



January 29, 2024

Sent by E-mail

Environment and Climate Change Canada  
Fisheries and Oceans Canada  
Natural Resources Canada  
Health Canada

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Federal Authorities:

**Subject: Request for Technical Review of Environmental Impact Statement / Application for the Crown Mountain Coking Coal Project**

The Impact Assessment Agency of Canada (the Agency) is initiating the technical review of the Environmental Impact Statement / Application (EIS/A) for the Crown Mountain Coking Coal Project (the Project), which will be carried out in coordination with British Columbia's Environmental Assessment Office (EAO). The environmental assessment of the Project is continuing under the requirements of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) in accordance with the transitional provisions of the *Impact Assessment Act*. Pursuant to section 20 of CEAA 2012, the Agency requests your department make available the specialist or expert knowledge or information to enable the review of the Project and its predicted environmental effects, focusing on areas of your departmental mandate, including those identified in your department's response to the Agency's Federal Authority Advice Request provided in late 2014.

In particular, the Agency requests that your department provide advice on the following:

- the sufficiency of baseline data and appropriateness of methodologies to predict effects;
- the mitigation measures proposed by NWP Coal Canada Ltd. (the Proponent);

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- the level of certainty in the conclusions reached by the Proponent on the effects;
- the manner in which significance of the environmental effects, as they pertain to your department's mandate, have been determined (i.e. the scientific merit of the information presented and the validity of the Proponent's methodologies and conclusions);
- the follow-up program proposed by the Proponent; and
- whether additional information is required from the Proponent to complete the technical review.

**Please submit your comments by February 28, 2024.**

### ***Supporting Tools***

The objective of the EIS/A technical review is to ensure the EIS/A is scientifically and technically accurate, to confirm that the Proponent's conclusions are supported by a defensible rationale, and to identify any areas that require clarification or additional work in relation to the assessment of environmental effects as defined in section 5 of CEAA 2012.

The attached annexes (3) are provided to focus your department's technical review of the EIS/A.

- **Annex 1: Advice to the Agency:** Provide advice for the Agency's consideration in its recommendation to the Minister of Environment and Climate Change and preparation of draft potential conditions.
- **Annex 2: Information requests directed to the Proponent:** Provide your department's comments and suggestions for information required from the Proponent to complete the technical review.
- **Annex 3: Advice to the Proponent:** Provide any additional advice to the Proponent, such as guidance or standard advice related to your departmental mandate.

Please ensure that questions, advice, and recommendations are concise, focused, explained, and are linked to your departmental mandate. You may also note areas where the Agency or the Proponent should seek advice from other experts, such as the Province of British Columbia.

***Additional Information***

The EIS/A documents are provided on the Canadian Impact Assessment [Registry](#) (the Registry). Technical review team meetings will be scheduled as required by the EAO, as outlined in the Terms of Reference for the Technical Advisory Committee. A 30-day public comment period will begin on January 29, 2024 and end on February 28, 2024. During the public comment period, the Agency plans to conduct consultation with Indigenous groups.

If you have any questions regarding consultation with Indigenous groups or the technical review, please contact me directly at 778-951-5106 or [stefan.crampton@iaac-aeic.gc.ca](mailto:stefan.crampton@iaac-aeic.gc.ca) as soon as possible.

***Important Note***

In accordance with CEAA 2012, comments received and other documents submitted or generated to inform the environmental assessment are part of the project file. Accordingly, information submitted to the Agency that is relevant to the environmental assessment of the Project is available to the public upon request and may also be posted on the Registry (Reference number 80087). The Agency will remove information, such as signatures, prior to public disclosure. Should you provide any documents that contain confidential or sensitive information that you believe should not be made public, please contact me.

