



Keepers of the Water

[keepers.communications@gmail.com](mailto:keepers.communications@gmail.com)

780 805-1709

To: the Impact Assessment Agency of Canada, Coalspur Mines Ltd., and interested parties

**RE: Project #80731 Coalspur Vista Mine expansion**

Keepers of the Water is an Indigenous led organization that is comprised of First Nations, Métis, and Inuit peoples; environmental groups; concerned citizens; and communities working together for the protection of water, air and land - and thus, for all living things today and tomorrow. Keepers of the Water works with Indigenous communities who are working to instill Indigenous water governance, with policy, legislation, natural law, traditional knowledge and also looking at ways bodies of water are being managed, this in turn provides the solutions to ensuring water is kept safe now and for future generations. Keepers of the Water was founded in 2006 by Indigenous and non-Indigenous people who have walked alongside each other guided by Indigenous wisdom, knowledge, science, and culture. Additionally, our 2006 Declaration ratified in 2007 asserts the sacredness of water and our mandate to honour and protect her.

We thank the Government of Canada for providing environmental assessment for this project, focusing on fostering sustainability, science and Indigenous Knowledge, public engagement, and Reconciliation. We need this federal assessment in particular because the Province of Alberta has shown industry bias, lowered environmental monitoring and independent science inputs, and exposed their lack of true sustainability measures for many decades on so many different files. The current government of Alberta has recently cut hundreds of positions in environmental monitoring (Alberta Environment) and the Alberta Energy Regulator.

The following represent our comments on the project description (summary version) as provided by Coalspur Mines Ltd., section by section

**Part A, A1**

- A 'regional assessment' is not the same as an 'environmental assessment', why are these terms are used interchangeably?

- Any Indigenous consultation prior to 2019 did not include Foothills Ojibway First Nation or Mountain Cree Smallboy Camp, who have ceremonial sacred cultural sites and medicine gathering sites that they actively use in the area. Can Coalspur speak to the lack of engagement with Indigenous peoples who live in and/or use this area?
- RE: “underground mining results in less surface disturbance”
  - What evidence is there of this when the underground mine is directly below a surface mine face that is in active production?

**A2** We completely disagree and challenge the statement that ‘no impact is expected’ for local fish, and note that a ‘fisheries offsetting requirement’ will be needed. These two statements contradict each other, please explain. In the Impact Assessment, Coalspur should address the impacts on fish and fish habitat that have already occurred with Phase 1, and include further potential impacts from Phase 2 and the Underground Mine.

**A3** There is no mention of the First Nations that are currently in court to ask for a federal assessment for this expansion of Coalspur’s thermal coal mine. Keepers of the Water share the concerns listed from Indigenous groups about the impacts of this proposed project on the region including McPherson Creek and the response is incomplete. Stating that “direct impact to the fish habitat would be avoided” seems evasive, when these impacts are simply not avoidable and must be measured. Please address the impacts on 13 local fish species and their habitats, including exactly where the mine footprint will be compared to these habitats. Monitoring how toxic endangered species in the area including Athabasca Rainbow Trout and Alberta’s supposed provincial fish, the Bull Trout are is not of assistance. How will you avoid and mitigate impacts on fish and fish habitat? The practice of defaulting to ‘fisheries offset requirement’ without a thorough process of conserving sacred fish species and their Traditional habitat is not acceptable.

**A4** It is inaccurate to state that there have been no studies or plans relevant to the project. One study we are aware of that directly relates is “Habitat loss accelerates for the endangered woodland caribou in western Canada”<sup>1</sup>. Woodland Caribou ranges exist both north and south of Coalspur Vista mine, and these artificial ‘range boundaries’ likely would be changed dramatically without the current Coalspur mine. Would there be another caribou herd? Would the current herds have more habitat? Can Coalspur please do a literature search, and find the many studies on how selenium and sedimentation from coal mining impacts fish and wildlife, on cumulative effects, on climate change scenarios, and including other studies that are relevant to the approval of this project?

