

Calgary

September 8, 2022

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Our Matter Number: 1221480

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Ottawa

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Attention: Jennifer Dallaire, Project Manager, Prairie and Northern Region

Dear Ms. Dallaire:

**Re: Summit Coal Inc. (“Summit”)  
Summit Mine 14 Project (the “Project”)  
Request to Designate and for Information about the Project  
Summit’s Response to the Request**

We are counsel to Summit in connection with this matter. Mr. McNamara of Summit has provided us with your letter dated August 18, 2022 regarding a request received by the Minister of Environment and Climate Change (the “**Minister**”) on August 15, 2022 to designate the proposed Project under subsection 9(1) of Canada’s *Impact Assessment Act* (“IAA”). This letter and its attachment constitute Summit’s response to the Impact Assessment Agency of Canada’s (the “Agency”) information requests (“IRs”) in your letter, including Summit’s views that the Project should not be designated under the IAA.

We note that other parties have been given until September 8, 2022 to provide their views on whether the Project should be designated under the IAA – the same date that was given to Summit. Accordingly, Summit has not had an opportunity to review the comments provided by other parties. Summit reserves the right to provide further comments once it has had the opportunity to do so.

### **Overview**

Based on Summit’s responses to the Agency’s IRs, the Project should not be designated under the IAA. In particular, we highlight the following:

1. The Project does not involve a physical activity that is designated by the *Physical Activities Regulations* (noting that the coal mine will have a production capacity of less than 5,000 tonnes per day) and is an underground mine that will result in

minimal environmental effects which have been assessed, and in respect of which further conditions will be set by the Alberta Energy Regulator (“AER”).

2. For all intents and purposes, the Project has substantially begun because most regulatory approvals required for it have been attained. The AER has already found the Project to be in the public interest and approved it. Project-related and permanent physical undertakings have been carried out that have altered the Project site, and the outstanding regulatory approvals which are currently being sought for the Project are minor, technical in nature, and significantly advanced. The remaining required approvals were on the verge of being issued in 2011, but advancement of the Project was suspended at that time because of unfavourable commodity prices and economic conditions.
3. The Project has been in the process of attaining regulatory approvals since at least 2006, when the Agency (then known as the Canadian Environmental Assessment Agency) first became aware of it. The Project is now in the final throws of its permitting process and the final regulatory approvals required for it are expected to be attained within the coming months. Designating the Project now – after it was determined to not require a federal approval – would further and unnecessarily delay its operation by years, to the detriment of every person who stands to benefit from it, including members of the public and Indigenous communities.
4. Designating the Project would also be inconsistent with the Government of Canada’s plans to encourage the development of and attract investment in minerals and metals required for renewable energy and clean technology applications. The Project would produce clean metallurgical coal, which is required for manufacturing the steel needed for a significant range of applications (e.g., wind turbines, electric vehicles, shipping, manufacturing, infrastructure, etc.). Designating and delaying a project that would produce materials required for renewable energy and clean technology applications – which has already been in the process of attaining regulatory approvals for years and would result in minimal environmental effects – would send an unfavourable signal to the mining industry and undermine Canada’s goals to develop and attract investment in the mining of such materials.
5. While the former Minister previously expressed the intention to designate any new proposed metallurgical coal mine that has the potential to release selenium into water bodies (as discussed below), the Project has no such potential.

## **IR No. 1**

The first request in your letter is as follows:

Information about key project activities, maps and layouts of the location of project components, land tenure, zoning, and estimated timelines for planning, construction, operation, decommissioning and abandonment.

### **Response:**

Key Project activities will include underground mining, crushing, loading, and hauling to the approved coal processing plant at the HR Milner Generating Station located near Grande Cache, Alberta.

For information regarding the location of the Project, land tenure and zoning, including maps and layouts, see Section 1.0 and Section 5.0 of Summit's report attached hereto as Appendix "A" and figures referenced therein. See also Figure 2-1 referenced in that report.

For information regarding Project components, including maps and layouts, see Section 3.0 and Section 3.1 of Summit's report attached hereto as Appendix "A" and the figures referenced therein.

For information regarding estimated timelines for planning, construction, operation, decommissioning, and abandonment, see Section 4.1 of Summit's report attached hereto as Appendix "A".

