

Hon. Jonathan Wilkinson  
Minister of Environment and Climate Change  
House of Commons  
Ottawa, ON  
K1A 0A6

Sent via e-mail to: [Jonathan.Wilkinson@parl.gc.ca](mailto:Jonathan.Wilkinson@parl.gc.ca)

July 27, 2020

**Re: Potential impacts of Coalspur Vista Coal Mine on Critical Habitat of Athabasca Rainbow Trout**

Dear Minister Wilkinson,

On behalf of the Canadian Parks and Wilderness Society (CPAWS) Northern Alberta and Southern Alberta chapters, we urge the Minister to designate the Coalspur Mines Ltd. Vista Thermal Coal Mine – Phase II Project (the Project) under Section 9(1) of the federal *Impact Assessment Act* as it is clear that this Project “[...] may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrant the designation”. The Project has the potential to result in both adverse environmental impacts and adverse impacts on Indigenous communities. We believe these will not be adequately addressed if only provincial tools and the federal *Species at Risk Act* (SARA) are applied, especially given the current weakening of provincial regulatory safeguards in Alberta.

We are especially concerned about the potential negative impacts on the Athabasca population of Rainbow Trout, as the mine would destroy critical habitat for this *Endangered* species protected under SARA, and introduce landuse changes that contribute to cumulative impacts that are difficult to fully address with offsets alone. We are also concerned about the impacts this mine would have on the rights of Indigenous communities. The Louis Bull Tribe and the Stoney Nakoda Nations have each made Section 9(1) designation requests — with particular concerns that the Stoney Nakoda Nations have never been consulted despite the project occurring in their traditional territory which is subject to Title Claim<sup>1</sup>.

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<sup>1</sup> Letter from Sara Loudon, Rae and Company (Counsel to Stonkey Nakoda Nations) to Honourable Jonathan Wilkinson MP Minister of Environment and Climate Change, Impact Assessment Agency of Canada. 30 Jun 2020. Coalspur Vista Mine Underground Mine and Expansion Activities Project IAA Designation Requests – Stoney Nakoda Nations. <https://iaac-aeic.gc.ca/050/evaluations/proj/80731/contributions/id/47801>



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CPAWS Southern Alberta has been very active in promoting recovery of Alberta's native trout, including working as part of the Alberta Native Trout Collaborative. As an active participant in recovery efforts, we reached out to the *Impact Assessment Agency* (IAA) and the Department of Fisheries and Oceans Canada (DFO) to better understand how Athabasca Rainbow Trout, and their recent identification of critical habitat, were being considered in the Minister's decision.

The Athabasca River population of Rainbow Trout was designated as *Endangered* on August 21, 2019, under Schedule 1 of the *Species at Risk Act* (SARA). Environment Canada and Climate Change (ECCC) subsequently released a draft recovery strategy for Athabasca Rainbow Trout in June, 2020. Importantly, the recovery strategy identifies critical habitat for Athabasca Rainbow Trout throughout its range in the Athabasca watershed. ***McPherson Creek and its tributaries run through the proposed project area and fall squarely within critical habitat for Athabasca Rainbow Trout*** (see Figure 1). Thus, it is undeniable that the expansion of the Project will have adverse effects on Athabasca Rainbow Trout and its critical habitat.

Not only have Athabasca Rainbow Trout been found within one of the tributaries within the Project area<sup>2</sup>, Coalspur Mines Ltd. states that mining activities will have a “direct impact” on an unnamed tributary within the Project area where Athabasca Rainbow Trout were collected both in 2011 and 2018. Analyses still need to be completed to determine if the Athabasca Rainbow Trout collected are genetically “pure”, or if they have hybridized with hatchery rainbow trout. If they are found to be genetically pure, their protection must be prioritized, as genetic introgression is a primary driver of species decline. It should be noted that a study referenced by the federal Committee on the Status of Endangered Wildlife in Canada in their assessment report on the Rainbow Trout conducted in the McPherson Creek watershed shows that most samples of Athabasca Rainbow Trout were genetically “pure” non-stocked populations<sup>3</sup>. Moreover, it would appear there are at least three other tributaries in the Project area that have not yet been sufficiently sampled for presence of Rainbow Trout.