**Part B.6.1** States that Phase II “increased volume ... (is) necessary for economic viability ... based on the decrease of coal prices”. What if coal prices continue to go down? Does this mean Coalspur and Canada must extract more and more thermal coal, incurring more and more environmental degradation, habitat destruction, and greenhouse gas emissions?

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<sup>1</sup> <https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/csp2.437>

- Considering that the VTUM is an exploratory underground mine, the estimate for 565,000 t/yr is very specific. How does Coalspur know that the output from this mine will not be larger? Would a larger output be considered a success?
- Considering that Coalspur is under creditor protection<sup>2</sup>, how do you propose to a) operate, b) reclaim the tailings ponds and Phase 1, never mind c) expanding to be the largest thermal coal mine in Canada, should the price for thermal coal go down?
- Please provide proof that demand for thermal coal will be ‘increasing’ over the next ten years. Considering that the G7 has now decided to ‘terminate’ international funding, including “Official Development Assistance, export finance, investment, and financial and trade promotion support” for thermal coal by the end of this year (2021), we challenge this statement. Please explain your position in light of the recent International Energy Agency report calling for no new or expanded coal mines<sup>3</sup>.

**B7 and 8** Coalspur’s Phase II expansion and the VTUM cannot be considered separate and distinct. They are right next to each other and exacerbate immense cumulative effects already being felt from Phase I in the region. It appears that the only benefit to artificially separating these two integrated projects is the avoidance of federal environmental assessment. Can Coalspur further elaborate on why they profess that Coalspur Phase I, Phase II, and the VTUM are three separate projects considering:

- The proponent describes these projects as ‘inter-related development stages’
- They use the same infrastructure
- Both projects threaten Athabasca Rainbow Trout and Bull Trout
- Both the original Phase I and the new proposed mine activity threaten endangered woodland caribou habitat.
- The reclamation plan for Phase II calls for an ‘end-pit lake’. This unproven technology claims that placing clean water on top of contaminated tailings with no barrier in between will suffice to reclaim a natural area. Keepers of the Water is categorically opposed to the mischaracterization of sustainability and reclamation as described in the ‘end pit lake’ technology, which has the potential to generationally affect toxicity as shown by the results of pilot projects by bitumen mining companies. Please provide proof of concept for this terrible idea.
- There is no mention of the ‘south dump’, directly next to McPherson Creek in this section

**B9** What is ‘clean coal’? What makes it clean?

**B10** The project Proponent claims that First Nations, Métis, and Stakeholder engagement are integrated into the development and operations of “the mine” (noting that both VTUM and Phase II are included). No mention is made of the current court case by Coalspur

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<sup>2</sup> <https://www.ic.gc.ca/eic/site/bsf-osb.nsf/eng/br04476.html>

<sup>3</sup> <https://www.iea.org/reports/net-zero-by-2050>

against the federal government, stakeholders and First Nations to achieve a federal environmental assessment of this project. Can Coalspur speak to why opponents to the mine are not part of the project description?

**B11** VTUM takes place underneath the Phase I area that is currently being mined. How will ‘ongoing reclamation’ proceed while underground mining is being carried out simultaneously? Coalspur lists no details of their ‘alternative tailings management and treatment’ or ‘alternate reclamation methods’, leading to further concerns. What kind of alternative methods are being considered?

**Part C** Noting that this industrial activity is proposed to extend to within 5 km from the Town of Hinton boundary. (see C14).

**C12** While no First Nations reserves are noted, we note the absence of any mention regarding important sacred cultural sites within the proposed Phase II footprint utilized by Foothills Ojibway First Nation, Mountain Cree Smallboy Camp, and individuals from many other First Nations, Métis and allies for ceremonial and cultural purposes. In fact, portions of the Phase II footprint area have already been logged, and merchandisable timber has been removed, including all around one of the cultural sites in preparation for the Proponent’s proposed project. Only the sacred flag markers were left. Can Coalspur explain why they already contracted logging operations on this sacred ground? These moss lands have important cultural, medicinal, and spiritual values, and they have been destroyed.

**C13** More detail is needed around the proposal that tributaries of McPherson Creek are to drain from “the proposed pit”, including water quality and quantity estimates.

