



October 4, 2021

Director General, Crown Consultations
Impact Assessment Agency of Canada, Government of Canada
VIA EMAIL: lan.Ketcheson@iaac-aeic.gc.ca

Re: Reconsideration Process

On August 3, 2021, the Impact Assessment Agency of Canada (the “IAA”) notified Whitefish (Goodfish) Lake First Nation #128 (WLFN) of a process to reconsider designation requests for the proposed Coalspur Mines (Operations) Ltd. - Phase I Vista Test Underground Mine and Vista Mine Phase II Expansion Projects under the Impact Assessment Act (the “Reconsideration”). WLFN sent correspondence to the IAA on August 16, 2021, setting out our concerns in relation to the Reconsideration. In a subsequent phone call we arranged a meeting on August 31, 2021, but I did not receive the meeting invitation. WLFN’s legal counsel attended the meeting with the IAA but the discussion focused on capacity funding and other matters. WLFN submitted an application to the Indigenous Capacity Support Program Funding on September 29, 2021, a portion of which communicated a summary of WLFN’s concerns with the overall impacts of resource development in the Eastern Slope (Rocky Mountains) on our traditional economy and land uses. WLFN is optimistic that the study envisioned in the funding proposal will enable the Nation and Canada to work together in partnership to better understand the potential impacts of coal mines and other resource development in the Rockies on WLFN’s Treaty rights.

For clarity, it is important to note that in the correspondence from WLFN to the IAA (August 16), WLFN clearly communicated that the scope of consultation must include WLFN’s IBA with Coalspur and referenced Justice Brown’s decision in support of this requirement (see para. 9 of *Ermineskin v. Canada* (2021 FC 758)). Canada has been clear that consultation on the Reconsideration would not address the IBA or directly related matters. WLFN’s position is that a review of the Phase I Vista Test Underground Mine or Vista Mine Phase II Expansion Projects by the Alberta Energy Regulator is sufficient and that a review under the Impact Assessment Act is not necessary. As the Minister has now decided that the proposed activities will undergo a review, WLFN continues to expect that the IAA’s consultation and review process will address the potential impacts of IAA decisions about the Projects on WLFN’s IBA with Coalspur, which is derivative from WLFN’s Aboriginal and Treaty rights.

Sincerely,

<Original signed by>

Darryl Steinhauer, Whitefish (Goodfish) Lake First Nation #128