

The Honourable Steven Guilbeault MP
Minister of Environment and Climate Change
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Gatineau QC K1A 0H3

Impact Assessment Agency of Canada
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October 2, 2024

RE: Request for Designation of the Vista Coal Mine Expansions under s. 9(1) of the *Impact Assessment Act*

Dear Minister Guilbeault,

On behalf of the Canadian Parks and Wilderness Society (CPAWS), Northern Alberta, we are writing to ask that the Vista Coal Mine Phase II Expansion Project and the Vista Underground Mine Project be required to undergo an assessment under s. 9(1) of the Impact Assessment Act, SC 2019, c 28, s 1 (the “IAA”). We write this letter in support of Keepers of the Water and the West Athabasca Watershed Bioregional Society’s request for designation of these expansions.¹

CPAWS Northern Alberta Chapter is dedicated to the conservation and protection of Alberta’s public lands. Our natural spaces are faced with twin crises: climate and biodiversity loss. CPAWS Northern Alberta focuses on increasing protections for Alberta’s public lands and waters so that we can leave a legacy for generations to come.

¹<https://ecojustice.ca/wp-content/uploads/2024/08/2024-08-07-Designation-Request-Vista-Phase-II-and-Underground-Mine.pdf>



CPAWS Northern Alberta believes that the request for federal designation of the Vista Coal Mine expansion projects is warranted given their potential for adverse environmental impacts to areas within Federal Jurisdiction. The Phase II Expansion Project and the Vista Underground Mine Project will have negative environmental impacts on:

- Endangered Athabasca Rainbow Trout populations and destruction of their critical habitat, jeopardizing Canada's recovery strategy under the Species at Risk Act;
- Contributions to cumulative downstream water impacts, including negative impacts on surface water from poor mine tailings management and groundwater changes due to underground mining.
 - The proposed tailings plan for the projects, based on methods from Phase I, are not appropriate for the Phase II expansion or Underground Mine.
 - Viability of follow-up programs, including reclamation and remediation, and risk of environmental liabilities including water contamination in Bull Trout and Athabasca Rainbow Trout Habitat further jeopardizing these species survival and recovery
- Canada's commitments to reduce carbon emissions, phase out the export of thermal coal, and the country's ability to meet its climate change commitments.
- Adverse impacts on Indigenous communities, such as those previously raised by the Stoney Nakoda Nations and Louis Bull Tribe.

Athabasca Rainbow Trout

The Athabasca River population of Rainbow Trout was designated as Endangered on August 21, 2019, under Schedule 1 of the Species at Risk Act (SARA).² A recovery strategy for the species was released on August 10, 2020, designating Athabasca Rainbow Trout critical habitat. It is our view that the development of the Coalspur Mines Ltd. Phase 1 Vista Test Underground Mine and Vista Phase 2 Expansion projects would violate Canada's recovery strategy for Athabasca Rainbow Trout and is not compatible with the survival and recovery of the species. Genetic testing completed in 2019 by Coalspur confirms the

² Government of Canada. (2020). *Recovery strategy for the rainbow trout (Oncorhynchus mykiss) in Canada (Athabasca River populations)* [Proposed]. Species at Risk Act Recovery Strategy Series.



presence of pure strain Athabasca Rainbow Trout.³ As genetic introgression is a primary driver of species decline, the protection of "genetically pure" populations must be prioritized and destruction of their critical habitat avoided.

Importantly, the recovery strategy identifies critical habitat for Athabasca Rainbow Trout throughout its range in the Athabasca watershed. The projects are planned within the McPherson Creek watershed which is a sub-watershed of the Athabasca watershed. The McPherson Creek watershed and its tributaries run through the proposed project area and fall squarely within critical habitat for Athabasca Rainbow Trout. The proposed project will result in the destruction of waterways where critical habitat for Athabasca Rainbow Trout can be found, and in which Athabasca Rainbow Trout are known to occur causing direct impact on the recovery and survival of Athabasca Rainbow Trout. Thus, it is undeniable that the expansion of the Project will have adverse effects on Athabasca Rainbow Trout and its critical habitat.

