



July 7, 2016

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**RE: Updated Technical Review of Benga Mining Limited (“Riversdale”) Grassy Mountain  
(Ksiistsiiko'om oomoiyyi) Coal Project Based on Community Validation Meeting  
Follow-up to Piikani Nation Statement of Concern for Benga Mining Limited (Riversdale) Grassy  
Mountain (Ksiistsiiko'om oomoiyyi) Coal Project Coal Conservation Act Applications 1844520  
and 1844522**

Dear Sir/Madam:

The Piikani Nation (Piikani) is providing an update to our technical review of the Grassy Mountain (Ksiistsiiko'om oomoiyyi ) Coal Project based on further input provided in our June 23<sup>rd</sup>, 2016 Community Validation meeting of our Technical Review Report submission (May 2016). Please consider the attached Updated Technical Review Report (June 2016) as the final version.

A summary of the edits and additions that were made to the full report are included in the following pages to assist in your review of this additional Piikani member input. The edits and additions are also incorporated into the attached Updated Technical Review Report.

### **Summary of Community Validation Meeting, June 23, 2016**

On June 23, 2016, the Piikani First Nation held a Community Validation Meeting in Brocket.

The objective of the session, as described in our community-specific consultation plan with Riversdale Resources, was to discuss the technical review findings with Piikani members to determine if there were any additional concerns or comments about the Grassy Mountain (Ksiistsii'om oomoiyyi) Mine Project to provide to regulators and Riversdale.

The Technical Review Report is available to community members at the Piikani Consultation office and a copy of the full technical review was available at the meeting as well. The Piikani Consultation office had worked with the technical review consultants prior to the meeting, and developed a 4-page summary, highlighting some of the key findings and recommendations from the technical review.

The meeting was divided into 2 sessions, one in the early afternoon, and the second in the later part of the afternoon. There were 25 Piikani members, in total, at the two meetings.

The community members appreciated that Piikani leadership had hired a team of specialists to review the EIS on behalf of Piikani First Nation. In addition to the comments and recommendations in the technical review, Piikani members wanted to provide additional information. The following is a summary of the additional information requested by the Community for inclusion into the Technical Review Report. The summary also indicates which pages this information was added into the original Technical Review Report (May, 2016), to assist the reader in finding the additions.

## **Feedback from the Community Validation Meeting**

### **Declaration that the land is part of who Piikani is:**

The following declaration was added as a Preface to the Technical Review Report, prior to Page 1

*The Akaa Piikani were a member of the Siksikatsiitapiwa, the Blackfoot People, comprised of Kainaiwa, Siksikawa and Piikaniwas; the Siksikatsiitapiwa marked their Blackfoot territory since time immemorial by significant Blackfoot landmarks, in the north by the North Saskatchewan River, on the east beyond the Great Sand hills, on the south by the Yellowstone River, on the west by the Continental Divide the said territory given to the Siksikatsiitapiwa by Istipatahyopi, the Source of Life, to coexist with all his creation; the Siksikatsiitapiwa integrated with the said territory through stories, songs and ceremonies; and as a people, collaborated to maintain a distinct language, spirituality and culture, as well as familial, economic, social and governmental relationships.*

*The Piikani were originally located in the Siksikatsiitapiwa territory in one geographic area,, nevertheless, since the imposition of the international boundary, the Piikani have been geographically divided into two groups. The Aapatohsipiikani (North Piikani), located in Canada and the Amsskapiikani (Sought Piikani), located in the United States.*

*The Aapatohsipiikani, also referred to as the Piikani for the purposes of this document, wish to maintain their unique language, spirituality and culture as a people, while sustaining their family and social relationships, and traditional governmental systems.*

*The Aapatohsipiikani further strive to enhance their lives as a people by advancing the political interests of the Piikani, which includes protecting the treaty and aboriginal rights of the people, and promoting education programs and economic interests that benefit the people. The Piikani, in their pursuit to complete such endeavours, will further strive to ensure that the values, principles and integrity of the Piikani is preserved in the process.*

