Dear Mr. Maracle and Mr. Joshi:

RE: Benga Mining Ltd.—Grassy Mountain Coal Project (“Project”)
Canadian Environment Assessment Agency Reference No.: 80101

The Municipality of Crowsnest Pass (“Municipality”) understands that the Project is jointly regulated by the Alberta Energy Regulator (“AER”) and the Canadian Environmental Assessment Agency (“Agency”). The Agency determined that an environmental assessment will be required for the Project. The AER required that Statements of Concern be filed by January 4, 2016. The Municipality requests that it the AER and CEAA consider this letter as its Statement of Concern and request to participate in the environmental assessment as an interested party.

The Municipality is directly affected by this Project and has relevant information and expertise to contribute to its environmental assessment. The Project is located within the Crowsnest Pass and development permits are required from the Municipality. If approved, the Project would have a significant economic impact on the Municipality. The Project could also adversely affect transportation, recreation and other infrastructure within the Municipality. The Municipality would like to work with the proponent to mitigate any adverse effects through the regulatory process.

The Municipality has a substantial connection and real interests in the Project and requests the opportunity to participate in any regulatory review or environmental assessment. Residents and businesses in the Municipality are also interested in the Project. Please provide any Project-related information to:

P.O. BOX 600  CROWSNEST PASS, ALBERTA  T0K 0E0  F 403 562-8833  F 403 563-5474  crowsnestpass.com
Sheldon Steinke, Chief Administrative Officer
Municipality of Crowsnest Pass
Box 600
Crowsnest Pass, AB T0K 0E0
403.562.8833
<email address removed>

If you require any further information please contact the undersigned.

Yours very truly,
<Original signed by>

Blair Painter
Mayor
Municipality of Crowsnest Pass

c:  Steve Mallyon, Managing Director, Benga Mining Ltd.
<email address removed>
To whom it may concern,

Please find attached CPAWS Southern Alberta’s Statement of Concern on the Benga Mining Limited Grassy Mountain Coal Project, Application 1902073.

Thank you,
Katie Morrison

Conservation Director
CPAWS Southern Alberta Chapter
Office: (403) 232-6686
Cell: (403) 463-6337
<email address removed>

SUPPORT CPAWS SOUTHERN ALBERTA CHAPTER
December 8, 2017

Authorization Branch
Alberta Energy Regulator
Suite 1000
250 – 5th Street S.W.
Calgary, AB T2P 0R4
SOC@aer.ca/ARCTeam@aer.ca

To Whom It May Concern:

Re: Statement of Concern
Benga Mining Limited Grassy Mountain Coal Project
CCA Applications No. 1844520 and 1902073
EPEA Application No. 001-403427
WA Applications No. 001-00403428, 001-00403429, 001-00403430, and 001-00403431
PLA Applications MSL 160757, MSL160758, LOC 160841, LOC 160842, and LOC970943

The Canadian Parks and Wilderness Society-Southern Alberta Chapter (CPAWS-SAB) hereby submits a Statement of Concern in response to the above-noted applications.

1. CPAWS STANDING TO BE HEARD ON THESE APPLICATIONS
The Canadian Parks and Wilderness Society (CPAWS) is Canada’s only nationwide environmental charity dedicated solely to the protection of our public lands and waters, and ensuring our parks are managed to protect the nature within them. Founded in 1967, CPAWS-SAB is a respected leader in the conservation and stewardship of the Southern Alberta landscape. We strive to educate, collaborate, engage, and empower Albertans in developing solutions that safeguard, connect, and expand parks and wilderness areas. Over the past fifty years, we have worked successfully to increase protection for Southern Alberta’s sensitive and essential habitats, including the Castle River watershed, the Whaleback region, and Kananaskis Country.

CPAWS-SAB has decades of experience influencing management planning for Southern Alberta. For example, since 1993, CPAWS-SAB has been engaged in management planning for the Castle River watershed, just a few kilometers south of the proposed mine and processing facility. We played a leadership role in the creation of the South Saskatchewan Regional Plan, which encompasses the mine site and surrounding landscape. We also have been involved in planning and advocacy in relation to Highway 3, particularly in relation to wildlife connectivity.

Our two thousand members live in or regularly camp, hunt, fish, ride, hike, paddle, ski, and otherwise experience the many recreational and wilderness opportunities in southern Alberta and the Crowsnest Pass region. Our members rely on CPAWS-SAB to engage in public consultations such as this one to express their concerns and represent their interests.

2. CPAWS’ OBJECTIONS TO THESE APPLICATIONS
We have carefully reviewed the plans for the proposed coal mine, processing facility, and associated infrastructure in the Crowsnest Pass, Alberta. Our lens during our review is primarily from the perspective...
of protecting ecological integrity. While there is much to be concerned about the impacts this mine will have on the environment of the Crowsnest Pass region, we will limit our objections to the following issues:

a. Wildlife habitat and connectivity,

b. Impacts on westslope cutthroat trout,

c. Selenium pollution, and

d. Impacts on limber pine and whitebark pine.

a. *Wildlife Habitat and Connectivity*

Several wildlife species of management concern occur in the Crowsnest Pass area, including grizzly bears, elk, moose, white-tailed and mule deer, mountain goats, mountain sheep, Canada lynx and American marten.

There is an important wildlife habitat patch for multiple species (elk, grizzly bear, wolverine, bighorn sheep, and moose) just to the east of the proposed mine permit boundary and another patch at the south-central end of the mine permit boundary. A primary wildlife corridor connecting those two patches as well as connecting them to a habitat patch just west of Coleman bisects the proposed mine permit area, encompassing most of the ultimate pit extent.

