

ATTACHMENT:
Federal Authority Advice Record: Reconsideration for designation
Response due by August 13, 2021
 Proposed Vista Coal Mine expansion physical activities

Department/Agency	Transport Canada
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1. Has your department or agency considered whether it has an interest in the proposed physical activities; exercised a power or performed a duty or function under any Act of Parliament in relation to the physical activities; or taken any course of action (including provision of financial assistance) that would allow the physical activities to proceed in whole or in part?

Specify as appropriate.

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.

2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the physical activities to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

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.

3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the physical activities, will it involve public and Indigenous consultation?

Specify as appropriate.

There are not approvals for the current project from Transport Canada

4. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the physical activities?

Provide an overview of the information or advice exchanged.

- 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. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the physical activities or adverse direct or incidental effects stemming from the physical activities?

Specify as appropriate.

6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the physical activities have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

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.

Adam Downing

Name of departmental / agency responder

Regional Senior Environmental Supervisor

Title of responder

August 13, 2021

Date