*The Piikani are descendants of the Akka Piikani, and are a member of the Siksikatsiitapiwa. The Piikani, originally utilized specific areas within the territory of the Siksikatsiitapiwa, namely, those areas marked on the norther by the North High River, on the sought east by the Little Bow River, on the sought by the Kootney River, on the west by the Great Divide. The Piikani have never given up right to these lands and although faced with many challenges as a people, have continually strived to maintain their language, spirituality and culture distinct to Piikani, including their family and social relationships, and traditional governmental systems, while promoting political interests, economic interests and education programs that will enhance the lives of the Piikani people. Piikani in pursuit of all their endeavours, aspire to always uphold and incorporate the values, principles and integrity of the Piikani and also continues to endeavour to maintain economic, social and governmental relationships with the members of the Siksikatsiitapiwa.*

*The Piikani Nation will continue to protect the interests of the Piikani in those lands and territory which are integral to the Piikani people, and that the Piikani Nation will continue to exercise extra-territorial jurisdiction for the purposes of protecting the aboriginal and treaty rights of the Piikani Nation as guaranteed by the Treaty with Her Majesty the Queen in Right of Canada.*

*As per Treaty 7, the Piikani Nation have the following rights to the use and enjoyment of our traditional lands and reserve lands which the environmental and socio-economic impacts of the grassy Mountain (Ksiistsiiko'om oomoiyyi ) Coal Mine will adversely affect:*

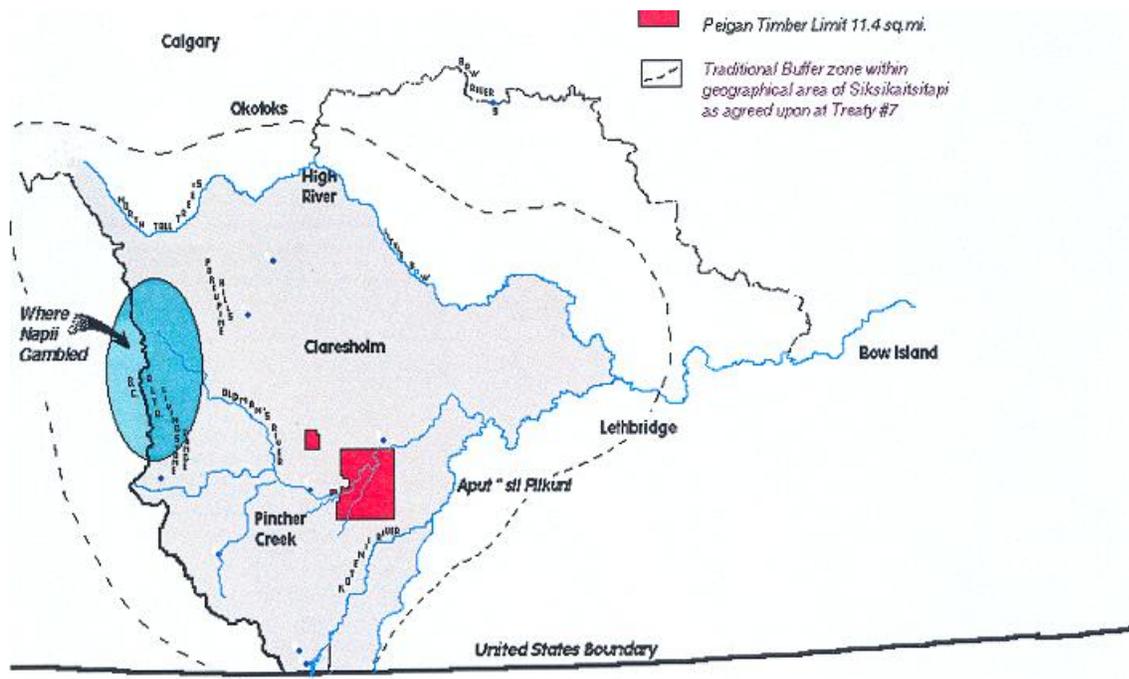
- *As beneficiaries of Treaty 7, treaty rights including the right to hunt, trap and harvest natural resources within our traditional territory, to our way of life, to the use, enjoyment and control of lands reserved for us and the right to a livelihood and cultural and spiritual practices from our traditional lands;*
- *While Alberta has the ability to “take up” lands for mining and other purposes pursuant to Treaty 7, this right is limited by Pikani Nation’s right to sufficient lands, and access to them, within our traditional territory, of a quality and nature sufficient to support the meaningful exercise of their treaty rights;*
- *The right to hunt for food in all seasons pursuant to the Natural Resources Transfer Agreement (being schedule 2 of the Constitution Act, 1930);*
- *The right to be consulted and accommodated with respect to potential adverse effects on our rights and the interests secured by these rights;*
- *The right to use and enjoyment of our reserve lands pursuant to section 18(1) of the Indian Act (R.S. 1985, C. I-5);*
- *The statutory right to hunt, fish and trap on Crown lands pursuant to the Hunting, Fishing and Trapping Heritage Act (S.A. c. H-15.5).*