Sincerely,

<Original signed by>

Stefan Crampton  
Project Manager, Pacific and Yukon Region

Enclosures

c.c.: Sheldon Reddekopp, British Columbia's Environmental Assessment  
Office

**ANNEX 1: Advice to the Agency**

Table 1: Advice for the Agency’s consideration in its recommendation to the Minister of Environment and Climate Change and preparation of draft potential conditions

Questions	Responses/Comments
<ul style="list-style-type: none"> <li>Has the Proponent described all project components and activities in sufficient detail to understand all relevant project-environment interactions? If not, identify what additional information is needed.</li> </ul>	
<ul style="list-style-type: none"> <li>Were the study areas sufficient to predict potential effects from all relevant Project-environment interactions, and to consider the effects within a local and regional context?</li> <li>Is the baseline information sufficient to characterize the existing environment, predict potential effects and obtain monitoring objectives? If not, identify what additional information is needed.</li> </ul>	
<b>Alternatives Assessment</b>	
<ul style="list-style-type: none"> <li>Has the Proponent adequately described the criteria it used to determine the technically and economically feasible alternative means?</li> <li>Has the Proponent listed the potential effects to valued components (VCs) within your mandate that could be affected by the technically and economically feasible alternative means?</li> <li>Has the Proponent adequately described why it chose each preferred alternative means?</li> <li>Are there other alternative means that could have been presented? If so, please describe.</li> </ul>	
<b>Environmental Effects Assessment</b>	
<ul style="list-style-type: none"> <li>Has the Proponent clearly described all relevant pathways of effects to be taken into account under section 5 of CEAA 2012?</li> <li>Has the Proponent identified all potential effects to VCs, including species at risk, within your mandate?</li> <li>Were all potential receptors considered?</li> </ul>	
<ul style="list-style-type: none"> <li>Were the methodologies used by the Proponent appropriate to collect baseline data and predict effects, why or why not?</li> <li>Has the Proponent explicitly addressed the degree of scientific uncertainty related to the data and methods used within the assessment? If there are unaccounted for scientific uncertainties, describe them and indicate the options for increasing certainty in the predictions?</li> </ul>	
<ul style="list-style-type: none"> <li>Are the predicted effects described in objective and reasonable terms (e.g., beneficial or adverse, temporary or permanent, reversible or irreversible)?</li> </ul>	

Questions	Responses/Comments
<ul style="list-style-type: none"> <li>Has the Proponent adequately assessed the potential cumulative environmental effects, including using appropriate temporal and spatial boundaries , examining physical activities that have been and will be carried out, and proposing mitigation and follow-up program requirements? Provide rationale.</li> </ul>	
<ul style="list-style-type: none"> <li>Has the Proponent adequately described the potential for environmental effects caused by accidents and malfunctions, including the types of accidents and malfunctions, their likelihood and severity and the associated potential environmental effects? If not, identify what additional information is needed.</li> </ul>	
<ul style="list-style-type: none"> <li>Are you satisfied with the Proponent’s assessment of effects of the environment on the Project?</li> <li>Has the Proponent characterized the likelihood and severity appropriately? Provide rationale.</li> </ul>	
<ul style="list-style-type: none"> <li>Has the Proponent sufficiently described and characterized the Project activities and components as they relate to federal decisions within your mandate? If not, identify what additional information is needed.</li> <li>Are changes to the environment, as they relate to federal decisions within your mandate, sufficiently described? If not, identify what additional information is needed.</li> </ul>	
<b>Mitigation</b>	
<ul style="list-style-type: none"> <li>Has the degree of uncertainty regarding the effectiveness of the proposed mitigation measures been described? If not, identify what information is needed.</li> <li>Is it clear how each proposed mitigation measure links to each potential pathway of effect?</li> </ul>	
<ul style="list-style-type: none"> <li>Would you propose different or additional mitigation measures? If so, provide a description of the mitigation measure(s), with rationale.</li> </ul>	
<ul style="list-style-type: none"> <li>Which of the proposed mitigation measures and/or project design elements do you consider to be necessary to reduce the likelihood of significant adverse environmental effects? Provide rationale.</li> </ul>	
<b>Residual Adverse Environmental Effects</b>	
<ul style="list-style-type: none"> <li>Are the identification and documentation of residual environmental effects described by the Proponent adequate? If not, what are the aspects for which there is uncertainty and, where possible, indicate how these residual effects can be best described. If there is uncertainty, what are the options for increasing certainty?</li> </ul>	
<ul style="list-style-type: none"> <li>Did the Proponent provide a sufficiently precise, ideally quantitative, description of the residual environmental effects related to your mandate? Identify any areas that are insufficient.</li> </ul>	

