



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada

Vice-President
Operations

Vice-président
Opérations

160 Elgin St., 22nd floor
Ottawa, ON K1A 0H3

160 rue Elgin, 22^e étage
Ottawa, ON K1A 0H3

October 11, 2024

Dyna Tuytel and Daniel Cheater
Ecojustice
1810–801 6th Avenue SW
Calgary, AB T2P 3W2
dtuytel@ecojustice.ca
dcheater@ecojustice.ca

Dyna Tuytel and Daniel Cheater:

Thank you for your letter dated September 26, 2024, sent on behalf of Keepers of the Water Society and the West Athabasca Watershed Bioregional Society, concerning new information pertaining to the Vista Underground Mine Project proposed by Coalspur Mines (Operations) Ltd. (the Proponent). Your reconsideration request included a request for:

1. IAAC to confirm the accuracy of the facts it relied on for the substantially begun decision and either: (1) provide more information on the evidence underlying its recommendation to explain this apparent contradiction, or (2) correct the substantially begun decision; and
2. To take the amendment to Alberta's *Coal Conservation Act License* C2022-1A dated August 16, 2024 (Expansion Application) into consideration as part of the cumulative effects analysis for the Minister's s. 9(1) designation decision for the Vista Coal Mine Phase II Expansion Project.

.../2

As the authority delegated by the Minister under subsection 154(1) of the IAA, I am responding to your reconsideration request and the concerns you have raised as they relate to the limitations on designation described under subsection 9(7) of the IAA.

IAAC requested clarification from the Proponent on the status of the Vista Underground Mine Project on October 2, 2024. On October 4, 2024, the Proponent provided IAAC with further information verifying the substantially begun status of the Vista Underground Mine Project. The Proponent confirmed that:

- Underground mining of the Vista Underground Mine Project began over six months ago, construction activities preceding commencement of mining operations included: excavation of the portal area; removal of vegetative material and placement in a designated location; excavation of loose material above the bedrock to establish a drill bench; blasting of the bedrock; and removal of bedrock layers while permanent underground support was installed on the rock walls. Once the coal seam was exposed, underground mining commenced.
- Since March of 2024, the following underground mine-specific activities have occurred: mining coal, roof bolting and other means of long-term life of mine roof support, rib bolting, establishing ventilation, pumping and electrical systems.
- As stated in the information provided on August 20, 2024, underground mining began on March 16, 2024. To date, 2,400 feet and 34,446 metric tonnes of raw coal have been mined.
- Raw coal production values for the Vista Underground Mine Project for periods ending March 31 and April 30, 2024, were provided to the Alberta Energy Regulator.
- Clarifications were offered regarding the statement in the August 16, 2024, Alberta's *Coal Conservation Act License C2022-1A* application and how it could be understood to mean that mining underground had not begun. A more precise wording of the text in the August 16, 2024, application would read "Mining underground will **resume** after the proposed changes are approved and necessary infrastructure has been installed (i.e., as early as this year)". This progression of the Vista Underground Mine Project consists of industry practice for the development of an underground mine.
- All construction activities completed to date are anticipated to be permanent for the life of the Vista Underground Mine Project and none are temporary.

Based on this information, I am of the view that there is no material change or new important information that provides a basis to reconsider my September 11, 2024, decision that the Vista Underground Mine Project had substantially begun.

Additionally, you indicated that the cumulative impacts from the additional operations, including the increased coal production noted in the Expansion Application, should be considered as part of the Minister's response to the Vista Coal Mine Phase II Expansion Project designation request. IAAC's analysis will take into account the cumulative effects of the coal mines in the vicinity of the Project, including the Phase I mine and Vista Underground Mine Project.

Lastly, you expressed concerns regarding the Fisheries and Oceans Canada's responsibilities in investigating and enforcing the *Fisheries Act* and *Species at Risk Act*. Any questions regarding this matter can be directed to Fisheries and Oceans Canada (DFO.OPHabitat.MPO@dfo-mpo.gc.ca).

If you have any further questions, please contact Sean Carriere, Director, Prairie and Northern Region at IAAC at Sean.Carriere@iaac-aeic.gc.ca or by telephone at 416-436-7357.

Sincerely,

<Original signed by>

Éric Landry (il, he/him)