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**Reconsideration of 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***

Date: August 23, 2021

To whom it may concern:

This letter is in response to the email received August 3, 2021 at the Paul First Nation Administration regarding the aforementioned "Reconsideration of Designated Requests" from Impact Assessment Agency Canada.

During the years, the Paul First Nation engaged in a consultation process with Dr. Dan Meyer of Lifeways for their client Coalspur Mines.

At which time the Paul First Nation entered into a schedule of site visits and consultation meetings with Traditional Knowledge holders and Medicine keepers, as well as the general membership of the community that had a bona fide interest in the impacts that the mine expansion would have on our land use and occupation for traditional, cultural, spiritual and economic uses.

See Appendix 1: [attached]

August 7, 2007 List of Attendees [Coalspur Mine Expansion] Following the meeting and assessing the expansion site, it was ascertained by the Paul First Nation Elders that there would be significant adverse and cumulative effects from this project.

A sacred pipe ceremony was planned and carried out, and the representatives of the Coalspur Mine were invited to attend. The purpose of this sacred ceremony was to honour all the living things, all sacred items that were about to suffer devastating harm as a result of this project. Just to make things clear- this pipe ceremony was not to give our blessing to the company as an approval from our people.

We visited a reforestation area near the Coalspur Mine. Our Elders stated that the planted trees in the area did not have the same energy as the natural forests we had, and did ceremonies with, right in this vicinity for many generations. It felt artificial [Elders' comments]

To try and alleviate some of our concerns with respect to our views as to what was coming, as in mitigating some of the harm from the clear cutting, the cumulative effects, the climate change- the Paul First Nation tried to enter into a Memorandum of Intent: outlining the Consultation process, the Engagement and Monitoring mechanisms, and Notification timelines and reports'

See Appendix 2 [Attached]

September 25, 2009

Due to the language used and the nature of the agreement, it was never endorsed. There was no mention of Canada's role, with respect to the United Nations' Declaration of the Rights of Indigenous Peoples historic signing on September 13, 2007 and how it will be eventually included in the decision making process, if it was accepted as Law or Policy.

The agreement only extended "Procedural" matters of Consultation rather than including Free, Prior, Informed Consent Mechanisms as a part of the Consultation and Engagement process. All of the concerns with respect to Land Use and Occupancy [as understood by this First Nation] will be lost in the Engagement Process.

[See attachment below...//Page 2..

The Province of Alberta indicated in their Consultation Policy and Guidelines in their rules for engagement with First Nations

See Appendix 3 [Attached]

The Treaty Right to "hunt, fish and gather" was adversely impacted by this Alberta Consultation Policy and there was no objection by federal agents to make this wrong.

As well, there are some medicinal plants that only grow near the continental divide, in the foothills and boreal forest areas near the vicinity, and we have no recourse to alleviate this harm.

And as a final note to this letter of response, it was an honour to have a visit from one of the majestic creatures that call the area his home. It was during an earlier visit to the site on May 7, 2007:

Appendix 4 [Attached]

I'm sure all of the above meets the criteria in the "Reconsideration Letter" from Canada. Due to all the Constraints in the Consultation, Accommodation, and Consent mechanisms in this country, it will be very difficult to have an agency, federal or provincial, to side with Indigenous Peoples' right to use the land without interruption.

On this note, this First Nation is pleased that the Impact Assessment Agency Canada is addressing some off the ambiguities in the Application for the Permit.

Respectfully submitted,

<Original signed by>

Nick Nath, CPA, CGA, CAFM

Executive Director

Paul First Nation, Treaty Six Territory

CC: Dennis Paul
Chief Arthur Rain

APPENDIX 1

APPENDIX A

Coal Valley Expansion ATK Study

TUS Site Visit/Data Gathering
June, July, August 2007

Elders/Traditional Knowledge Holders:

Clifford Paul
Karen Paul
Brian Bird
Charlie Adams
Mary E. Rain
Geordy Saulteaux
Hazel Saulteaux
Leonard Bearhead
Elizabeth Adams
Beatrice Rain
Nelson Adams
William Bird
Doris Bird
Lloyd Saulteaux
Theresa Bird
Rosie Bull
Darryl Letendre
Arlene Bull
Dan Paquette
Nancy House
Peggy Paul
Henry House
Linda House
Mary Lena Rain
Violet Poitras
Jim Poitras

Tech. Support
Dennis Paul
Keith Rain
Denise Rain

APPENDIX 2.

