

Public Comments

Coalspur Mines Ltd. Vista Project - Phase II

May 2019

Melanie Daneluk

From: Nissa Petterson <npetterson@abwild.ca>
Sent: Thursday, May 16, 2019 1:00 PM
To: AEREnvironmental Assessment
Subject: Comments for Coalspur Mine Operations Ltd
Attachments: 20190516_lt_awa_comments_vista_coal_tor_phase_II_final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Please accept the attached document as comments for the proposed Terms of Reference for Coalspur Mine Operations Ltd Vista Coal Mine Phase II.

Thank you,

Nissa Petterson
Conservation Specialist
Alberta Wilderness Association

"Defending Wild Alberta through Awareness and Action"

455-12 St NW Calgary, AB T2N 1Y9
403.283.2025 www.AlbertaWilderness.ca

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Alberta Wilderness Association
"Defending Wild Alberta through Awareness and Action"

May 16, 2019

Director, Environmental Assessment
Authorizations Branch
Alberta Energy Regulator
Suite 1000, 250-5th Street SW
Calgary, AB, T2P 0R4

AEREnvironmental.Assessment@aer.ca

Re: Statement of Concern - Coalspur Mine (Operations) Ltd. Vista Coal Mine Phase II

Dear Director of Environmental Assessment,

Please consider this letter as Alberta Wilderness Association's (AWA's) statement of concern regarding the Vista Coal Mine expansions for Phase II of the project. AWA respectfully requests that Vista Coal Mine's request for expansion be reconsidered, and the Terms of Reference be revised to include an ecologically defensible buffer from McPherson Creek.

For more than 50 years, AWA has worked for the protection of Alberta's wilderness that provides habitat for wildlife and clean drinking water for all Albertans. With more than 7000 members and supporters across Alberta and globally, AWA continues to raise the profile of Alberta's wilderness, and inspires communities to care by educating Albertans about the values of our wilderness and wildlife.

AWA is concerned about the proposed expansion's proximity to McPherson Creek, and the potential negative ecological impacts that could result. We are requesting that the Terms of Reference include a scientifically defensible buffer to help protect the ecological integrity of McPherson Creek and to help prevent potential negative impacts on local and downstream communities.

McPherson Creek is an area of Regional Significance due to its importance as a wildlife corridor and its numerous wetlands that are essential for wildlife and the provision of clean drinking water. Additionally, McPherson Creek contains a significant amount of traditional ecological knowledge for local Indigenous Peoples including the Alexis Nakota Sioux, Samson Cree, Whitefish Lake, and Ermineskin Cree First Nations.

As part of the McLeod River watershed, the creek also supports populations of endangered Athabasca Rainbow Trout and threatened Bull Trout, both of which are pending listing under the *Species at Risk Act*. AWA believes that the proposed Vista Coal Mine expansion poses serious threats to populations of both fish species through habitat degradation and fragmentation. The proposed expansions could potentially increase sediment deposits, in addition to deleterious substances including selenium. Heavy metals such as selenium can bioaccumulate within fry and redds, causing premature death and/or deformities within embryos.

Including a scientifically defensible buffer within the Terms of Reference could help safeguard the ecological integrity of sensitive aquatic and terrestrial ecosystems near the proposed expansion, and help mitigate potential negative impacts on water quality for local and downstream communities.

AWA looks forward to your response.

Yours truly,

ALBERTA WILDERNESS ASSOCIATION

A handwritten signature in black ink, reading "Nissa Petterson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Nissa Petterson

Conservation Specialist

Melanie Daneluk

From: Tracy L. Friedel <tracy.friedel@me.com>
Sent: Thursday, May 16, 2019 8:18 PM
To: AEREnvironmental Assessment
Cc: lacsteannemetis@zoho.ca
Subject: Written comments re: PToR for EIA - Coalspur Vista Coal Mine Phase II
Attachments: GML55 (LSAM) Letter to AER re Vista Coal EA ToR May 16, 2019.pdf

Dear Sir/Madame,

Please see letter attached outlining Gunn Metis Local (Lac Ste. Anne Metis) written comments regarding the proposed Terms of Reference for Environmental Impact Assessment regarding Coalspur Mine (Operations) Ltd.'s Vista Coal Mine - Phase II.

Kind regards,
Tracy

Tracy L. Friedel, PhD
Board of Director, Lac Ste. Anne Métis (Gunn Métis Local 55)
Chair, GML 55 Community, Industry & Government Relations
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May 16, 2019

Director, Environmental Assessment [via email: AEREnvironmental.Assessment@aer.ca]
Authorizations Branch
Alberta Energy Regulator
Suite 1000, 250-5th Street SW
Calgary, AB T2P 0R4

RE: Public Notice – Coalspur Mine Ltd. Vista Coal Mine Phase II – Proposed Terms of Reference (“ToR”) for Environmental Impact Assessment (“EIA”)

Dear Sir or Madame,

We write to provide our comments on the Proposed Terms of Reference for the Coalspur Mine Ltd. – Vista Coal Mine Phase II.

Gunn Métis Local 55 (“GML”) is a representative organization that represents the Lac Ste. Anne Métis (“LSAM”) community which is a rights-bearing (*Powley*) Métis community.

