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

Re: Reconsideration Process

On August 3, 2021, the Impact Assessment Agency of Canada (the "IAA") initiated 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"). ECN and IAA representatives met on August 6 and 11 and September 1 and 8 regarding the Reconsideration. Those discussions focused on ECN's Treaty hunting and fishing and other land uses in the Eastern Slopes and related concerns. ECN is confident that the IAA understands its concerns related to Treaty hunting and fishing rights and traditional land uses and has no additional information to provide the agency in the context of a potential designation of these activities under subsection 9(1) of the Impact Assessment Act regarding those rights and land uses.

However, for accuracy and fairness, it is important to note that in the meetings and in correspondence from ECN to the IAA (August 14), ECN clearly communicated that the scope of consultation must include ECN's IBA with Coalspur and referenced Justice Brown's decision in support (see para. 9 of *Ermineskin v. Canada* (2021 FC 758)). In response, Canada has been clear that consultation about the Reconsideration will not address the IBA or directly related matters.

ECN'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. However, ECN neither supports or opposes a federal review of the Projects. Should the proposed activities be designated for review under the Impact Assessment Act, ECN will expect the IAA's consultation process to address the potential impacts of the IAA's decisions about the Projects on ECN's IBA with Coalspur, the contents of which are derivative from ECN's Aboriginal and Treaty rights.

Sincerely,

<Original signed by>

Carol Wildcat
Ermineskin Cree Nation