updated information on current site investigations and assessment on impacts to aquatic resources. Provide recent developments and/or updates to the fish habitat compensation/offsetting plan including the outcome of ongoing discussions CVRI has committed to with Aboriginal groups and government departments or agencies as outlined in SIR #176.

### **Hydrogeology**

1. CVRI should undertake an assessment of site-specific hydrogeological conditions and wells to evaluate the risk of impacts from the project, such as lowering water levels; discuss the nature of impacts and what mitigation measures are available to eliminate/reduce impacts. Provide any site-specific hydrogeological data and analysis that has been completed.

Please provide an update on the status of completion of the above Information Requests no later than February 10, 2015. Feel free to contact me to discuss any of the above information requests at [brett.maracle@ceaa.gc.ca](mailto:brett.maracle@ceaa.gc.ca) or by phone at 613-957-0249.

Sincerely,

Brett Maracle  
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Canadian Environmental Assessment Agency  
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