**C14** Listed in Section E.24.1 as sources of particulate emissions are: Oxides of nitrogen, sulphur dioxide, carbon monoxide, volatile organic compounds and other hydrocarbon emissions, Particulate matter from road dust, material movement of soil and coal, Greenhouse gas emission from combustion sources and fugitive releases from coal, and metals released from diesel combustion and present in dust from soil and overburden.

Considering that Neoplasms (cancers) are one of the leading causes of death in this region, and that the proposed Phase II mine comes within 5 kilometres of the Town of Hinton, we ask for more information about the quantity of particulate emissions, all of which are known carcinogens, from all 3 phases of the Coalspur Vista thermal coal mine. Please also provide information on wind direction.

We question the statement that Alberta has a population growth rate of 36.7%.

While ‘Traditional land use effects’ is included in this section, these traditional uses are not described, and we believe the following Traditional land uses have not been considered by the project Proponent:

- Culture camps
- Ceremonial grounds

Can Coalspur describe the activities that go on at these events?

**Part D** This section does not mention Indigenous involvement, as per the section title.

**Part E 19.1** It is disingenuous to claim that “the VTUM have no anticipated effects on fish and fish habitat” as this project phase is completely within the boundaries of the other phases of the project, and utilizing the same infrastructure, which will certainly impact fish and fish habitat, as the Department of Fisheries and Oceans has already stated.

Regarding potential impacts on fish, we want to ask for more information on the following points:

- A reduction in flow in McPherson Creek is expected to be up to 15%<sup>4</sup>. This is in addition to any impacts in flow caused by climate change, which effects are definitely also expected. How will this affect fish and fish habitat in the full project area?
- Settling ponds for the Coalspur mine expansion are designed for 1:10 year flood events<sup>5</sup>. This, while in many locations in Alberta 1:100 year flood events have been recently experienced; in some places, 1:100 year events were experienced for 2 years in a row. Considering the proven dangers of maintaining process water ponds in a mountain environment, can Coalspur justify why their containment ponds are designed to such a low standard?
- Coalspur’s ‘freshwater pond’ design calls for onsite run-off water to be collected and used for cleaning coal, treated domestic sewage effluent, and also for natural stream flow augmentation<sup>6</sup>. This process as described could certainly impact local fish and wildlife health. Please speak to the reasoning and justification for these various uses of the ‘freshwater pond’.
- There is no mention whatsoever of selenium in this entire project description, while local selenium levels are known to be between .51 mg/kg and .73 mg/kg<sup>7</sup>, and selenium poisoning risk to fish and wildlife is a known risk currently present from coal mining in Alberta. Please describe why selenium is not mentioned as a contaminant of concern.
- Please discuss the issue of sedimentation in fish bearing streams. Sediment from surface disturbance covers fish eggs and prevents them from hatching. Please describe the volumes of sediment expected in fish bearing streams from the proposed project.

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<sup>4</sup> <https://open.alberta.ca/dataset/2a9db6ed-4149-4b01-9fa1-676f1e78ea53/resource/f57c73be-ee82-4912-b0e1-849828148aeb/download/aesrd-sirs.pdf>

<sup>5</sup> <https://open.alberta.ca/dataset/2a9db6ed-4149-4b01-9fa1-676f1e78ea53/resource/f57c73be-ee82-4912-b0e1-849828148aeb/download/aesrd-sirs.pdf> page 173

<sup>6</sup> <https://open.alberta.ca/dataset/2a9db6ed-4149-4b01-9fa1-676f1e78ea53/resource/f57c73be-ee82-4912-b0e1-849828148aeb/download/aesrd-sirs.pdf> page 175

<sup>7</sup> <https://open.alberta.ca/dataset/2a9db6ed-4149-4b01-9fa1-676f1e78ea53/resource/f57c73be-ee82-4912-b0e1-849828148aeb/download/aesrd-sirs.pdf> page 182

