

In July 2020, the former Minister of Environment and Climate Change designated both the Vista Coal Underground Mine Project and the Vista Mine Phase II Expansion Project. Both the projects' proponent, Coalspur Mines (Operations) Ltd., and Ermineskin Cree Nation, filed separate judicial review applications of this Order in the Federal Court. In July 2021, the Federal Court in the Ermineskin judicial review set aside the Minister's July 2020 Order designating the projects. The Federal Court ordered a reconsideration of the matter. Given this decision, the Federal Court dismissed the Coalspur's judicial review application on the basis that it was moot.

Following a reconsideration process, the Minister of Environment and Climate Change designated the projects again on September 29, 2021. As part of this process, the Impact Assessment Agency of Canada engaged with over 40 Indigenous groups, including Ermineskin Cree Nation, to ensure that their views and perspectives were considered.

The [Minister's response with reasons](#) and [the Order](#) are available on the Canadian Impact Assessment Registry website.

Our Government defends the original designation Order, and on September 29, 2021, filed a Notice of Appeal of the Ermineskin decision with the Federal Appeal Court. On the same day, Coalspur Mines (Operations) Ltd. appealed the Federal Court's dismissal of its judicial review application. The Government of Canada and the proponent filed their legal arguments in the appeals on January 17, 2022. The hearing of the appeals may take place in the spring of 2022.

In the meantime, the impact assessment process continues. The Minister's designation of the projects mean they will now enter the Planning Phase of the impact assessment process which allows for a more thorough review and consultation period to be held so that a well-informed decision can be made as to whether the projects require a full assessment.

The proponent now needs to submit an Initial Project Description to commence the Planning Phase of the projects under the Impact Assessment Act. During the Planning Phase, the Agency will invite the public and Indigenous groups to review the summary of the Initial Project Description and provide feedback related to the proposed projects.

It is also during the Planning Phase that the Agency will determine whether an impact assessment is required for the projects. For more information about the various steps in the federal impact assessment process, please visit the Agency's [Impact Assessment Process Overview](#) webpage.