A definition of some key Blackfoot words for the project area and a map created by the Piikani Nation for reference purposed only are also provided below. This area defined on the map does not limit the use of the Piikani people to only these areas. The use and sharing of the land with other members of the Blackfoot Confederacy was a common right shared among the Blackfoot people. This area defined does not supersede nor diminish any further claim to traditional territories as may arise by land claim or otherwise.

***Treaty # 7 Definition of traditional territory of siksikait-ʔsitapii as explained by learned senior elders of ʔiikuni and Blood Tribes - Interpretation prepared by William Big Bull***

***sōattsii-īītūpūttōapii - Sitting behind an Eagle Tail***

- ōōt-o'ssi'kāan -** Treaty Claim by Sitting behind an Eagle Tail among our peers on behalf of piikuni, of the known habitual territory of the siksikait-itsitapii
- nāpiiōtsiit'taam -** Oldmans River, the flow of the Head waters of the Oldman River
- kōōtōnāitt'taa -** Kootenai River to where they flow from Waterton Lakes to join the Waterton & Belly rivers
- māistotsipiskoo -** Crow Round Willows area of Waterton Dam
- māistō'pūniik'tāatssis -** Crow Curtains, Bow-Crow Forest Reserve and surrounding Mountain Range
- māistwiik-kōkaa -** Crowlodge Creek southwest of Peigan Reserve #147 through present day M.D. of Pincher Creek
- īīāisū'kōp -** where we get our red ochre paint located on two sites in the Bow Crow Forest Reserve along the Carbondale River
- kāis-kkōo'p' sōyis -** Porcupine Tail, Porcupine and Foot Hills
- pūnii-ik'k'tāttssis -** tipi or lodge liners, Wall Curtain Mountains the geographical area known as the Gap, Race Horse Creek & Livingstone Range
- nāpii oōtsit-tāik'tssspii -** where Nāpii gambled the entire Eastern Slope of the Rockies
- mūttsinii āawāistāam -** Tongue Flag river of the Kananaskis country
- āppūt'spitsii -** the North Tall Trees, Highwood River



*\*note: This map is created for the Peigan Nation for reference purposes only. The defined area does not limit the use of the Peigan people to only these areas. The use and sharing of the land with other members of the Blackfoot Confederacy was a common right shared among the Blackfoot people. This area defined does not supercede nor deminish any further claim to traditional territories as may arise by land claim or otherwise.*

### **Use of Blackfoot names for the project area:**

The Piikani Nation wants to re-emphasize that the land around Grassy Mountain has been in their territory since time immemorial and was actually called Thunder Mountain, and there is a specific Blackfoot word for the mountain “Ksiistsiiko'om oomoiyyi”. It was important to Piikani members, that readers of the report understood that this land has been used by Piikani members for centuries and actually has a specific name in Blackfoot. This reiterates the statement made in the Piikani Declaration provided above. Reference to the Blackfoot name for the mountain has been added throughout the Technical review.

