

May 6, 2021

ATTACHMENT: Federal Authority Advice Record

Response due by May 26, 2021

Coalspur Mines Ltd. – Phase I Vista Test Underground Mine and Vista Mine Phase II Expansion Projects

Registry number: 80731

Department/Agency	Transport Canada
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1. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Projects to enable it to proceed?

If yes, specify the Act of Parliament and that power, duty or function.

Transport Canada (TC) may be required to exercise a power or perform a duty or function with respect to the Canadian Navigable Waters Act (CNWA) based on the initial Project description provided.

TC requires further detailed project information, outlined in response 6, to confirm whether or not TC would be required to issue an approval to enable the project to proceed.

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2. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to the conduct of an impact assessment of the Projects?

Specify as appropriate.

Transport Canada's Navigation Protection Program (NPP) may be able to provide specialist information or knowledge with respect to the CNWA and impacts to navigation.

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3. Has your department or agency considered the Projects; exercised a power or performed a duty or function under any Act of Parliament in relation to the Projects; or taken any course of action that would allow the Projects to proceed in whole or in part?

Specify as appropriate.

No. There are no NPP Approvals for the existing mine.

4. Has your department or agency had previous contact or involvement with the proponent or other party in relation to the Projects? (for example, enquiry about methodology, guidance, or data; introduction to the project)

Provide an overview of the information or advice exchanged.

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- October 2011 – Albert Environment referred the Coalspur Vista Coal Mine project to Canadian Environmental Assessment Agency (CEAA) and CEAA informed federal authorities.
 - January 2012 – TC informed CEAA that no Navigable Waters Protection Act approvals required for this project and therefore there was no TC environmental assessment trigger.
 - May 2012 – CEAA informed proponent that there would be no federal EA required.
 - August 2019 - IAAC to federal family - Notice of Changes to Federal Legislation implications for the request to designate the Coalspur Mines Ltd. Vista Coal Mine Phase II Expansion Project
 - June 2020 – Proposed Expansion Activities of the Vista Coal Mine Project – TC completed FAAR and did not have interest in the project.
 - May 2021 – Coalspur Vista Expansion – NPP approval may be required – not enough information to determine.
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5. Does your department or agency have additional information or knowledge not specified, above?

Specify as appropriate.

Yes – rail, marine safety

6. From the perspective of the mandate and area(s) of expertise of your department or agency, what are the issues that should be addressed in the impact assessment of the Projects, should the Agency determine that an impact assessment is required?

For each issue discussed, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues.

As stated in response 1, further detailed project information for works impacting waterways is required to determine potential impacts to navigation. The information TC requires prior to determining or providing advice on the project's impacts to navigation includes:

- Construction methodology for both the proposed work and any associated temporary works;
- Clear information on the ownership of the riparian property. TC recommends a map overlaying the land title information with the satellite view of the water body;
- If there are multiple riparian owners, information on usage of the water body is required;
- Construction details of the water body crossing;
- All final watercourse crossing locations, size and crossing type in order to conduct navigational assessments;
- Details of the existing infrastructure (location, project date, project methodology, NPP file number for existing infrastructure) proposed for use according to the Initial Project Description;
- Proposed operational/management plan related to the water intake including the timing and volumes of water withdrawal and resulting impacts to water levels and navigation; and
- Potential cumulative impacts to navigation in conjunction with surrounding works (E.g. water intakes, bridges, diversions, transmission lines, pipelines) in the regional study area as defined by the Impact Assessment Agency.

Transport Canada encourages owners of proposed works subject to the CNWA to solicit navigation related comments and concerns, from the public and Indigenous users, during the environmental assessment or public outreach phase. Providing these comments and concerns to the department can help inform the Navigation Protection Program's evaluation of potential impacts to navigation and subsequent determination of appropriate mitigation measures later on, in the approvals phase.

Holly Poklitar

Name of Departmental / Agency Responder

Regional Environmental Advisor
Title of Responder

May 26, 2021
Date