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May 22, 2020

ELECTRONIC MAIL

Rushang Joshi, P. Eng
Manager, Coal
Alberta Energy Regulator
Suite 1000, 250 5 Street SW
Calgary, AB T2P 0R4
aerenvironmental.assessment@aer.ca

Dear Rushang Joshi:

Subject: Request for Provincial Input - 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 ministry of the designation request and to seek your input regarding provincial regulatory processes in relation to the Projects, and any associated assessment of effects and public and Indigenous consultation.

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.

- For your convenience, 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.

- For your convenience, 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 a federal decision), 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 Provincial Input

The Agency is requesting that you complete and provide the attached form by **June 8, 2020**. You may use the form to provide information with respect to the Vista Test Underground Mine, and, understanding your ministry has already provided information regarding the Phase II Expansion Project through the aforementioned previous designation request, to present any additional information regarding the Phase II Expansion the Alberta Energy Regulator may wish to provide.

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

Provincial Advice Record: Designation Request under IAA

Response requested by **June 8, 2020**

Proposed Expansion Activities of the Vista Coal Mine Project

Ministry	
Lead Contact	
Full Address	
Email	
Telephone	
Alternate Ministry Contact	

1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Projects.

2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Projects (if different from lead contact above).

3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Projects. For each mechanism or approval, please provide information regarding the following:

- Name of the process or authorization (e.g. certificate, licence, permit or approval) and the associated legislative framework;
- Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
- Whether (for each) the authorization would require public and/or Indigenous consultation and if yes, provide information on the approach to be taken; and
- Whether (for each) your ministry has guidance material that would be helpful to the proponent or the Agency (please provide these as attachments or hyperlinks in your response).

4. Have you received public comments/concerns in relation to the Projects? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

5. Have you received Indigenous community comments/concerns in relation to the Projects? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

6. Do you have any other information about the Projects in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*?

Name of responder

Title of responder

Date