## **IR No. 2**

The second request in your letter is as follows:

A list of all regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and the associated project components or activities.

### **Response:**

The Project does not require any federal regulatory approvals, nor would any federal financial assistance be required for it. The Agency previously considered the proposed Project and proceeded with a federal referral process under the *Canadian Environmental Assessment Act*. Only Fisheries and Oceans Canada ("DFO") determined that it required an environmental assessment of the Project within its area of responsibility, and it subsequently assessed the environmental effects of the Project. After a two-year review, DFO concluded that with the implementation of mitigation measures that it recommended, the Project is not likely to result in impacts to fish and fish habitat and does not require a

formal approval from DFO. The relevant letters from the Agency and DFO are provided in Appendix 5 and Appendix 6 of Summit's report attached hereto as Appendix "A".

For a list of all regulatory approvals that are required for the Project, see Sections 2.0 to 2.10 of Summit's report attached hereto as Appendix "A". As indicated in those sections and Table 2-2 in that report, most regulatory approvals required for the Project have already been attained.

### **IR No. 3(a)**

The third request in your letter contains a part which is as follows:

For each regulatory approval that would be required, please provide the following information:

- i. Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.
- ii. The status of attaining any regulatory approvals.
- iii. Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake and if applicable, any benchmarks or standards you intend to meet. Would conditions be set and if yes, what effects would those conditions address?
- iv. Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses). If the Project is anticipated to result in permanent changes or cumulative effects, how you intend to manage those impacts.

### **Response:**

- i. For a list of all regulatory approvals that are required for the Project, see Section 2.0 to 2.10 of Summit's report attached hereto as Appendix "A". As indicated in those sections and Table 2-2 of that report, most regulatory approvals required for the Project have already been attained. For ease of reference, the names, associated legislative frameworks, and responsible authorities for the regulatory approvals that are still required for the Project are as follows:

- An approval under Alberta’s *Environmental Protection and Enhancement Act* (“EPEA”) for the construction, operation, or reclamation of a mine, for which an application is being resubmitted to the AER (at its request);
  - An approval and licence under Alberta’s *Water Act* for activities that may affect water bodies, for which an application is being resubmitted to the AER (at its request);
  - A licence of occupation under Alberta’s *Public Lands Act* for the access road, which was previously approved (LOC 131361) but has expired, for which an application is being submitted to the AER;
  - A mineral surface lease under Alberta’s *Public Lands Act* for the mine portal area which was previously approved (MSL 131303) but has expired, for which an application is being submitted to the AER;
  - Roadside development permits under Alberta’s *Highways Development and Protection Act*, which were previously approved (Permit Nos. 1476-3345 and 1476-3545) but have expired, for which applications are being submitted to Alberta Transportation; and
  - A development permit and land use redesignation under the Municipal District of Greenview No. 16 Land Use Bylaw No. 18-800.
- ii. As noted in the above response to IR No. 3(a)(i), most regulatory approvals required for the Project have already been attained and Summit has submitted (or is in the process of submitting) applications to the responsible authorities for the provincial regulatory approvals that are still required for the Project. Summit had submitted applications for the outstanding EPEA and *Water Act* approvals but, at the AER’s request, it is now resubmitting them with updated information. Applications for the municipal regulatory approvals that are still required for the Project have been prepared and will be submitted in the near future. Decisions on these applications for the final regulatory approvals required for the Project are expected in the coming months.
- iii. Like approvals previously attained for the Project, the regulatory approvals that are still required for the Project do involve an assessment of effects listed in the first paragraph referenced in this IR; however, we note that the Project will not result in any “direct or incidental effects,” as defined in the IAA<sup>1</sup> and as outlined in the other

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<sup>1</sup> We note that no federal approval is required to permit the carrying out of the Project, in whole or in part, and that no federal financial assistance is required to enable it to be carried out, in whole or in part.

paragraph referenced in this IR. The required EPEA approval involves an assessment of the potential environmental impacts of the Project, and the required *Water Act* licence involves an assessment of potential adverse effects on the aquatic environment. DFO has previously assessed the potential adverse effects to fish and fish habitat, as noted in the above response to IR. No. 2. A more general assessment of the potential adverse effects of the Project has also been undertaken, the findings of which are discussed in Sections 5.1 to 5.6 of Summit's report attached hereto as Appendix "A". The EPEA and *Water Act* approvals will contain conditions which are expected to address various potential environmental effects and require ongoing monitoring and reporting, similar to draft versions previously issued for the Project.