The north portion of the mine permit boundary is situated within a Core Grizzly Bear Zone. Alberta’s Grizzly Bear Recovery Plan provides a framework of actions that are needed for the successful recovery of this species. Key recommendations of the plan include controlling access, development, and use in high-quality grizzly bear habitat.

The ability of wildlife to move between patches of habitat is essential to their ability to meet their life needs for security, food, and mating, as well as to adapt to changing ecological conditions. The construction and operation of an open pit coal mine at this location has the potential both to destroy a significant amount of habitat that supports multiple wildlife species, including a grizzly bear population that is classified as Threatened under Alberta’s Wildlife Act, as well as sever wildlife movement opportunities for those species.

b. *Impacts on Westslope Cutthroat Trout*

The Alberta population of westslope cutthroat trout (WCT) is listed as a Threatened species both in Part 3 of Schedule 1 to the federal *Species at Risk Act* and under Alberta’s *Wildlife Act*. Out of approximately 274 waterbodies historically occupied by WCT, there are only approximately 51 pure-strain populations remaining in the original WCT distribution in Alberta. A recovery strategy for WCT was issued in 2014. The goal of the recovery strategy is to protect and maintain the existing ≥ 99% pure populations (currently believed to be approximately 51) at self-sustaining levels, and to re-establish additional pure populations to self-sustaining levels, within the species’ original distribution in Alberta.

Critical habitat for WCT is found both in Gold Creek, including almost 14 km of the Gold Creek mainstem and its headwater tributaries, and in approximately 10 km of the headwater tributaries of Blairmore Creek. Downstream barriers to fish migration have preserved and will continue to preserve the genetic purity of these WCT populations. The applicant’s own surveys found a significant proportion (132 individuals out of 170 sampled) of 100% genetically pure WCT in Blairmore Creek.
The proponent’s *Aquatic Ecology Effects Assessment Addendum* (Consultant Report #6) identifies the following impacts of the project on aquatic resources during construction, operation, and reclamation, in both Blairmore and Gold Creeks:

- temporary and permanent loss of aquatic habitat
- loss or alteration of high quality riparian habitat
- changes in hydrology, including net losses in flow,

including reaches that contribute directly to critical habitat for WCT.

The proponent is applying for authorization under s.35(2) of the *Fisheries Act* to conduct activities that cause serious harm to fish. This provision authorizes serious harm to fish to be permitted under certain conditions, including where the serious harm to fish may be mitigated. The proponent is proposing to undertake several activities such that there may be a net gain in aquatic and riparian habitat.

Nonetheless, CPAWS-SAB submits that, given the highly threatened nature of WCT populations in southern Alberta, the risk that mitigation measures may not be successful, and that a s.35(2) authorization ought not to be permitted where a fish population is threatened, the proposed mitigation measures are inadequate to prevent potential losses to this already decimated population of fish.

c. **Selenium pollution**

Selenium (Se) is a naturally occurring element present in the rocks and minerals of earth’s crust including the waste rock of the coal mines in the southern Canadian Rocky Mountains. It can be harmful if present at elevated concentrations. Coal mining can accelerate the release of Se to the environment by exposing waste rock to air and water.

Substantial physiological changes may occur in fish with high tissue concentrations of Se. Fish affected by Se may experience swelling of the gill lamellae, which impedes oxygen diffusion across the gills and blood flow within the gills. Respiratory capacity is further reduced due to Se binding to hemoglobin. Other problems include degeneration of liver tissue, swelling around the heart, damaged egg follicles in ovaries, cataracts, and accumulation of fluid in the body cavity and head. Selenium often causes a malformed fish fetus which may have problems feeding or respiring; distortion of the fins or spine is also common.

Selenium bioaccumulates in aquatic habitats; this results in higher concentrations in organisms than in the surrounding water. Further concentration through bioaccumulation occurs along the food chain, as predators consume selenium rich prey. It is recommended that a water concentration of 2 μg Se/L be considered highly hazardous to sensitive fish and aquatic birds.

Total selenium measured by the proponent in Gold Creek exceeded the local water quality guidelines in 25% of the samples during the summer and 20% of the samples during the winter.

A few kilometers away from the proposed Grassy Mountain Coal mine are a series of five coal mines operated by Teck Coal Limited. Active and inactive mining over the decades has resulted in unacceptably high levels of Se in the Elk/Kootenay River system. Teck has invested hundreds of millions of dollars in the latest water treatment technology to try to remove Se from wastewater, only to discover that it is unable to remove sufficient amounts of Se to achieve acceptable levels in its effluent.
Given the experience of Teck, CPAWS-SAB is unconvinced that Benga Mining will be able to adequately treat its wastewater and that Se pollution, with its attendant impacts on fish and the organisms that consume fish, is an inevitable consequence of this mine proposal.

d. Impacts on limber pine and whitebark pine

Two species that will be directly impacted by the mine footprint and associated activities are federally listed by Committee on the Status of Endangered Wildlife in Canada (COSEWIC) (COSEWIC 2015): *Pinus albicaulis* (whitebark pine) and *Pinus flexilis* (limber pine). Whitebark pine is listed as “Endangered” in Alberta and British Columbia and under SARA Schedule 1. Limber pine was designated as “Endangered” throughout its range in Alberta and British Columbia by COSEWIC in November 2014. Whitebark pine and limber pine are also ranked as “At Risk” and are ranked as “Endangered” under Alberta’s *Wildlife Act*.