- More information is needed about the design plan and prevention of catastrophic failure of the ‘south dump’, located directly next to McPherson Creek. The Obed mine spill on Halloween of 2013 proves that water held in mountainous tailings ponds is not always secure. What if the ‘south dump’ should enter McPherson Creek? Please describe a failure prevention plan and an emergency response plan for tailings ponds and other process water containment ponds on site.
- Please discuss Coalspur’s issues with tailings from Phase 1. Why do you need so many more tailing ponds? Why did you have to shut down operations when plans for new tailing ponds were not approved? What changes will you make and how do you expect these same issues not to occur with Phase 2 and the VTUM?
- This section discusses measuring Athabasca Rainbow Trout quality and quantity ‘before’ and ‘after’. It is left to the reader to wonder whether ‘after’ means ‘after mine closure’. The process of measuring a species to death is not appropriate sustainable behaviour. Please elaborate on Athabasca Rainbow Trout monitoring plans during mine operations.
- Process water is being sourced through groundwater and surface water diversions. Please elaborate on the quantity of water being drawn from surface water diversions and groundwater wells. Please describe the effects on mining operations should these water sources become unavailable. Please detail any potential for groundwater contamination from the Coalspur Vista mine (all three phases). Please describe potential effects on fish and their habitat from surface/groundwater interaction.
- In Alberta, tailing ponds are most often monitored by the companies responsible, in this case, the project Proponent. Recent government cuts to Alberta Environment and the Alberta Energy Regulator promise to further decrease government monitoring<sup>8</sup>. Please describe your vigorous environmental monitoring program for all tailings and process water ponds, and how this program and the results of the program will be communicated to the public in real time.
- A fisheries ‘offset’ is described in Section A.2 and this section. Please further elaborate:
  - Where is the plan for Avoidance and Mitigation of damages to fish habitat? These should be the priority, and an ‘offset’ is a supposed to be a final resort.
  - Why is this proposed offset necessary?
  - What could possibly make up for Traditional fish and fisheries?
  - What happens if the ‘offset plan’ doesn’t work?
  - How will you make sure our native fish survive until being ‘offset’?
  - Specific plans for how to remediate the area with native fish species post closure.
- There is no mention in this project description of the harvest of merchandisable timber from the footprint area of Phase II for the purpose of the project, which has already occurred. Please describe the impacts to fish and fish habitat from this forest clearing project.

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<sup>8</sup> <https://www.cbc.ca/news/canada/edmonton/alta-coal-contamination-1.5895835>

**E.19.2** We agree with all of the potential effects on migratory birds mentioned in this section. Please further describe which birds you expect to be most impacted, and any avoidance of these impacts, mitigation, and/or ‘offset’ proposed in this regard. Please also discuss other species at risk from the proposed project, and how your “valued ecosystem component” approach will address these crucial species.

- Disclose all impacted species, especially ones that are at risk
- Address impacts on each species, especially ones that are at risk
- Explain how you will avoid and mitigate effects on all species, especially ones that are at risk where the Species at Risk Act imposes stricter requirements for proponents and for assessments.

**E.20** As the product being produced and shipped from Coalspur Vista thermal coal mine (Phase 1) and potentially the VTUM and Phase 2 incurs greenhouse gasses when it is utilized, there will certainly be long term international effects should this project go ahead. Please provide information on the GHG emissions to be incurred internationally, and how these emissions are justified considering Canada’s climate goals and commitments should the Coalspur Vista expansion projects go ahead as planned. Please also discuss how Coalspur Vista fits within the International Energy Agency’s urgent call that no new coal mines or mine extensions take place<sup>9</sup>.

The Proponent proposes that this project would taking place within the Y2Y (Yellowstone to Yukon) corridor. Two endangered Woodland Caribou herds currently exist, one directly north, and one directly south of the Coalspur Vista thermal coal mine. Woodland Caribou and the many other species that utilize this corridor are not mentioned in the project description. What guarantees can you give that these two caribou ranges would not be linked if the mine wasn’t present? How do you propose to support the important Y2Y wildlife corridor for all species?