- iv. The regulatory approvals required for the Project do require consultation, particularly the EPEA approval. Steps that have been taken as part of public and Indigenous consultation in respect of the Project, and the approach that Summit intends to take in the future, are discussed in the below response to IR Nos. 5 and 6, respectively. The Project will have a limited lifespan of approximately 9 years and the Project is not anticipated to result in permanent changes because Summit will return the land to an equivalent capability compared to its pre-development state, in accordance with provincial regulatory requirements. Nor is the Project expected to result in cumulative effects, as discussed in Section 5.4 of Summit's report attached hereto as Appendix "A".

### **IR No. 3(b)**

The third request in your letter contains a part which is as follows:

Identify whether any licence, permit, authorization or approval listed above would address any of the following matters:

- adverse effects on fish and fish habitat;
- adverse effects on migratory birds and species at risk and their critical habitats. Concerns were raised about the yellow-bellied flycatcher, common yellowthroat, black-throated green warbler, harlequin duck, Cassin's vireo, barred owl, and western toad; the requester asserts that these species are known to be near the Project's vicinity;
- changes to the environment that occur on federal lands, including Jasper National Park;
- changes to the environment that occur in a province or territory other than the one where the Project is taking place, including British Columbia;

- adverse effects to multiple waterways due to selenium contamination;
  - adverse cumulative effects due to historical and present coal development in the area;
  - adverse effects to critical wildlife habitat, including Bighorn sheep, Woodland caribou, grizzly bear and wolverines;
  - changes to the environment that could affect the Indigenous peoples of Canada and their ability to practice section 35 rights; and,
  - changes occurring to the health, social, or economic conditions of the Indigenous peoples of Canada.
- i. If yes, discuss, in general, the benchmarks or standards that you intend to meet (or would be expected to meet).
- ii. If the Project is anticipated to result in permanent changes or cumulative effects, how you intend to manage those impacts.

**Response:**

Like approvals previously attained for the Project, the regulatory approvals that are still required for the Project are expected to address effects listed in this IR. As noted in the above response to IR No. 3(a)(iii), the required EPEA approval involves an assessment of the potential environmental impacts of the Project, the required *Water Act* licence involves an assessment of potential adverse effects on the aquatic environment, and DFO has previously assessed the potential adverse effects to fish and fish habitat. A more general assessment of the potential adverse effects of the Project has also been undertaken and the findings are discussed in Sections 5.1 to 5.6 of Summit's report attached hereto as Appendix "A", which address all the effects listed in this IR. The EPEA and *Water Act* approvals will contain conditions which are expected to address various potential environmental effects and require ongoing monitoring and reporting, similar to draft versions previously issued for the Project.

Summit has engaged with all potentially impacted Indigenous groups and will continue to do so, including through the EPEA and *Public Lands Act* application processes, as discussed in Section 4.3 of Summit's report attached hereto as Appendix "A". Negative impacts to Indigenous peoples will be avoided or mitigated through strategies developed in consultation with them, as part of Summit's commitment to undertake Indigenous consultation during all phases of the Project and pursuant to the terms of Summit's existing relationships with nearby Indigenous groups.

The Project is not anticipated to result in permanent changes because Summit will return the land to an equivalent capability compared to its pre-development state, in accordance with provincial regulatory requirements. Nor is the Project expected to result in cumulative effects, as discussed in Section 5.4 of Summit's report attached hereto as Appendix "A".

## **IR No. 4**

The fourth request in your letter is as follows:

For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result.

## **Response:**

As noted in the above response to IR No. 3(a)(iii), the Project will not result in any "direct or incidental effects," as defined in the IAA and as contemplated in this IR.

## **IR No. 5**

The fifth request in your letter is as follows:

What steps have you taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of any public concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you intend to address these matters?