### **Piikani Traditional Expertise should be emphasized:**

As mentioned in the original Technical Review Report, Piikani stated that Riversdale had done a poor job of collecting and using traditional knowledge. Traditional knowledge is an expertise that Piikani community members have, and would have added to the quality and accuracy of the environmental studies undertaken, if it had been properly collected. Emphasis has been added in a few points in the review, that Piikani knowledge is a form of technical expertise; pages 146 (last paragraph), page 172 (2<sup>nd</sup> last paragraph), page 211 (Request 228 and 230), page 219 (Request 272), and page 221 (Request 285)

### **Agreements between Riversdale and Piikani last for the life of the Project:**

Piikani community members indicated they were concerned that Riversdale would sell the Grassy Mountain (Ksiistsiiko'om oomoiyyi ) mine, as they have with their previous mines, eg. Mozambique Benga Mine. Therefore, there needs to be a written commitment from Riversdale that if they sell the mine, Riversdale will require the new owner to continue to support any agreements with Piikani, whether there is a regulatory requirement to do so or not. This was added as a General Request in Section 1.8 on Page 6.

### **Historical Resource Impact Assessment:**

The HRIA needs to have meaningful Piikani involvement. As well, after the HRIA is completed, Piikani wants the consultant that completed the HRIA to present their findings to the community. An addition to the wording of Request 138 on Page 139 was made.

### **Sharing in Economic Benefits is Essential:**

If the Project is developed, the Piikani Nation must share in the economic benefits of the Project. This includes training and employment, contracting opportunities and direct community investment by Riversdale. This point has been emphasized on Page 111 (1<sup>st</sup> paragraph) and page 115 (last paragraph) in the Technical Review Report.

### **Riversdale must Support Meaningful Piikani Involvement in Monitoring:**

Throughout the original Technical Review Report (May 2016), recommendations are made for monitoring programs. Riversdale needs to financially support Piikani involvement in the monitoring programs. As well, all monitoring reports should be sent directly to Piikani Nation, over the life of the Project. Reference to this has been added in Section 1.8 on page 6 as part of the first General Request.

### **Direct Notification of Changes to the Project (construction and operations):**

Piikani members want a commitment from Riversdale that any changes to the project during construction or operations, will be communicated directly to Piikani. There was a specific concern about any changes to the project footprint and how that would affect Piikani members. This request was captured as part of the multiple requests made for a “Notification Plan” in the Technical Review Report.

**Tour of site for Piikani members, pre-construction:**

Piikani members want Riversdale to offer a tour of the site for community members prior to construction. This was added as part of Request 51 on Page 74.

**Data collection and monitoring for Willow Bark:**

A number of plants are culturally important to Piikani members. Some of the specific plants that were mentioned include Red Willow, Mint and Saskatoons. The Willow Bark is used for a variety of traditional purposes. Piikani members want Willow Bark to be included in baseline data collection and in monitoring programs. They want to monitor both the number of willow plants, as well as the chemical make-up of the bark. The concern is that contaminants associated with the Project (e.g. selenium) will be absorbed by the willows. This has been added to Request 62 on Page 80.

**In Closing**

Direct consultation has yet to occur with Alberta and Piikani requests direct consultation to address the project specific and cumulative loss of lands and natural resources and resulting loss of meaningful opportunities for the exercise of Piikani's treaty and aboriginal rights.

As a directly affected rights-holder, the Project is of interest and concern to Piikani and we look forward to working with Riversdale as well as the regulators as the Project moves through the regulatory process. In keeping with this, Piikani expects to be supported by both Riversdale and the regulators to review the anticipated Project Update. The results of that review will be provided to regulatory bodies and Riversdale to ensure that our concerns, interests and recommendations are based on the most current information provided in the assessments of the benefits and impacts of the Project.

Please contact me directly at 403-965-2522 or d.wolfe@piikanation.com should you have any questions or wish to discuss this letter further.

Sincerely,

<Original signed by>

Dustin Wolfe  
Piikani Consultation  
Piikani First Nation

cc Piikani Nation Chief and Council

Attachments: Updated Review of Riversdale Resources Riversdale Limited Grassy Mountain  
(Ksiistsiiko'om oomoiyyi) Coal Project Environmental Impact Study, July 2016