

Thermal Coal Update on the Vista Mine Proposed Expansion

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Water is life. Without water, we will cease to exist on this planet. Humans rely on water to survive. Our Traditional Ecological Knowledge Keepers speak about the importance of water, protecting water and ensuring its safety for future generations. This is why Keepers of the Water is passionate about protecting water from resource development and industrial projects such as the Vista Mine Phase 1, the proposed Vista Mine Phase 2 expansion, and Vista Coal Underground Mine.



Keepers of the Water (KOW), alongside Ecojustice, Canada's largest environmental-law charity, have been working since 2019 against Coalspur Mines Ltd. in their application to expand the Vista thermal coal mine by appealing to the Minister of Environment and Climate Change. It has been a [battle](#). Vista Mine Phase 1 produces six million tonnes of thermal coal per year¹.

Thermal coal is the dirtiest form of fossil fuel. It creates mass carbon emissions to extract the coal and also to burn the coal. Thermal coal is extracted and exported across the world to Asian markets. Vista currently emits 220,000 tonnes of carbon dioxide emissions per year.

KOW, Ecojustice, and other groups of concerned citizens, including Indigenous groups Stoney Nakoa and Louis Bull First Nations, have expressed directly and cumulatively that the physical activities of the Vista Mine and its proposed expansion may cause potential adverse effects within federal jurisdiction (such as effects to fish, fish habitat, species dependant of fish for survival, and Indigenous peoples). Warranting the Minister of Environment for such a designation.

An impact assessment will consider the proposed projects' potential environmental, health, social and economic impacts, including benefits. Potential impacts on Aboriginal and treaty rights are also assessed and consulted on. The [Canadian Environmental Assessment Act](#) (CEAA) or review panel uses the information to develop an impact assessment report.

¹ <https://ecojustice.ca/thermal-coal-alive-in-canada-but-we-can-change-that/>

The impact assessment report and Crown consultation outcomes inform the Minister or Governor in Council decision on whether a project's adverse impacts are in the public interest. ²

In the upcoming spring of 2023, KOW and Ecojustice will be back in court against Coalspur Mine Ltd.'s application for a judicial review to determine the validity of the Minister of the Environment's decision to designate Vista Mine Phase 2 and Vista Underground Mine for an IAA, on the basis that the Minister's decision was unreasonable and the process was not procedurally fair.

Pursuant to Section 9 of the Impact Assessment Act, the Minister of Environment and Climate Change has the broad authority to grant designation to projects that are not automatically designated for potential Impact Assessment. It is in the Minister's discretion to designate if the proposed project will have adverse impacts to federal jurisdiction or public concern about these effects warrants designation. ³

In 2012, the Canadian Environment Assessment Agency decided that Vista 1 did not warrant an Environmental Impact Assessment.

Open-pit mines decimate the environment. The Vista 2 Expansion area will impact coniferous trees, small creeks and streams.

Significant levels of selenium, calcite and other chemicals are released into the waterways through mining resource development. Selenium, as a byproduct, has been found in high concentrations downstream in the water.



Fish species considered endangered are at risk, impacted: Bull trout and Rainbow trout.

Mountain Cree Camp is a First Nation community in close proximity to the current Vista mine. This isolated community utilizes a traditional way of life, living off the land and getting their drinking water from the nearby creeks and rivers.

² Canada, Impact Assessment Agency of. "Government of Canada." *Canada.ca*, / Gouvernement Du Canada, 14 Feb. 2022, <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/impact-assessment-process-overview.html>

³ <https://iaac-aeic.gc.ca/050/evaluations/document/141457?culture=en-CA>

If approved, Vista mine will be North America's largest thermal coal mine. The Vista 2 Expansion will increase thermal coal production capacity to 50,000 tonnes per day, which is ten times the threshold for automatic designation under the IAA for new coal mines presumed to have major impacts. It could produce 22 to 33 million tonnes of carbon dioxide per year.

In 2021 the Government of Canada, in working towards reaching its environmental obligations and commitments in respect of climate change and its transition away from coal-fired energy, declared that Thermal Coal usage would be phased out of Canada by 2030. However, thermal coal mining for export is still allowed.

The Minister of Environment and Climate Change took action to deter the use of coal power by issuing a statement indicating that new and expanded thermal coal mine projects undergoing a federal review under the Impact Assessment Act (IAA) will be considered as likely to cause unacceptable environmental effects.⁴

This is not enough.

Canada must ban thermal coal extraction sooner than 2030. Canada needs to ban thermal coal in its entirety by 2023 and needs to ban the export of thermal coal⁵.

Canada must respect Indigenous people, their voices, sovereignty and the vast Traditional Ecological Knowledge, the first science of this land, that we carry with us. Canada must fully implement the 93 Truth and Reconciliation Commission (TRC) calls to action.

Canada must respect the Indigenous Peoples' right to Free, Prior and Informed Consent, especially when it concerns sovereignty and decisions regarding resource extraction.

⁴ Canada, Environment and Climate Change. "Government of Canada." *Canada.ca*, / Gouvernement Du Canada, 14 Mar. 2022, <https://www.canada.ca/en/environment-climate-change/services/sustainable-development/strategic-environmental-assessment/public-statements/future-thermal-coal-mining-projects-project-expansions.html> .

⁵ O'Shea, Sean. "A Ban on Thermal Coal Can Make This World a Safer Place." *Ecojustice*, 24 Mar. 2022, <https://ecojustice.ca/a-ban-on-thermal-coal-can-make-this-world-a-safer-place/> .