## **Response:**

Steps that have been taken to consult with the public, the approach that Summit intends to take in the future, public concerns in relation to the Project, and how Summit generally has and intends to address them are discussed in Sections 4.2, 4.4, and 4.5 of Summit's report attached hereto as Appendix "A".

## **IR No. 6**

The sixth request in your letter is as follows:

What steps have you taken to consult with Indigenous communities? What steps do you plan to undertake during all phases of the Project? Are you aware of any Indigenous community concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you plan to address these matters?



**Response:**

Steps that have been taken to consult with Indigenous communities, the approach that Summit intends to take in the future, Indigenous concerns in relation to the Project, and how Summit generally has and intends to address them are discussed in Sections 4.2, 4.3, and 4.5 of Summit's report attached hereto as Appendix "A".

Through engagement with Indigenous communities, agreements and letters of support for the Project have been secured, including from Aseniwuche Winewak Nation ("AWN").

Summit generally intends to address any concerns raised by AWN in their August 15, 2022 request to designate the Project in the manner described in the above-noted sections of Summit's report attached hereto as Appendix "A", to the extent those concerns are valid and have not been, or will not be, addressed during Indigenous engagement or through processes associated with regulatory approvals required for the Project, such as conditions set to address various potential effects of the Project.

In particular, AWN have expressed concerns related to the impacts of selenium on the local environment. However, issues of selenium contamination arise primarily in respect of open-pit coal mining,<sup>2</sup> not an underground mine like the Project. Selenium and its effects are not an issue for the Project. This is discussed in more detail in the below response to IR No. 8.

**IR No. 7**

The seventh request in your letter is as follows:

Do you have any other comments in relation to environmental effects or impacts to the public or Indigenous peoples and how you intend to address and manage those?

**Response:**

In addition to the above IR responses, we reiterate that the Project has already received extensive regulatory approvals and an assessment has been conducted of potential environmental effects and impacts to Indigenous communities. The Project has already been determined to not require a federal approval based on its potential environmental effects. It is an underground mine with no unique environment or environmentally sensitive

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<sup>2</sup> See e.g., Environment and Climate Change Canada, *Canadian Environmental Protection Act, 1999 – Federal Environmental Quality Guidelines: Selenium* (August 2022) at PDF 2, online: <https://www.canada.ca/content/dam/eccc/documents/pdf/pded/feqg-selenium/Federal-environmental-quality-guidelines-selenium.pdf>.

areas within the mine footprint and mine permit boundary. The Project will result in minimal environmental effects, in respect of which conditions have already been set during its long regulatory history and further conditions will be set by the AER. Further, a variety of mitigation measures have already been committed to in order to address potential environmental effects and impacts to Indigenous communities. Summit is committed to continue working with regulators and Indigenous communities to ensure that potential environmental effects and impacts are adequately addressed.

## **IR No. 8**

The eighth request in your letter is as follows:

Explain your views on whether the Project should be designated under the IAA.

## **Response:**

We submit that the Project should not be designated under the IAA for the following reasons, in addition to the above IR responses.

### **The Project has substantially begun**

As demonstrated above, most regulatory approvals required for the Project have already been attained, through a long regulatory history that goes back to at least 2006, when the Agency became aware of the Project. The Agency previously considered the Project and proceeded with a federal referral process, but only DFO determined that it required an environmental assessment of the Project. At the conclusion of its review in 2009, DFO concluded that the Project is not likely to result in impacts to fish and fish habitat and does not require a formal approval from it.

Further, Project-related and permanent physical undertakings have been carried out that have altered the Project site. These undertakings have included the drilling of wells, construction of access routes, and construction of entrances to the underground mine. The Coal Processing Plant to which coal will be trucked has also been fully approved.

### **Summit is on the verge of receiving final regulatory approvals**

After a long regulatory history that goes back to at least 2006, the regulatory approvals still required for the Project are expected to be attained within the coming months (after the final applications are submitted), including further conditions that will be set by the AER and are expected to address effects related various environmental parameters, and to require ongoing monitoring and reporting. After receiving the regulatory approvals still

required for the Project, Summit will be able to commence Project construction then operations.