**Memorandum of Intent
on the Coal Valley Mine**

BETWEEN:

**PAUL FIRST NATION
("PFN")**

AND:

**COAL VALLEY RESOURCES INC., a body corporate, incorporated
under the Alberta *Business Corporation Act*, RSA 2000, c. B-9, as
amended**

("CVRI")

(collectively "the Parties")

WHEREAS:

- A. The PFN is a signatory to Treaty 6, a solemn agreement between the Crown and the PFN;
- B. The members of the PFN have rights that are protected pursuant to section 35(1) of the *Constitution Act, 1982*;
- C. CVRI is proposing to expand its existing coal mining activities in Coal Valley, Alberta in the Mercoal West, Yellowhead Tower and Robb Trend areas (the "Expansion Areas");
- D. The Expansion Areas are culturally significant to the PFN and located within the traditional territory of the PFN;
- E. The proposed mining expansion (the "Project") will potentially have adverse effects on the section 35(1) rights of the PFN.

- F. The province of Alberta has a duty to consult and accommodate the PFN with respect to the Project and has delegated the procedural aspects of such consultation and accommodation to CVRI; and
- G. The Parties wish to formalize a process for consultation and accommodation with respect to the Project.

NOW THEREFORE, this Memorandum of Intent sets out the initial objectives, principles, subject matters and process to guide discussions to establish a formal agreement on consultation and accommodation (the "Agreement") with respect to the Project.

1.0 OBJECTIVES

Discussions will lead to an agreement designed to:

- 1.1 Establish a formal process for ongoing consultation with respect to the Project;
- 1.2 Provide a meaningful role for the PFN in environmental data collection, archaeology assessments, environmental monitoring and studies, as well as in the identification of suitable mitigation measures that respect the priority interests of the PFN in hunting, fishing, trapping and gathering;
- 1.3 Identify a process for ensuring that there is adequate information with which to design mitigation measures, including information with respect to cumulative impacts in the Expansion Areas, prior to the commencement of the Project;
- 1.4 Identify a process for incorporating traditional ecological knowledge into the planning, construction and operation of the Project;
- 1.5 Further the social development aspirations of the PFN in assisting its members in securing meaningful employment and training opportunities in relation to the Project;
- 1.6 Further the aspirations of the PFN in securing contracting opportunities for PFN-owned or PFN member-owned businesses; and
- 1.7 Support the cultural and community development initiatives of the PFN through the funding of cross-cultural events and the cultural education of PFN youth.

2.0 PRINCIPLES

Discussions will be based on and guided by the following principles:

- 2.1 The Agreement will not abrogate or derogate from the section 35(1) rights of the PFN;
- 2.2 Traditional ecological knowledge is a necessary component of the planning, construction and operation of the Project; and
- 2.3 The Project will result in a further reduction of available land within the traditional territory of the PFN for the exercise of section 35(1) rights and, as such, accommodation of PFN economic interests is required to assist in compensating for such reduction.

3.0 SUBJECT MATTERS

Discussions will include, but not be limited to, the following subject matters:

- 3.1 A process for ongoing consultation with PFN with respect to the Project;
- 3.2 The participation of the PFN in environmental data collection, archaeology assessments, environmental monitoring, environmental studies and reclamation;
- 3.3 The role of the PFN in the identification of mitigation measures;
- 3.4 Data requirements and cumulative impacts;
- 3.5 The role of traditional ecological knowledge;
- 3.6 A process for securing employment and training opportunities for PFN members;
- 3.7 A process for securing contracting opportunities for PFN-owned and PFN member-owned businesses; and
- 3.8 Financial contributions for cross-cultural events and cultural education.

4.0 PROCESS

- 4.1 Unless otherwise agreed, the Parties will appoint negotiators to enter into formal negotiations as soon as reasonably possible, but not later than November 15, 2009.

- 4.2 The Parties agree that confidential information shared during the negotiations will be held in confidence.
- 4.3 This Memorandum of Intent does not create any legally enforceable rights, obligations or liabilities, but acknowledges the intentions of the Parties to pursue negotiations as represented herein.

This Memorandum of Intent signed on this ____ day of _____, 2009.

Per: Paul First Nation

Per: Coal Valley Resources Inc.

APPENDIX 3

Alberta acknowledges that some First Nations have developed their own consultation protocols. Alberta encourages proponents to be aware of these protocols, but does not require proponents to comply with them while consulting with First Nations. In cases of conflict between a First Nation's consultation protocol and this *Policy* or the *Corporate Guidelines*, the *Policy* and *Corporate Guidelines* will prevail.

Determining Notification Requirements

The consultation office is responsible for determining which projects require consultation and which First Nations need to be notified and for directing proponents to provide reasonable time for First N

APPENDIX 4