Questions	Responses/Comments
<b>Determination of Significance</b>	
<ul style="list-style-type: none"> <li>• Are the conclusions on significance in the EIS/A supported by the analysis that is provided?</li> <li>• Are the Proponent's proposed criteria for assessing significance appropriate? This includes how the criteria were characterized, ranked, and weighted. Provide rationale. Where the Proponent has <i>not</i> used one of the Agency's recommended key criteria (magnitude, geographic extent, duration, frequency, reversibility, and social/ecological context), has a rationale been provided?</li> </ul>	
<ul style="list-style-type: none"> <li>• Were appropriate methodologies used in developing the conclusions on significance?</li> </ul>	
<ul style="list-style-type: none"> <li>• Do you agree with the Proponent's analysis and conclusions on significance? Provide rationale.</li> </ul>	
<b>Monitoring and Follow-up</b>	
<ul style="list-style-type: none"> <li>• Does the proposed monitoring and follow-up program verify the predictions of the environmental assessment as they relate to section 5? Please explain additional monitoring or follow-up needed to address uncertainty in the effects assessment.</li> </ul>	
<ul style="list-style-type: none"> <li>• Does the proposed monitoring and follow-up program verify the effectiveness of proposed mitigations as they relate to section 5? Please explain additional monitoring or follow-up needed to address uncertainty in the proposed mitigation.</li> </ul>	
<ul style="list-style-type: none"> <li>• Is the objective of the follow-up program clear and measurable?</li> <li>• Does the follow-up program include sufficient detail, and technical merit, for the Agency to achieve the stated objective through a condition (e.g., sufficient baseline dataset, monitoring plans, acceptable thresholds of change, contingency procedures)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Are you aware of any federal or provincial authorizations or regulations that will achieve the same follow-up program objective(s)? If so, how do these achieve the objective(s)?</li> </ul>	
<b>Additional comments, views, advice</b>	
<ul style="list-style-type: none"> <li>• Provide any other comments.</li> </ul>	

**ANNEX 2: Information requests directed to the Proponent**

Table 1: Comments and suggestions for information requests to be directed to the Proponent

IR Number (e.g. HC-IR-01)	Project Effects Link to CEEA 2012	Reference to EIS/A guidelines	Reference to EIS/A	Context and Rationale	Specific Question/ Request for Information
	<p>Select the section 5 effect to which your comment applies:                      5(1)(a)(i) Fish and Fish Habitat                      5(1)(a)(ii) Aquatic Species                      5(1)(a)(iii) Migratory Birds                      5(1)(b) Federal Lands /Transboundary                      5(1)(c)(i) Aboriginal Peoples Health/ socio-economic conditions                      5(1)(c)(ii) Aboriginal Physical and Cultural Heritage                      5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes                      5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance</p> <p>5(2) Linked to Regulatory Permits/Authorizations (specify which legislation)</p> <p>If the interaction between the issue of concern and a section 5 effect is unclear, indicate the interaction pathway in the Rationale column.</p>	<p>Identify which section(s) of the EIS/A Guidelines are related to the comment.</p>	<p>Identify which section(s) of the EIS/A and appendices are related to the comment (Volume, section, page number).</p>	<p>Provide applicable background or rationale for requesting the information and why it is important for understanding the effects of the Project or for developing a follow-up program to verify the accuracy of EA predictions or the effectiveness of mitigation measures</p>	<p>Ask a specific question, or request specific additional information or clarification.</p>

**ANNEX 3: Advice to the Proponent**

Table 1: Additional advice to the Proponent, such as guidance or standard advice related to your departmental mandate

<b>Departmental number (e.g. HC-01)</b>	<b>Reference to EIS/A</b>	<b>Context and Rationale</b>	<b>Advice to the Proponent</b>
	Identify which section(s) of the EIS/A report and appendices are related to the comment (Volume, section, page number).	Provide the context of why you are providing the advice to the Proponent.	Provide specific advice to the Proponent that would not be considered an information request (Annex 2) to help determine the sufficiency of the EIS/A. This may include the guidance or standard advice related to your departmental mandate. Make clear whether this information pertains to the environmental assessment or the regulatory phase.