Alberta’s recovery plan for limber pine states that loss of habitat and populations of limber pine is undesirable and should be minimized. The recovery goal is to conserve existing populations and habitat and to restore populations across its current and historical range in sufficient numbers to continue functioning in its ecological role. Reducing direct mortality to limber pine, such as will occur if the Grassy Mountain Coal Mine proceeds, is the first recovery objective. The recovery plan for whitebark pine contains identical goals and objectives.

Given the fragile state of limber pine and whitebark pine populations in southern Alberta, activities that will result in mortality to individuals of these species should not be permitted.

3. CPAWS’ PROPOSED OUTCOME FOR THESE APPLICATIONS

Due to the extent of habitat loss and fragmentation of habitat corridors, the irreplaceable compromise of habitat for pure strain westslope cutthroat trout, the potential for irremediable Selenium pollution in the Crowsnest River watershed, and the likely mortality of limber and whitebark pine trees in the project footprint, CPAWS requests that these applications be denied.

4. CONCLUSION

CPAWS-SAB is very concerned about the potential ecological impacts of a new coal mine in the Crowsnest Pass region of Alberta. We request to be allowed to participate in any hearings conducted by the Alberta Energy Regulator to expand upon the submissions made above.

Sincerely,

Anne-Marie Syslak
Executive Director
<email address removed>

Katie Morrison
Conservation Director
<email address removed>

cc: Benga Mining Limited
P.O. Box 660
12331-20 Avenue
Blairmore, AB T0K 0E0
<email address removed>
Attention: Authorizations Branch, Alberta Energy Regulator

Statement of Concern and Objection Regarding Applications 1844520 and 1902073 from the Livingstone Landowners' Group -- see attached.

Regards,

Sheila Torgunrud, Secretary

on behalf of

Board of Directors, Livingstone Landowners' Group
Livingstone Landowners’ Group
P.O. Box 148
Cowley, Alberta T0K 0P0

4 December 2017

Re: Applications 1844520 and 1902073

STATEMENT OF CONCERN AND OBJECTION REGARDING:
Applications No. 1844520 and 1902073
Riversdale Resources / Benga Mining Ltd. - Grassy Mountain Coal Project

Personal Information:
Statement filed by: Livingstone Landowners’ Group
Statement of Concern Filed: December 3, 2017
Contact Information: Livingstone Landowners’ Group, PO Box 148, Cowley, AB T0K 0P0
Phone: 403-804-8841
email: <email address removed>
Land location: The land between the Livingstone Range and the Porcupine Hills; i.e., immediately east of Grassy Mountain

STATEMENT OF CONCERN

Addressing Benga Mining Limited’s proposed Grassy Mountain Coal Project

The Benga proposal: Benga Mining Limited (Riversdale Resources) proposes to construct an open-pit coal mine, a coal processing plant, a rail load-out facility, and a new rail line. The proposal also calls for use of Crown lands and the capture, collection, and treatment of surface runoff and groundwater; the transfer of surface water licenses; the diversion of surface water; and the transfer of water from municipal to industrial use (with the end use being coal-washing and mine operations).

The Livingstone Landowners’ Group (who we are): The Livingstone Landowners’ Group (LLG) is an association of approximately 80 landowners living within a sprawling land base that extends northward from the confluence of the Castle, Crowsnest, and Oldman rivers to Whaleback Ridge, and westward from the Porcupine Hills to the Livingstone Range. LLG members include multi-generational ranchers as well as acreage and property owners.
The Livingstone Landowners’ Group Concerns: The Benga-envisioned open-pit mine is located on Grassy Mountain (in the MD of Ranchland), but the proposed land use area extends south into the Municipality of Crowsnest Pass, and it lies immediately upstream and upwind of the MD of Pincher Creek.

Two streams (Blairmore Creek and Gold Creek) flow south from the flanks of Grassy Mountain. Each is home to pure-strain westslope cutthroat trout, an already threatened species that, in Alberta, is living on approximately five percent of its historic range. The two creeks flow into the Crowsnest River, a world-renowned trout fishery, and one of the primary tributaries of the Oldman River.

The Livingstone Landowners’ Group (LLG) assumes an active role in reviewing and assessing the impact of proposed development. It does this to ensure that the internationally acclaimed and marketed beauty of this Crown of the Continent landscape is retained for future generations, and that the region’s ecological diversity and quality-of-life virtues are safeguarded.

The LLG believes that an open-pit coal mine on the western flanks of the iconic Livingstone Range has the potential to create negative impact far beyond its Benga-mapped boundaries. The actual footprint of the proposed mine can be expected to extend well into the LLG landscape where it would affect waterways, air-quality, wildlife habitat, and human health.

The concerns stated herein remain, notwithstanding that the LLG understands Benga would commence (or continue) to disturb only portions of the proposed overall project area and that the actual developed footprint is only a portion of the overall geography this project covers or may cover. Also, the LLG expects Benga will promise to attempt restoration of what was disturbed following the mining of some of the areas bearing coal before opening more of the project area up for more coal mining, use for storage, or other uses. Regardless, the LLG’s concerns take this into account, and arise with the impact of any initial or continued mining and/or mining’s related infrastructure, regardless of size (although spreading of mined material across unknown kilometers of landscape presents other serious issues). Further, the vulnerability of known—and already at-risk—flora and fauna within the proposed project’s envisioned footprint means any suggestion of restoring finished areas to their pre-disturbed state—such suggestions are often backed-up by “expert” reports—is highly problematic.

