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May 14, 2020

ELECTRONIC MAIL

Meaghan M. Conroy and Stacey Bigelow
MLT Aikins LLP
2200-10235-101st Street
Edmonton, Alberta T5J 3G1
mconroy@mltaikins.com, sbigelow@mltaikens.com

Dear Meaghan Conroy and Stacey Bigelow,

Thank you for your letter dated May 1, 2020, concerning the Vista Coal Mine Phase II Expansion Project and the Vista Test Underground Mine Project proposed by Coalspur Mines (Operations) Ltd. (the proponent).

On behalf of the Louis Bull Tribe, you have requested that the Projects be assessed together with respect to the thresholds of the *Physical Activities Regulations* pursuant to the *Impact Assessment Act* (IAA). Alternatively, if these activities do not meet the thresholds of the *Physical Activities Regulations*, you have requested that the Minister of Environment and Climate Change (the Minister) consider the proposed Projects together for designation under Section 9(1) of the IAA.

Under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to those effects warrant the designation.

The Impact Assessment Agency of Canada (the Agency) is assessing the applicability of the IAA to the Test Underground Mine and Phase II Projects if considered together (hereafter referred to as the Coalspur Vista Coal Mine Expansion Phases Project). If the Agency determines that the Project is not a designated activity under the *Physical Activities Regulations*, the Agency will review information about the Project to advise the Minister on whether the Project should be designated. If designated, to proceed with the Project, the proponent



would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond to your request with reasons for the decision by July 30, 2020.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>

In the coming days, a Registry page for the Project will be available on the Canadian Impact Assessment Registry Internet site. Please use the *submit a comment* feature on the Project's Registry page if you wish to provide further information to the Agency regarding this file. Letters can be uploaded using this feature. If you have difficulties using this feature, please immediately contact Shelly Boss at 587-357-6484 or shelly.boss@canada.ca.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – are considered public and may be released. If you have provided any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency as soon as possible. The Agency does not accept information marked as confidential without prior contact.

Further questions regarding the Project and the Agency's analysis can be directed to Shelly Boss by telephone or email.

Sincerely,

<original signed by>

Barbara Pullishy
Regional Director, Prairie and Northern Region