Designating the Project under the IAA would further and unnecessarily delay its operation by at least 4 years<sup>3</sup> and, based on our experience, would likely it by 6 to 8 years. It would, in turn, further (and significantly) delay the benefits of the Project, including to members of the public and Indigenous communities through benefits such as royalty payments, payments under agreements, lease payments, taxes, on-site jobs, contractor opportunities, and procurement of materials, goods and services. Notably, the Project stands to bring over 600 direct and indirect employment opportunities to local communities – opportunities which will be significantly delayed (if not destroyed) if the Project is designated. The Project and these benefits should not be further delayed by designating the Project now, after it was determined to not require a federal approval and after its potential effects have already been assessed and conditions have, and will be, set to address those effects.

Regulatory approvals have already been attained for the Project through processes which provided AWN with opportunities to participate and express any concerns in relation to the Project, and AWN has previously provided a letter of support for the Project. They now seek to impose a new regulatory process at the last minute to address concerns which are not valid (in the case of selenium); have been, or can be, addressed during Indigenous engagement, without the need for a new, years-long regulatory process; and/or have been, or may yet be, addressed through other processes associated with regulatory approvals required for the Project, such as conditions set to address various potential effects of the Project. Respectfully, such a request should not be granted when they have already had opportunities to participate and express any concerns in relation to the Project through other processes associated with regulatory approvals required for the Project; when they have previously expressed support for the Project; when they continue to have opportunities to participate and express any concerns respecting the Project; and when the effects of the Project have already been assessed, and the final regulatory approvals still required are minor and expected to be attained within the coming months.

AWN and other Indigenous groups were actively engaged in the process when the AER and federal regulatory authorities originally reviewed the Project. At that time, and after considering Indigenous concerns, the AER determined that the Project was in the public interest and approved it. Federal authorities, including the DFO and the Agency, determined that no federal approvals were required, and that no federal assessment was warranted (beyond the performed assessment of impacts to fish and fish habitat). AWN was aware of these decisions and did not appeal any of them. It was never intended that the

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<sup>3</sup> See e.g., the Agency, “The Impact Assessment Process: Timelines and Outputs” (modified March 2021), online: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/the-impact-assessment-process-timelines-and-outputs.html>.

designation power under the IAA would be used under circumstances like those that exist in this case. Designation at this time and under these circumstances will create significant regulatory uncertainty in Canada and harm investor confidence in our mining industry.

Designation of the Project is inconsistent with and counterproductive towards Canada's plan towards a clean energy transition, and a new, green economy

As recognized by the Government of British Columbia, “[as] the demand for clean energy grows, so too will the associated need for the metals and minerals used to manufacture those technologies.”<sup>4</sup> These metals and minerals include the metallurgical coal used to make the steel necessary for the construction of green energy infrastructure, like wind turbines, or for clean energy vehicles that can require up to 600kg of metallurgical coal.<sup>5</sup> Even beyond the boundaries of the energy transition and green energy, steel is critical in a variety of other applications and industries, such as shipping, manufacturing, infrastructure, agriculture, mining, and many more.

In *Canada's Critical Minerals Strategy: Discussion Paper*, the current Minister of Natural Resources (formerly the Minister) recently stated that “there is no energy transition without critical minerals”,<sup>6</sup> and that Canada expects to see significantly increased demand for critical minerals, which would overwhelm the current supply. Canada has recognized a need to attract investment to develop the materials necessary for the energy transition. Those materials include the steel that is necessary to develop the industries critical for the clean energy transition.

Metallurgical coal is still required for steelmaking. In 2019, Canada produced 57 Mt of coal, of which 53% was metallurgical coal used for steel manufacturing. While Canada will phase out coal-fired electricity (i.e., thermal coal), coal will continue to be used to process metals (i.e., metallurgical coal).<sup>7</sup>

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<sup>4</sup> Government of British Columbia, *Mining Jobs – Task Force – Final Report* (December 2018) at PDF 14, online: [https://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/mineral-exploration-and-mining/memp\\_10535\\_task\\_force\\_report\\_final-rev.pdf](https://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/mineral-exploration-and-mining/memp_10535_task_force_report_final-rev.pdf).

<sup>5</sup> *Ibid* at PDF 15.

<sup>6</sup> Government of Canada, *Canada's Critical Minerals Strategy: Discussion Paper* (June 2022) at PDF 3, online: <https://www.canada.ca/content/dam/nrcan-rncan/documents/critical-minerals-discussion-paper-eng-2.pdf>.