Mining in the nearby Elk River valley of southeastern BC has exposed the threat generated by high concentrations of selenium. Essential in small amounts, selenium can prove lethal, perhaps especially to salmonids such as bull trout and cutthroat trout. Selenium is a huge issue—it may not be mitigable—in the Elk River. The Benga-proposed open-pit mine in the headwaters of the Oldman River, within the same geological formations found in the neighboring Elk River valley, can be expected to generate the same results: elevated selenium concentrations that degrade the health and wellbeing of aquatic life, terrestrial wildlife, livestock and humans. Additionally, the Oldman’s lesser flow rates suggest that selenium concentrations here (in AB) could be much greater than those found in the Elk River.

A river of wind known as the Livingstone Wave surges over the crest of the Livingstone Range. This riptide of flowing air is the aerial equivalent of tumultuous whitewater. It shapes the floral community in its path and, in winter, opens critical rough fescue rangelands to herds of foraging cattle and a Serengeti-like abundance of native ungulates.
The Livingstone Wave provides free lift and transportation for another wildlife spectacle: the world’s greatest concentration of migrating golden eagles.

Thousands of eagles and countless additional avian migrants ride this freight-train of wind. So does an international cadre of sailplane pilots. They, sometimes soaring with migrating raptors, “surf” the lenticular clouds that define the crests of colossal standing waves … and soar into the stratosphere. It’s here that Canadian high-altitude flight records are set.

This hurricane of wind, as it slices to the east across Grassy Mountain, can be expected to transport dust, coal fines, and any toxic wastes tens of kilometers into the LLG landscape. The envisioned depositions, in winter, would accumulate on snow, where their solar-induced heat absorption would accelerate snow-melt and, as a result, diminish mid-summer and autumn stream flows. (Bull trout, another native and threatened trout species, spawn in the fall. Big bull trout lurk in the plunge pools of the lower Crowsnest River, and elsewhere within the upper Oldman watershed.)

Wind transports sound. Already, disturbingly loud and droning industrial noise from exploratory operations at the proposed mine has invaded the peace and tranquility that, historically, has characterized life for residents living along the eastern flanks of the Livingstone Range.

Rock Creek, its headwaters framed within forests of endangered limber pines and whitebark pines, is another refuge for already-threatened, pure-strain westslope cutthroat trout. The creek emerges on the eastern flanks of the Livingstone Range just five kilometers—downwind!—from the proposed project. The concern: fish-suffocating sedimentation, airborne toxins, reduced summer stream flows, elevated summer stream temperatures, and the combined impacts of all of the preceding on today’s existing, at-risk, on-the-brink native trout.

Trout are not the only water-related concern. The LLG is opposed to the inappropriate transfer of water licenses within the already over-committed Oldman watershed, and to the inter-basin transportation of water. The LLG is also opposed to the transfer of licenses from municipal to industrial use within the headwaters landscape. Each of these outcomes would appear to be irresponsible, a direct affront to the long-range health and wellbeing of the directly impacted populace and society as a whole. Exacerbating the issue, the proposed transfers appear particularly ill-advised when climatologists and hydrologists are projecting continued diminishment of available water from within the Oldman’s already over-allocated supply.

**Desired outcomes:** Please register and add this Statement of Concern to your file.

This submission supports the need to hold a public hearing prior to the release of a decision by the AER.

The Livingstone Landowners’ Group does not support the proposed project because the LLG believes the project, if approved, would compromise the health and quality of life for area residents. The Benga-proposal, if realized, would also detract from the vision of recently-created parklands on the same headwaters landscape.

The Livingstone Landowners’ Group does not believe the proposed project can deliver its stated production goals without gravely impacting the aesthetic and ecological integrity of the LLG landscape and the vital, life-sustaining headwaters of the Oldman watershed.
Sincerely,

<Original signed by>

William (Bill) Trafford, President
Livingstone Landowners’ Group
<email address removed> ; <contact information removed>

cc: LLG Board of Directors
Dear Alberta Energy Regulator and Mr. Clark,

Please see the attached statement of concern regarding the Grassy Mountain Coal Project, which I am sending to you on behalf of Dr. David Swann.

Hard copies have been placed in the mail.

Regards,

Carmen Remenda, Executive Assistant to the Leader
Alberta Liberal Opposition
Tel: 780.644.7796 Cell: 780.619.8351 Fax: 780.427.3697
November 28, 2017

Dr. David Swann, MLA
Calgary-Mountain View Constituency

Re: Statement of Concern - Grassy Mountain Coal Project

Dear Authorizations Branch:

I am writing to raise serious concerns that I have received from affected citizens and stakeholders about a proposed open-pit mine in the Castle area.

The Alberta Energy Regulator (AER) issued a Notice of Application on October 31, 2017 for the Grassy Mountain Coal Project by Benga Mining Ltd. (Benga), a subsidiary of Riversdale Resources Ltd. to construct and operate a metallurgical coal mine within the Municipality of Crowsnest Pass and the MD of Ranchlands.

As you may be aware, under its Climate Leadership Plan, the Government of Alberta has pledged to end coal power emissions and transition to cleaner sources of energy by phasing out all pollution from coal-fired electricity by 2030. It seems to me that spirit of the government’s policy direction with regard to coal is clear. Therefore, it would be hypocritical to phase out coal on one hand and allow new coal projects on the other.

The health effects of air pollution from mineral extraction are also significant. Furthermore, the proposed mining project has the potential to jeopardize the terrestrial and aquatic life in the area. For example, the headwaters of Blaimmore Creek and Gold Creek (in the MD of Ranchland) are home to pure-strain stocks of already threatened species such as the westslope cutthroat trout, and the lower Crowsnest River is home to large migratory bull trout, which within the Castle watershed and have been designated as threatened species by both the federal and provincial governments.