There are additionally a myriad of indirect landuse impacts from coalmines on Athabasca Rainbow Trout beyond direct removal of streams. There are serious sub-lethal effects from contamination risks from mine sites, which could be affected by proximity to mine.

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<sup>2</sup> Information package prepared for Canadian Environmental Assessment Agency from Coalspur Ltd. sent on August 9, 2019.

<sup>3</sup> COSEWIC. 2014. COSEWIC assessment and status report on the Rainbow Trout (*Oncorhynchus mykiss*) in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xi + 60 pp. [www.registrelep-sararegistry.gc.ca/default\\_e.cfm](http://www.registrelep-sararegistry.gc.ca/default_e.cfm)



These effects include chronic effects of metals, bioaccumulation, sediment contamination, and endocrine disruption. Notably, existing coalmines in the upper McLeod watershed have already caused toxic selenium loading in surface waters where embryonic deformities occur in the rainbow trout in these waters. Tailings ponds failures also pose a threat through lethal contamination of waters. Moreover, Coalspur Mines Ltd. states they will avoid McPherson Creek using only a 100-m buffer—however, it is unclear whether a 100-m will effectively prevent adverse risks to the watershed. These are landuse challenges that have difficulty being addressed fully under either the federal *Fisheries Act* or *SARA*, but can be addressed through the federal impact assessment process.

We also reiterate concerns from the Department of Fisheries and Oceans Canada (DFO) who stated in their response to the federal Minister that “[...] significant uncertainty remains as to whether an offsetting plan could adequately balance the project impacts without jeopardizing the survival and recovery of the species”<sup>4</sup>. Given the rarity with which Athabasca Rainbow Trout are found within these stream reaches, their sensitivity to change, and their diverse habitat requirements, we emphasize that offsets will not suitably limit impacts on the species.

The federal recovery strategy specifically notes increasing risks from expanding open pit coal mining in Athabasca Rainbow Trout range, as existing coal mines have already resulted in a loss of 15-km of trout habitat<sup>5</sup>. Importantly, provincial regulatory safeguards that were previously in place to protect portions of Athabasca Rainbow Trout range from mining impacts no longer exist as of May 15, 2020, when the Government of Alberta rescinded its decades-long coal policy. This decision opened up a large portion of west-central Alberta to coal mining. Portions of these areas now open to mining overlaps with Athabasca Rainbow Trout range (see Figure 2). Given these provincial regulatory changes, we caution that this population of Rainbow Trout will face increasing cumulative risks from coal mines within their range.

Given the documented presence of an important recently federally-listed *Endangered* species, the potential adverse impacts the Project will have on the critical habitat for this species, and the adverse impacts on Indigenous communities already voiced by the Louis Bull Tribe and Stoney Nakoda Nations, we urge the Minister to designate the Coalspur

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<sup>4</sup> DFO Response - Coalspur Vista Underground Proposed Expansion Activities. June 8, 2020.

<https://aeic-iaac.gc.ca/050/evaluations/proj/80731/contributions/id/47598>

<sup>5</sup> ECCC. 2020. Recovery Strategy for the Rainbow Trout (*Oncorhynchus mykiss*) in Canada (Athabasca River populations) (Draft). Environment and Climate Change Canada.

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/rainbow-trout.html>



Mines Ltd. Vista Thermal Coal Mine – Phase II Project under Section 9(1) of the federal *Impact Assessment Act* and conduct a federal impact assessment to address these outstanding issues.