Habitat offsetting was suggested by the proponent as a solution for habitat destruction. However, offsetting is an inappropriate measure to address impacts to Athabasca Rainbow Trout, as the species is at critically low population levels that cannot respond to significant adverse impacts. Offsetting is unlikely to balance the risks posed to the survival and recovery of the species.

Downstream Impacts

Indirect impacts from the mine expansions may result from water contamination from mine sites, wastewater, and tailings management. These include potential for sediment, and toxic levels of metals from site water management including selenium. The Vista Mine experienced unauthorized water releases in 2023 in response to periods of heavy rain causing tailings release, raising questions about the proponent's ability to manage water

³ Coalspur Mines (Operations) Limited. (2021, April). *Vista mine initial project description summary*. Coalspur Mines (Operations) Limited. Retrieved from <https://iaac-aeic.gc.ca/050/documents/p80731/138950E.pdf>



releases from the mine site.⁴ The sub-watersheds downstream of the Vista mine are habitat for Bull Trout within the Western Arctic populations, designated as Special Concern due to their susceptibility to habitat disturbance and fragmentation⁵. It is noted that the Alberta populations have documented decline. The downstream and habitat impacts of the Vista mine expansion present an unacceptable risk for Bull Trout and Athabasca Rainbow Trout.

Climate Impacts of the Expansion

The development of Vista Test Underground Mine and Vista Phase 2 Expansion projects will prevent Canada from meeting several climate change commitments and are not compatible with Canada's overall climate goals and targets. Several incompatibilities that must be thoroughly addressed through an Impact Assessment include:

- The International Energy Agency, of which Canada is a member nation, produced a report, "Net Zero by 2050, a Road Map for the Global Energy Sector."⁶ "This report recommends that, in order to reach Net Zero by 2050, there should be no development of new coal mines or mine extensions globally, starting this year".
- As a founding member and co-chair of the "Powering Past Coal Alliance," Canada has led global efforts to phase out thermal coal and made this a cornerstone of its climate plan. Canada itself has committed to achieving Net Zero Carbon Emissions by 2050.
- Many of the proponent's assumptions regarding greenhouse gas emissions fail to consider recent international developments aimed at moving away from developing new coal mines or extending existing ones, particularly

⁴ Alberta Energy Regulator. (2023, June 20). *Heavy rain impacting energy development sites* [Announcement]. Retrieved from <https://www.aer.ca/providing-information/news-and-resources/news-and-announcements/announcements/announcement-june-20-2023>

⁵ COSEWIC. (2012). *Bull trout (Salvelinus confluentus) COSEWIC assessment and status report: Chapter 4*. Environment and Climate Change Canada. Retrieved from https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/cosewic-assessments-status-reports/bull-trout-2012/chapter-4.html#_tech_sum_western

⁶ International Energy Agency. (2021). *Net zero by 2050: A roadmap for the global energy sector*. Retrieved from <https://iea.li/nzeroadmap>



thermal coal. This includes the G7 countries' agreement to stop international funding for coal development.

Impacts to Indigenous Communities

Given that the Agency views the project as potentially causing adverse impacts on the rights of Indigenous Peoples of Canada, as recognized and affirmed by section 35 of the Constitution Act, 1982 (section 35 rights), we reiterate the previous concerns raised by the Stoney Nakoda and Louis Bull Tribe regarding the Vista Phase 2 expansion.⁷ We urge the government to thoroughly and meaningfully engage with Indigenous communities to address their concerns. The Nations have expressed concerns about the lack of consultation by provincial or federal governments, and we emphasize that these gaps must be addressed.

The environmental impacts of the Vista Coal Mine Phase II Expansion Project and the Vista Underground Mine Project will be irreversible and unacceptable. The potential environmental impacts of this project clearly fall within federal jurisdiction, CPAWS Northern Alberta fully supports the request of Keepers of the Athabasca and the Athabasca Bioregional Society for their designation for review under s. 9(1) of the Impact Assessment Act, SC 2019, c 28, s 1 (the “IAA”). We urge you to act in alignment with the urgency and diligence needed to take on the climate and biodiversity loss crisis.

Sincerely,

<Original signed by>

<Original signed by>

⁷ IAA Analysis Report, July 2020: https://iaac-aeic.gc.ca/050/evaluations/document/137208#_Toc43733141.





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