Finally, the impact of these industrial activities may well extend beyond the project’s defined land base and could negatively affect recreation and tourism in the Castle region.

Given these reasons, I do not believe this application should be permitted to proceed.

Yours sincerely,

<Original signed by>

Dr. David Swann, MLA Calgary-Mountain View
Alberta Liberal Opposition Leader

cc: Cal Clark, Benga Mining Limited
Jim Ellis, Chief Executive Officer, Alberta Energy Regulator
Honourable McCuaig-Boyd, Minister of the Energy
Honourable Shannon Phillips, Minister of Environment and Parks
ARC Team Responsible for Application No. 1844520 and 1844522 from Riversdale Resources /Benga Mining Ltd. – Grassy Mountain Coal Project:

Please find the attached Statement of Concern from the Crowsnest Conservation Society respecting the above applications.

By copy of this communication we are informing Riversdale of its contents as required by AER requirements. Additionally we are making this Statement of Concern publically available through our groups web-site, to our membership and as appropriate to other community stakeholders as we may determine.

We appreciate the opportunity to participate in AER’s process and look forward to continued participation as it moves forward including appearing at any public hearing that may be held.

We would appreciate AER’s confirmation of receipt of this communication by return e-mail.

Judy Cooke  
President
STATEMENT of CONCERN

From: Crowsnest Conservation Society

Regarding: Statement of Concern: Application No. 1844520 and 1844522 from Riversdale Resources /Benga Mining Ltd. – Grassy Mountain Coal Project

To: Authorizations and Review Coordination Team
Alberta Energy Regulator
Suite 1000 – 250 5th Street SW
Calgary, Alberta, T2P 0R4

The Crowsnest Conservation Society (hereafter referred to as CCS) wishes to register this Statement of Concern in regards to the above application of Riversdale Resources/Benga Mining Limited (hereafter referred to as Riversdale). In doing so, we are also requesting standing in the Alberta Energy Regulator’s consideration of the application including standing to appear at any public hearing called and conducted by AER in this matter.

CCS is a registered non-profit organization with charitable status based in the Crowsnest Pass. We are a volunteer based organization with 115 individual, family and corporate members. For the last 15 years, CCS has been devoted to the promotion and enhancement of the natural environment in the area with an overall philosophy of mainstreaming environmental protection with the overall values of the broader community and the direction it takes. We believe that the natural environment provides our community with its primary quality of life asset and as such its principle attraction and a key factor in its economic wellbeing.

Our various activities and initiatives cover such things as advancing wildlife connectivity, riparian area restoration and protection, invasive weed management, public education, advocacy of science based understanding of local environmental and development issues, and promotion of low impact recreation opportunities in the natural environment. Specific programs funded and operated by volunteer efforts of the CCS membership over the last number of years include the Crowsnest Conservation Bear Smart Program, invasive weed removal and riparian restoration within the community, Classroom with Outdoors programs in a local school, birding group events, and regular newsletters. The range of activities along with the Mission and Vision Statements can be found on our web site (www.crowsnestconservation.ca).

In summary, CCS represents an active and respected community voice advocating an appropriate balance between preservation of the natural environment and the community’s sustainable economic development, in full recognition of the synergies and trade-offs that entails.

With that background, CCS strongly believes that as an organization we have a legitimate interest in the Riversdale application and through our participation in the AER’s consideration of it are voicing issues raised by our membership.
We believe that this participation can also contribute to a fair and reasoned decision making process with respect to this matter. In that regard, we wish to make the following points both in support of our participation and in regard to concerns that we believe must be addressed to the community’s satisfaction in AER’s consideration of this matter.

The CCS membership while spanning a broad cross section of the community are people who value the natural environment provided by the Crowsnest Pass and its surrounding area in terms of the life style and quality of life that it provides. The essential nature of large scale, open pit coal mining is that it is a highly invasive industrial activity and one with both a general and local history of substantial impact on the landscape. As such, it creates concerns and will potentially directly and adversely affect a group of people valuing the natural landscape. This basic reality warrants CCS’s interest and participation, noting that the level of concern varies across our membership as it does across the community’s broader population.

The large majority of CCS members indicate the above concern about the impact of resurgent intensive resource development on the Crowsnest Pass noting that the community had embarked on a path that is capitalizing on life style attractions as evidenced by what has generally been bringing people here in recent years. This translates into the overall concern as to what the impact of this development and equally important the cumulative impacts of any future or linked development may have on the quality of life that we now have.

In terms of specific environmental and quality of life impacts that concern both CCS as an organization and individual members, we would highlight the following:

- **Water Issues**: The most commonly expressed specific concerns relate to the direct impacts on two significant tributaries of the Crowsnest River (Gold Creek and Blairmore Creek). Framing our specific concerns is the overall long term concern about ensuring preservation of head waters recognizing their importance to the integrity of a major continental watershed where cumulative degradation is an increasingly critical issue. Within that framework, there are concerns related to water quality, water quantity and the aquatic habitat, particularly fish habitat. Based on the proposal and environmental impact documentation, there would appear to be uncertainty and outstanding questions related to potential adverse impacts in all of these areas. The questions we would raise and request more detailed response on include i) what levels of contamination will be added to these streams; ii) what are the near and long term impacts of this; iii), what impact will the water use and management practices proposed have on flows and the seasonal flow variation; and iv) what will the habitat impacts be on fish populations in these streams. Given the long-standing and active CCS advocacy in relation to water issues locally, these concerns and potential for adverse effects clearly support an interest directly affected by this development.

