

ATTACHMENT

Provincial Advice Record: Designation Request under IAA

Response requested by **June 8, 2020**

Proposed Expansion Activities of the Vista Coal Mine Project

Ministry	Alberta Energy Regulator
Lead Contact	Corey MacGarva
Full Address	Suite 205, 4999 - 98 th Avenue, Edmonton AB, T6B 2X3
Email	Corey.MacGarva@aer.ca
Telephone	780-642-9342
Alternate Ministry Contact	Rushang Joshi – Rushang.Joshi@aer.ca

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

The Alberta Energy Regulator (AER) is the sole regulator of upstream energy resource activities in Alberta, which includes the development of coal resources. In this capacity, the AER administers the requirements of the *Responsible Energy Development Act (REDA)*, the *Coal Conservation Act (CCA)*, the *Water Act (WA)*, the *Environmental Protection and Enhancement Act (EPEA)* and the *Public Lands Act (PLA)* as they apply to the Vista Test Underground Mine (the Underground Mine) and the Vista Phase II Mine Expansion (the Phase II Expansion). Coalspur is applying for these projects separately and as noted the AER has already provided IAAC with a response to the designation request regarding the Phase II Expansion. Accordingly, the AER is currently reviewing the application Coalspur has submitted for the Test Underground Mine, which seeks amendments to existing authorizations Coalspur holds for the Vista Mine Project under the *CCA*, the *EPEA* and the *WA*, as well as a new underground mine licence under the *CCA*. The proposed test underground mine is expected to produce approximately 3 million tonnes of raw coal over a three-year period and will be processed at the existing coal processing plant. Through this process, the AER will assess whether application submissions comply with legislative requirements and industry best practices, and consider the concerns outlined in the statements of concern (SOCs) filed in respect of the application. The AER may also decide that a public hearing is required to consider the SOCs and determine whether approval of the Underground Mine meets legislated requirements. If the AER decides to approve the Underground Mine, the AER will oversee the development, issuance and enforcement of approvals, licences and permits that govern the full life-cycle of the Test Underground Mine.

-
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).

Rushang Joshi, Manager Coal – Regulatory Applications. Rushang.Joshi@aer.ca, 403-297-8494. Suite 1000, 250 – 5th Street SW, Calgary AB, T2P 0R4.

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).
-

- The legislation governing the AER, Energy enactments and specified enactments governing energy resource development in Alberta that the AER administers can be found on the AER's [website](#). The applications for the mine permit, coal processing plant approval, mine licence and external discard dump licences will be reviewed pursuant to this legislation. Conditions in any approvals that may be issued will ensure safe and environmentally responsible development as well as closure and reclamation of the underground mine.
- [CCA](#) and [CCR](#) can be found on the AER's [website](#).
- The AER's "[Guide to Content for Energy Project Applications](#)", Codes of Practice and policies associated with the *EPEA* that are specific to other aspects of environmental protection can be found on the AER's [website](#).
- The [Water \(Ministerial\) Regulation](#), the [Alberta Dam and Canal Safety Directive](#) and the various Codes of Practice under the [WA](#) can be found on the AER's [website](#).

Consultation –

- A public notice for the Test Underground Mine application under *CCA*, *EPEA* and *WA* was posted on the AER's website for 30 days.
-

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.

Information regarding this project, including any SOCs, is available on the AER's [Integrated Applications Registry](#).

The AER is currently evaluating the concerns in the SOCs filed in respect of the Underground Mine Application and the AER will decide, based on that evaluation and the factors listed in the [Alberta Energy Regulator Rules of Practice](#), whether the application will proceed through the regulatory process with or without a public hearing. Information on the SOC process is available on the AER's [website](#).

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.

See response under point 4.

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*?

The AER has no jurisdiction with respect to assessing the adequacy of Crown consultation associated with the rights of aboriginal peoples. The AER does, however, have a responsibility to consider the potential adverse impacts of energy resource applications on the existing rights of aboriginal peoples as recognized and affirmed under Part II of the *Constitution Act, 1982* within its statutory authority under [REDA](#). The AER

is currently considering the Underground Mine application's technical merits and potential impacts on SOC filers, and has not yet reached a decision in respect of the SOCs or the application.

Corey MacGarva

Name of responder

Mining Engineer

Title of responder

June 10, 2020

Date