<sup>7</sup> Natural Resources Canada, “Coal facts” (April 2022), online: <https://www.nrcan.gc.ca/our-natural-resources/minerals-mining/minerals-metals-facts/coal-facts/20071>. See also Government of Canada, *A Just and Fair Transition – For Canadian Coal Power Workers and Communities* (December 2018) at PDF 16, online: [https://publications.gc.ca/collections/collection\\_2019/eccc/En4-361-2019-eng.pdf](https://publications.gc.ca/collections/collection_2019/eccc/En4-361-2019-eng.pdf).

The Project will produce high-quality, low volatile, bituminous metallurgical coal, which places Summit in an ideal position to supply the metallurgical coal necessary to facilitate Canada's clean energy transition, and the new, green economy. An IAA designation of the Project would be inconsistent with Canada's goal of making the clean energy transition and developing a new, green economy.

Delaying the Project through an IAA designation would also send an unfavourable signal to the mining industry that would be responsible for investing and developing the minerals necessary to achieve Canada's goal of making the clean energy transition and developing a new, green economy.

Designating this Project would send a particularly unfavourable signal to the mining industry, and have a particularly chilling effect on its investment and development necessary for the clean energy transition, given that:

1. the Project has already been in the process of attaining regulatory approvals for years;
2. it would result in minimal environmental effects;
3. it will have a limited lifespan of approximately 9 years and will be completely reclaimed at the end of operations;
4. it has previously received a letter of support from the party now requesting that it be designated; and
5. federal regulatory agencies, including the Agency and DFO, were aware of the Project over 12 years ago, reviewed it, and proceeded on the basis no federal approval was required and no federal assessment was warranted.

Designating this Project despite the above facts will send the signal that any mining project will likely be designated under the IAA and thereby delayed for years, costing the responsible company millions of dollars in the process. It will harm investor confidence in the Canadian mining industry and be detrimental to Canada's stated goal of encouraging investment in mining.

### There is no issue regarding selenium

On June 18, 2021, the former Minister stated Canada's intention to designate "any new proposed metallurgical coal mine...that is not already described in the *Physical Activities Regulations* and that has the potential to release selenium into water bodies."<sup>8</sup>

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<sup>8</sup> The Honourable Jonathan Wilkinson, PC, MP, Letter to Heather McPherson, MP (June 2021) at PDF 3, online: <https://iaac-aeic.gc.ca/050/documents/p81540/139346E.pdf>.

This Project has no such potential. As noted in the above response to IR No. 6, issues of selenium contamination arise primarily in respect of open-pit coal mining, not an underground mine like the Project. As discussed in Section 3.4.5 of Summit's report attached hereto as Appendix "A":

External rock dumps, which are most often the sources of selenium and other metals normally associated with open pit or surface mining, are not planned for the Project. The Project will not involve open pit or surface mining. Selenium is not expected to be generated by the Project due to its underground nature. All waste rock material (0.5-3%) from the underground workings will be disposed of underground. There will be no opportunity for waste rock to weather and leach selenium into the environment.

For these reasons, selenium and its effects are not an issue for the Project and provide no basis for it to be designated under the IAA.

## **Conclusion**

We have endeavored to respond to each of the Agency's IRs with as much information as possible. As set out above, the Project has already received extensive regulatory approvals, has been found to not require federal approval, and the final approvals required are expected to be attained within the coming months. Further, as an underground metallurgical coal mine without risks associated with selenium or significant environmental effects more generally, the Project stands to provide significant benefits and to play a significant role in progressing Canada's plans towards a clean energy transition. For the Project to now be designated under the IAA would: (i) be inconsistent with Canada's plans; (ii) send an unfavourable signal to other key industries for the clean energy transition; and (iii) further delay the benefits that various stakeholders stand to receive from the Project. Therefore, we submit that the Minister should not designate the Project under the IAA.

If you require any further information to assist you with your evaluation, please do not hesitate to contact Mr. Shaun McNamara at <Personal information removed>.

Yours truly,  
<Original signed by>

Maritn Ignasiak, QC

cc: Shaun McNamara, Summit Coal Inc.