- **Sport Fishery and Species at Risk Concerns**: Following from the above, we note that both Gold Creek and Blairmore Creek are at least in part considered critical habitat for Westslope Cutthroat Trout, the Alberta populations of which are which classified as a threatened species under federal and provincial legislation. CCS highlights this concern and asks AER to specifically take note of this issue and to take a specific ruling with respect to its views in regard to the enforcement of legislation that could restrict or preclude development that negatively impacts such habitat. Noting that a significant number of our membership are anglers and that both these water courses represent streams that they regularly use, this concern further supports the potential for our organization and its membership being adversely affected by this development.

- **Limitation of Recreational Opportunity Concerns**: The two valleys and the surrounding higher ground represent an area of active recreational use by CCS members and many others in the community. The recreational interests that are pursued include hiking and snowshoeing with associated activities related to birding, wildlife observation and photography. The concern is adverse impacts affecting enjoyment of these activities may be created by the
development generally and specifically in the form of wildlife movement disruption, noise, air quality degradation and access limitation, all of which contribute to loss of quality of life opportunities enjoyed by the community at large.

- **Environmental Monitoring, Enforcement and Transparency Concerns:** A general concern expressed by CCS membership and the broader community about such developments is “how will the public know that the undertakings addressing environmental concerns are being monitored and enforced in a transparent honest manner so the public can be satisfied that the proponent’s claims and undertakings are being met”. In this regard, CCS believes that the application remains deficient in providing a clear definition in quantitative terms of what standards will be met. It does not go much beyond statements that indicate an intention to meet prevailing regulatory standards and pointing to a reliance on regulatory authorities to monitor and enforce such standards. Sadly, but with some justification, the public does not have a lot of faith in such claims and expresses mistrust of both the private sector and government in this regard. For this reason, CCS would strongly request that this project develop and present as part of its proposal monitoring mechanisms that provide for fully informing the public regarding its environmental performance on a regular and, in some cases, continuous, real time basis, inclusive of committed action if and when violations occur and provision for independent oversight. This specifically applies to air quality with emphasis on particulate levels, water quality with emphasis of key fish mortality related contaminants/parameters, and noise.

Beyond the environmental and quality of life concerns stated, CCS would also like to highlight several broader socio-economic concerns that potentially adversely affect all the residents of the community beyond just real or perceived impact on quality of life. The return to a resource extraction based local economy represents a fundamental change from the development direction that has characterized the last three decades. The proponent’s assessment is that the current direction has generally been one characterized by decline, something that is not news to us who live here and has been very well documented long before they made the finding. All would agree that a development such as this would bring incremental economic activity in terms of direct and indirect employment noting that there is always some debate on magnitude and substance in such estimates. Likewise there is some increase in municipal revenues which if substantive enough might serve to reverse the fundamental issues this community faces in term of its sustainability as a viable municipal entity. However, CCS would make the point and express the major concern that the principal tax base benefits from this project do not come to this community, even though its population bears the major potential adverse impacts. As such CCS would take the position that this project may not be in the best interest of the community unless a substantially more equitable arrangement was a part of its acceptance of this development.

Additionally, CCS would like to express the general concern about the process itself in terms of the conflict that this process is now creating. CCS has been an active and supportive participant in the public consultation process around this project to date. We have devoted extensive volunteer time to meeting with Riversdale and providing opportunities and forums for such consultation on a neutral non-adversarial basis. This includes information dissemination through our website and newsletter and facilitating presentations and discussion at open meetings. This has been done not for purposes of supporting or opposing the development but rather in recognition that this is not a black and white issue for the community. Our goal has been to facilitate a rational discussion on its merits across the community with the hope that a balanced and informed decision can be made. However, we are disappointed that proponents of both extremes in terms of advocacy of development at any cost versus no development under any conditions are starting to dominate the debate.

As final concern along the same lines, CCS believes that there is a potential and perhaps likely outcome of this process that will create the worst of all options in terms of development for this community. In the event approval is given to this application, however appropriately conditioned, the scenario of the development not actually proceeding within a reasonable time frame could have a substantial adverse impact on the community and its population. We believe that a reasonable probability exists of this happening given the global economy, likely extended depressed markets for
metallurgical coal and the difficulty the proponent or more likely a successor would have financing the investment
required in this economic climate. In this case, the community would see none of the projected economic benefits
whatever they may be and at the same time the other potential drivers for positive economic development related to
lifestyle attractions and tourism will be diminished. For this reason, as a concluding recommendation, CCS strongly
recommends that, in the event of a positive decision, the AER place a sunset time limit on the validity of such an
approval. A time line of 5 years is recommended.

In conclusion, CCS thanks AER for the opportunity to submit this Statement of Concern. We trust that our concerns will
be taken into consideration and qualify CCS for standing in the process as it moves forward, including the opportunity to
participate in a public hearing should it be held. If you have any questions or wish to contact us for any reason, our
mailing address is below and we may also be contacted at office@crowsnestconservation.ca or
would also be pleased to meet with AER staff at their convenience should that be desirable.

Yours sincerely

<Original signed by>

Judy Cooke
President

crowsnest
conservation society
Box 242
Crowsnest Pass, Alberta
T0K 0E0
Phone 403-753-2040
www.crowsnestconservation.ca
Hello,
Please find attached OWC's letter of concern. Thank you.

