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May 22, 2020

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Dear Federal Colleagues:

Subject: Request for Federal Expert Advice - Designation Request for Proposed Expansion Activities of the Vista Coal Mine Project under the *Impact Assessment Act*

On May 1, 2020, the Minister of Environment and Climate Change (the Minister) received two requests to consider the proposed Vista Test Underground Mine Project and the proposed Vista Coal Mine Phase II Expansion Project together for designation under subsection 9(1) of the *Impact Assessment Act* (IAA). The Agency understands that these activities are proposed by Coalspur Mines (Operations) Ltd. (the proponent) as expansions to the existing Vista Coal Mine Phase I Project, a surface coal mine located near Hinton, Alberta.

The purpose of this correspondence is to inform your department of the designation request and to seek your input regarding any federal power, duty or function in relation to the Projects.

The Proposed Projects

The requesters have asked that the following activities be considered together for the purposes of the designation request:

Vista Test Underground Mine: a proposed underground mine located within the Vista Coal Mine Phase I project site. The proponent submitted an application for approvals on February 21, 2020 to the Alberta Energy Regulator.

- Information on the application to the Alberta Energy Regulator can be found [here](#).



Phase II Mine Expansion: the proposed westward expansion of the existing Phase I mine. The expansion includes open pit and highwall mining operations, and is subject to a provincial environmental assessment.

- Information on the provincial environmental assessment can be found [here](#).
- On December 20, 2019, the Minister determined that the Phase II Mine Expansion did not warrant designation under the Impact Assessment Act. Information on the Agency's Analysis and Minister's Response can be found [here](#).

Designation Request

Under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions, including funding), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond, with reasons, to the request by July 30, 2020.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

Seeking Federal Authority Advice

The Agency is requesting that you complete and provide the attached form, which addresses potential power, duty or functions, by **June 8, 2020**.

You may use the form to provide information with respect to the Vista Test Underground Mine, and any relevant updates regarding potential power, duty or functions for the Phase II Expansion since you last provided information to the Agency through the aforementioned previous designation request. Recognizing that your department has already provided specialist or expert information or knowledge regarding the Phase II Expansion, if you have views on the potential adverse environmental effects or potential impacts to Aboriginal and Treaty Rights from the Vista Test Underground Mine, please advise the Agency of these potential effects and impacts and any associated regulatory mechanism through which these may be addressed.

In the coming days, a Registry page will be available on the Canadian Impact Assessment Registry Internet site. Please note that information received will be uploaded to this site.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – will be considered public and may be released. Should you

wish to provide any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency before submitting the information. Information marked as confidential will not be accepted without prior contact made with the Agency.

If you have any questions regarding the designation process or the response sheet, please do not hesitate to contact me by telephone or email (587-357-6484 or shelly.boss@canada.ca).

Sincerely,

<original signed by>

Shelly Boss
Project Manager, Prairie and Northern Region

/attachment

ATTACHMENT

Federal Authority Advice Record: Designation Request under IAA

Response due by June 8, 2020

Proposed Expansion Activities of the Vista Coal Mine Project

Department/Agency	
Lead Contact	
Full Address	
Email	
Telephone	
Alternate Departmental Contact	

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1. Has your department or agency considered whether it has an interest in the Projects; exercised a power or performed a duty or function under any Act of Parliament in relation to the Projects; or taken any course of action (including provision of financial assistance) that would allow the Projects to proceed in whole or in part?

Specify as appropriate.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Projects to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Projects, will it involve public and Indigenous consultation?

Specify as appropriate.

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4. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Projects?

Provide an overview of the information or advice exchanged.

Name of departmental / agency responder

Title of responder

Date