**E. 21** The Proponent recognizes that they need to consult with Foothills Ojibway First Nation, however this has not yet occurred. For a major project like this, consultation with local First Nations, Traditional land users, and Treaty rights holders who occupy cultural space within the mine’s proposed footprint should happen before the beginning of Phase 1 (ideally would have happened ten years ago, or at least by 2010). First Nations have been in this foothills area of Alberta since time immemorial, and more recently successful efforts to protect Indigenous culture against the ravages of the residential school system took place on this very land<sup>10</sup> for the past 200 years. The cultural and ceremonial camps set up on what is proposed to be Phase II of the Coalspur Vista thermal coal mine enabled people to seek refuge from Indian agents, governments, and others who historically wanted to remove deeply held cultural values. This area, and the culture camps held within it have been considered a ‘last stronghold’ of Indigenous culture for centuries. Many people from various First Nations, Métis, and including allies come to celebrate Indigenous culture at the cultural heritage camps which sit on lands now being

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<sup>9</sup> <https://www.iea.org/reports/net-zero-by-2050>

<sup>10</sup> <http://www.anishinabe-history.com/first-nation/foothills-ojibway-society.shtml>, <https://vimeo.com/230070221>

proposed for Phase II of the Coalspur Vista thermal coal mine. Can the proponent explain why they have not managed to consult with Foothills Ojibway First Nation who established one of the main culture camps? In the name of Reconciliation, it is important that this consultation proceed. In June of 2019, Keepers informed the Mountain Cree Smallboy Camp about the proposed expansion of Coalspur Vista thermal coal mine, and found that they did not previously know about this project. Please describe your efforts to contact the more than 250 people of Indigenous ancestry who live in the Hinton region, and what sort of consultation has occurred with Indigenous peoples living in the region and those utilizing culture camps.

**E.22** Again, ‘traditional land use effects’ and ‘traditional land use and culture’ are mentioned in this section as socio-economic issues and key indicators. While impact benefit agreements exist, and working groups are meeting to address health and social impacts on Indigenous peoples as a result of this project, we are not convinced that Coalspur has a good understanding of the historic and current cultural significance of this area. We are not made aware through this project description that Coalspur knows what the significance truly is. Can you please describe, to the best of your knowledge, the traditional land use occurring on the footprint that includes your proposed Phase II thermal coal mine?

**E.23** If built as proposed, Coalspur’s Vista mine will be the largest in Canada. Understandably, Coalspur wants to use the best available technology and low carbon processes in their mining of thermal coal and even its transport. This being said, however, the product itself will be thermal coal, and when burnt will create untold GHGs. GHGs from burning thermal coal are affecting the entire world, including Canada, by providing extreme weather, dangerous fires and floods, and escalating insurance claims. What evidence does Coalspur provide that if coal exports from Canada are not available to their consumers, a lower quality coal will be used? Can Coalspur speak to the possibility that their international consumers may be in the process of transitioning to renewable energy?

**E.24.1** More information is needed on the quantity and wind direction of aerial particulate emissions, considering the Town of Hinton is proposed to be 5 kilometres away.

**E.24.2** Statements contrary to other Coalspur information request responses exist in this section. More clarity is needed about planned or potential water releases from the ‘South Dump’, internal run-off, and the ‘freshwater pond’.

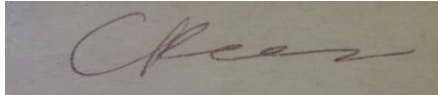
**E.24.3** More information is needed on the treatment and reclamation of coarse and fine coal refuse.

Keepers of the Water Council thanks the Impact Assessment Agency of Canada for the opportunity to provide comment on the project description (summary version) of the Vista thermal coal mine expansion by Coalspur Mines Ltd. towards a federal assessment of this project. We sincerely believe that a federal assessment of this proposed project is necessary, in light of the overly partisan political environment in Alberta right now. Alberta’s coal policy



from the 1970's was rescinded by our current government without any consultation, and they are trying to get multiple thermal coal mines into operation in the Rocky Mountains, in an age where we know our Sacred Mother Earth cannot handle more carbon emissions without severe consequences. We humans will undoubtedly suffer great harm should this project proceed, as will the fish, animals, birds, and all living beings, as well as the Water and the Land.

Sincerely,

A rectangular box containing a handwritten signature in dark ink. The signature is written in a cursive style and appears to read "Cleo Reece".

Cleo Reece, Co-chair