Shannon
RE: Grassy Mountain Coal Project
Applications No. 1844520 and 1844522 from Benga Mining Limited

Dear Authorizations Review & Coordination Team:

The Oldman Watershed Council (OWC) appreciates the opportunity afforded by the Alberta Energy Regulator (AER) to submit comments regarding Applications No. 1844520 and 1844522 from Benga Mining Limited. The OWC requests permission to give a presentation and submit written comments if hearings are held. We would like our attached comments noted by the AER and reviewing authorities.

As a Watershed Planning and Advisory Council (WPAC) designated under the Government of Alberta’s Water for Life Strategy it is our role to consider environmental, economic and social needs of the communities and areas within the watershed. We do this by working collaboratively to develop targets with stakeholders; targets that are based on scientific information and that are intended to support informed decision-making. It is from this neutral, fact-based perspective that these comments are provided.

The stakeholders and Nations actively involved in the work of the OWC at the Board of Directors level include: Municipality of Crowsnest Pass, City of Lethbridge, Pikiin Nation, Kainai Nation, Municipal District of Taber, University of Lethbridge, Alberta Health Services, ATCO Power, Lethbridge Northern Irrigation District, Agriculture and Agri-Food Canada, Alberta Environment and Parks, Nature Conservancy of Canada, Southern Alberta Group for the Environment, Alberta Surface Rights Action Group and 4 individual members at large.

Work with communities and scientific experts provides valuable insight, community information and perspective from the local stakeholders who live, work and play on and near the land proposed for mining development and who will be directly impacted by it. The attachments referenced in this document provide details regarding this work.

The OWC has focused its work on the headwaters of the Oldman watershed for 4 years and it has the experience, relationships and understanding of the complexity of this landscape that we believe is critical for the review of development in the area. Several projects relevant to this application include:

- Oldman Watershed Headwaters Indicator Project - details the current health of the Oldman headwaters. (http://oldmanwatershed.ca/headwaters-action-plan/)

- Headwaters Action Plan - sets targets to maintain and improve the integrity of our headwaters, as agreed by stakeholders through consensus. (http://oldmanwatershed.ca/headwaters-action-plan/)
- Crowsnest River Watershed Aquifer Mapping and Groundwater Management Planning Study - provides an assessment of groundwater and was used in Benga’s EIA. ([http://oldmanwatershed.ca/publications-list/groundwater-studies](http://oldmanwatershed.ca/publications-list/groundwater-studies))

- Landscape Patterns Environmental Quality Analysis - a literature review of widely accepted ecological thresholds that could be used for landscape planning. ([http://oldmanwatershed.ca/publications-list/landscape-quality-analysis](http://oldmanwatershed.ca/publications-list/landscape-quality-analysis))

- A Landscape Cumulative Effects Simulator (ALCES) historical trends mapping and modelling projections of land use and environmental quality to 2060. ([http://oldmanwatershed.ca/aboutthewatershed/overview-of-the-watershed](http://oldmanwatershed.ca/aboutthewatershed/overview-of-the-watershed))

The OWC and its stakeholders are working on the ground in the headwaters and the watershed as a whole, to provide related recommendations and advice to the Government of Alberta and the Government of Alberta planning processes.

In our review of the Environmental Impact Assessment (EIA) we have identified several gaps and questions that we believe require consideration and we present these gaps and questions below. We suggest that these gaps require the EIA to be revised.

**Impacted Area and Time Period**
The Environmental Impact Assessment provided by Riversdale Resources limits the area of impact to a much smaller area than could be impacted in reality, if the assumptions made in the EIA turn out to be incorrect, if the environmental management plans being proposed fail or if there is an accidental spill. Simply because water flows downstream, the likely affected area could include the Oldman River and communities downstream, such as the City of Lethbridge, home to 95,000 people. Because the region is reliant on an agricultural economy any impacts to agriculture, and especially irrigated agriculture, should also be carefully considered.

The EIA also suggests that there will be few environmental impacts and most will be insignificant once the mine has been reclaimed. The EIA does not fully discuss the impacts during the roughly 25 year period that the mine will be in operation. As well, reclamation will take decades which means the timeline for impact is much more than just the 25 years of mine operation. Even twenty five years is a long enough period of time for there to be impacts, some of which cannot be reclaimed after 25 years of ongoing impact. Some things could be lost in that time, such as fish and other aquatic species, or severely degraded, like water quality.

Because the impacted area could be much larger, **the reclamation area must also be larger and plans should be made to address downstream impacts.** The EIA should be revised to include this information.

Given the current economic downturn, the struggles of other coal mines and the difficulties associated with reclaiming mined land in the proposed development area, **we believe that it would be helpful to have a reasonable, detailed, indicative remediation and reclamation plan in the EIA.** The EIA should be revised to include this information. The plan should, in our opinion, include the estimated remediation and reclamation cost and a process should be in place to ensure that the required funds are available to support the remediation and reclamation with, or without, the participation of the development participants.

**Critical Headwaters Area**
The proposed Grassy Mountain Coal Project would be located in the headwaters of the Oldman watershed that provide approximately 90% of the water in the Oldman River and support about 225,000 people downstream. The Oldman watershed is semi-arid and struggles with water supply issues. Residents are highly dependent on the Eastern Slopes of the Rocky Mountains for annual snowmelt to our rivers and creeks. The Oldman headwaters are currently facing pressure from the cumulative effects of multiple use and watershed integrity has declined across approximately 95% of the headwaters landscape. **The Grassy Mountain Coal Project would add another type of use to an already crowded landscape that is a critical source water area,**
further stressing the headwaters (Oldman Watershed Headwaters Indicator Project http://oldmanwatershed.ca/headwaters-action-plan/).