Sincerely,



**Kecia Kerr**  
Executive Director  
CPAWS Northern Alberta



**Katie Morrison**  
Conservation Director  
CPAWS Southern Alberta



**Gillian Chow-Fraser**  
Boreal Program Manager  
CPAWS Northern Alberta

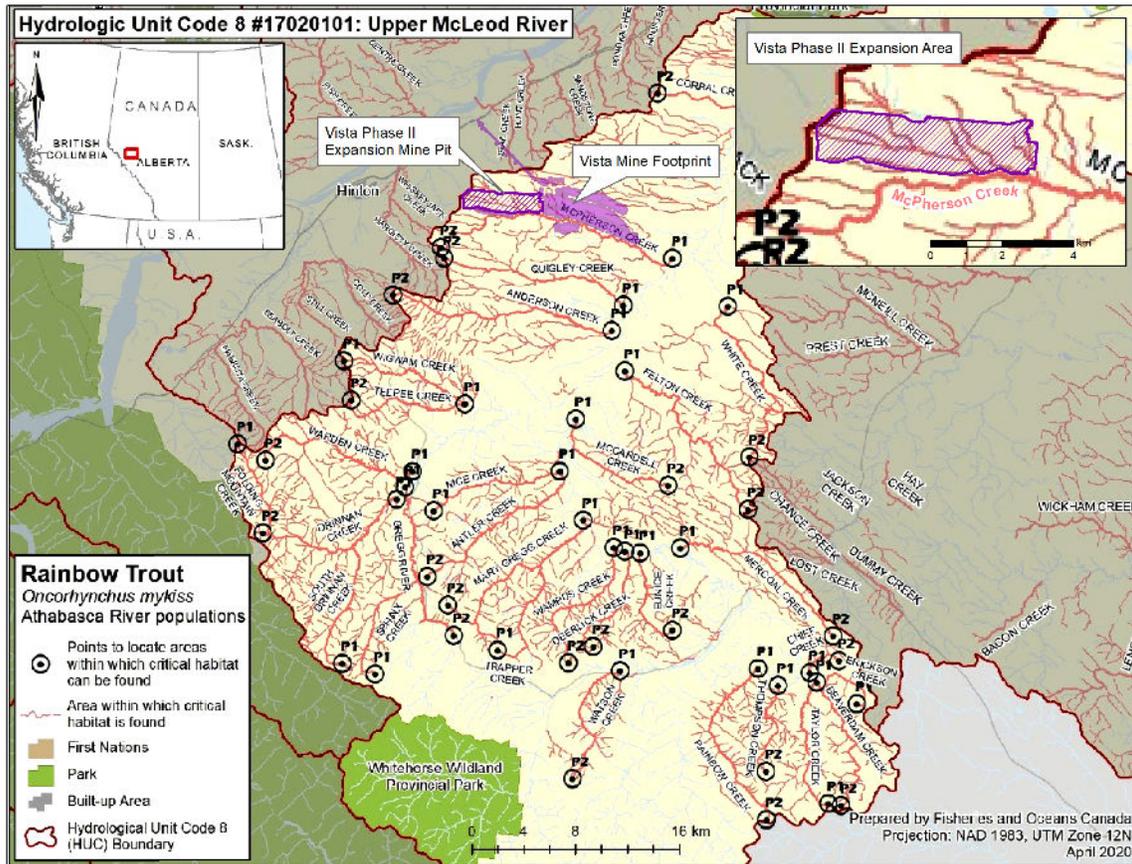


**Chris Smith**  
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**Figure 1:** Critical habitat (red lines) within Athabasca Rainbow Trout range in the Upper McLeod River watershed and project area footprint for Coalspur’s Vista coal mine Phase 2 expansion. The project area runs along McPherson Creek and overlaps with at least four tributaries, all of which are critical habitat. Adapted from the Draft Recovery Strategy for Athabasca Rainbow Trout (2020).



**Figure 2:** Distribution of Rainbow Trout (Athabasca River populations) and major rivers in the Athabasca watershed, and the former Alberta Coal Category 2 Lands (red hashed areas) now open to open-pit coal development. Adapted from the Recovery Strategy for Athabasca Rainbow Trout (2020), based on a sampling record from Fisheries and Wildlife Management Information System (FWMIS 2012; from COSEWIC 2014).