The EIA is an important tool for assessing potential impacts and informing consultation and engagement on matters that pertain to our Métis rights, culture and community. As such, we are concerned that in its current form the proposed Terms of Reference fails to require the proponent to properly assess potential impacts to traditional land use. To address this issue, we have focused the bulk of our suggested changes on Section 5 Traditional Ecological Knowledge and Land Use.

Of note, we suggest:

- Identifying requirements in relation to “Baseline Information” and “Impact Assessment”, similar to other valued environmental components;
- Including consideration of the context in which impacts are occurring;
- Requiring “collaboration” with potentially affected Indigenous groups or communities on information collection;

- More detail on rationale and justification for possible mitigation strategies;
- Consideration of the views of each Indigenous community or group on the nature and magnitude of identified impacts; and,
- Discussion of the Project’s contribution to cumulative effects.

Our detailed suggestions are captured below in an amended Proposed Terms of Reference, amended from what is currently on page 19 of the Proposed Terms of Reference:

5 TRADITIONAL ECOLOGICAL KNOWLEDGE AND LAND USE

5.1 Baseline Information

[A] Provide:

- A cultural historical context for each affected Indigenous group or community as this will assist in understanding and evaluating potential Project impacts;
- A map and description of traditional land use areas including fishing, hunting, trapping and nutritional, medicinal or cultural plants harvesting by each affected Indigenous group or community which includes Métis and First Nations groups or communities (if the Indigenous community or group is willing to have these locations disclosed);
- A map of cabin sites, spiritual sites, cultural sites, graves and other traditional use sites considered historic resources under the *Historical Resources Act* (if the Indigenous community or group is willing to have these locations disclosed), as well as traditional trails and resource activity patterns; and
- A discussion, including consideration of the views of each Indigenous community or group, of:
 - the availability of vegetation, fish and wildlife species for food, traditional, medicinal and cultural purposes in the identified traditional land use areas;
 - access to traditional lands in the Project Area;
 - seasonal harvesting and land use patterns;
 - lived experiences and perspectives regarding coal mining and land reclamation;
 - the relationship between traditional land use, culture and well-being.

[B] Describe how Project-related Traditional Ecological Knowledge and Traditional Land Use information was collected in collaboration with each potentially affected Indigenous group or community and describe how it was incorporated into the Project, EIA development, the conservation and reclamation plan, monitoring and mitigation.

5.2 Impact Assessment

- [C] For each Indigenous group or community, describe Project components and activities that have the potential to affect traditional land use with consideration of:
- Sensory disturbances;
 - Disturbance to traditional use sites or special features;

- c) Access to traditional lands in the Project Area during all stages of the Project,
- d) Harvesting patterns; and,
- e) The Indigenous group or community views on Project components and activities.

- [D] For each Indigenous group or community, determine the impacts of the Project on traditional, medicinal and cultural purposes specifically by considering the perspectives of the Indigenous group or community which stands to be affected.
- [E] Identify possible mitigation strategies that are specifically linked to the impacts of the Project on each potentially affected Indigenous group or community, including a rationale for each mitigation measure that details:
 - a) why, and to what extent, the mitigation measure is expected to be effective;
 - b) the time required for the mitigation measure to be effective; and,
 - c) level of certainty associated with the mitigation strategy.
- [F] Describe the nature and magnitude of the potential impacts on traditional land use and other cultural uses for each Indigenous group or community, considering:
 - a) the particular context within which the impacts are occurring; and,
 - b) the Indigenous community or group’s experience and perspectives with respect to the impacts; and
- [G] Discuss the Project’s contribution to cumulative effects on the culture and traditional use of Indigenous groups and communities in the regional study area.

OTHER SECTIONS

Similarly, we have suggested some changes to several other sections which would strengthen the usefulness of the information produced regarding assessing potential impacts and for informing consultation and engagement activities. These are listed in order, as follows:

2.3 Regional and Cooperative Efforts

- [A] Insert after development “including efforts with Indigenous groups and communities (First Nations and Métis).”

(page 5)

2.8 Conservation and Reclamation

- [B] Insert after objectives “and explain how Indigenous Traditional Ecological Knowledge was incorporated into the revegetation plan.”

(page 9)

3.6. Vegetation

3.6.1 Baseline Information

[C] Insert after regime “Discuss how information from Indigenous traditional ecological knowledge holders was incorporated into the discussion of ecosite phases.

(page 14)

3.7 Wildlife

3.7.1 Wildlife Baseline Information

[A] (d) Insert after traditionally used species “for subsistence or ceremonial purposes.”

(page 15)

7. Socio-Economic Assessment

7.2 Impact Assessment

Should add the following under [D]:

[E] Discuss the Project’s contribution to the cumulative effects on the socioeconomic conditions facing Indigenous communities and groups in the regional study area.

[F] Describe how the knowledge and views of potentially affected Indigenous communities and groups were accounted for in the Socio-Economic Assessment.

(page 21)

Thank you for the opportunity to comment on the Proposed Terms of Reference for the Coalspur Mine Ltd – Vista Coal Mine Phase II.

We look forward to your response to our proposed comments and suggestions.

Respectfully,



Murleen Crossen
President, GML/LSAM

cc: Gunn Métis Local 55 Council Members