Alignment with Government of Alberta Policies and Plans
The Government of Alberta has recognized the need for a cumulative effects management system and has been working towards making that a reality through the Alberta Land Stewardship Act and related regional plans and environmental management frameworks. However, much of this work has only just begun and it is unclear if this project will align with the pending South Saskatchewan Region Biodiversity Management Framework or Livingstone Region Linear Footprint Management Plan.

Also, the approved South Saskatchewan Regional Plan (SSRP) states that existing Integrated Resource Plans are being reviewed and incorporated into the SSRP, which will include “direction for key industrial sectors such as coal, oil and gas, industrial minerals and aggregates” and that as part of this review the coal categories established by the 1976 Coal Development Policy will be reviewed to see whether the land classifications need to be adjusted. Given that the project is located in a headwaters area that includes species at risk, native grasslands, wetlands, and ongoing issues with cumulative effects, it is possible that the project is in an area that is in the process of being re-categorized, which could disallow or restrict coal development.

Furthermore, the SSRP clearly states that it and sub regional or issue specific plans “supersede the coal categories for the purposes of land use decisions about where coal exploration and development can and cannot occur” (SSRP, page 61 https://landuse.alberta.ca/LandUse%20Documents/South%20Saskatchewan%20Regional%20Plan_2014-07.pdf).

The OWC believes that it would be prudent to delay a decision on this project until these Government of Alberta processes are complete and an evaluation of this project’s alignment with them is possible.

In addition to the SSRP and associated frameworks and plans, the Alberta Wetland Policy, 5 species at risk recovery/management plans and the Water for Life Action Plan call into question the alignment of this project with stated Government of Alberta goals. We encourage AER to thoroughly review these documents as part of the project evaluation process.


Capacity for Monitoring, Evaluation and Enforcement
A large project like this will require significant capacity to adequately monitor and evaluate the ongoing operations and if necessary, enforce permit conditions and existing legal requirements. Given tight fiscal
realities and current workloads we have concerns about the Government of Alberta’s capacity, or the capacity of independent monitoring parties, to regularly monitor this project over the next 25 years.

This concern partly stems from the fact that there are currently 288.7 ha of unreclaimed lands within the proposed project footprint from previous mining operations (Riversdale Resources EIA Summary, http://www.ceaa-acee.gc.ca/050/documents/p80101/103944E.pdf). What new measures are in place to ensure this won’t happen again and leave even more unreclaimed land?

**Water Quantity**
The EIA provides little information about the total quantity of water required throughout the different stages of the project and also for mitigation, such as dust control. The EIA is also missing information about where the water will come from and how that will affect the river ecosystem, downstream users and other industries. In our semi-arid climate water is scarce and drought is common so the risk of water shortage is higher. Agricultural production and processing is important to the economy in this area and potential impacts and cumulative effects were not discussed. The OWC believes this information should be added to the EIA.

**Linear Features Density**
The high density of linear features in the headwaters of the Oldman watershed has been identified as a critical issue by OWC stakeholders, which include the Government of Alberta, but this issue is barely mentioned in the EIA. Through the Oldman Integrated Watershed Management Plan targets have been set to reduce the density of linear features and/or manage their impact. (http://oldmanwatershed.ca/headwaters-action-plan/)

In the Gold and Blairmore Creek watersheds where the Grassy Mountain Coal Project is being proposed the target is to mitigate the impact of linear features, because these 2 watersheds fall along a major transportation corridor (Highway 3). The key action identified to achieve this target is to address connectivity issues across the highway 3 corridor in an effort to protect species that are sensitive to barriers or mortality from collisions. The proposed project will make it even more difficult to address connectivity and linear features density issues in an already fragmented landscape and this important issue should be carefully considered in the EIA. The EIA should be revised to include this information.

**Soil Erosion and Stream Sedimentation**
One of the most concerning issues related to the Grassy Mountain Coal Project is soil erosion and sedimentation of streams, which cannot be fully mitigated when millions of tonnes of soil and coal is disturbed. The Environmental Impact Assessment identifies “soils in these landscapes are highly susceptible to water erosion upon complete removal of all vegetation and debris” but suggests that these impacts can be reduced through mitigation. The large scale and long timeline of this coal project makes the risk higher compared to other types of land use.

The EIA outlines a reliance on sediment ponds for mitigation; “A key assumption of this assessment is that the surface water management program will provide the appropriate level of TSS and selenium removal, so the water quality will not be degraded. These assumptions will require additional monitoring to validate these predictions.” This is a big assumption and critical to the overall environmental impact. If the management ponds do not perform as hoped then water quality could be severely impacted by sediment and metals, which will in turn impact downstream users and aquatic species. If this project is approved, independent monitoring capacity acceptable to the Government of Alberta will need to conduct regular monitoring to ensure the settling ponds are intact and operating as required, not vulnerable to breach, and that the effluents are not impacting nearby creeks and downstream rivers.

**Native and Naturalized Fish and the related Tourism Economy**
Reaches of Gold and Blairmore Creeks, their tributaries and the Crowsnest River are critical habitat for the westslope cutthroat trout, a federally threatened species and subject to a critical habitat order recently issued by the Federal Government (http://www.gazette.gc.ca/rp-pr/p2/2015/2015-12-02/html/sor-dors241-eng.php). Bull trout (provincially threatened) and mountain whitefish are also native fish found in these streams and brook and rainbow trout are important sport fish that support the angling industry. The EIA predicts an
increasing loss of 1,562m² – 4,211m² of aquatic habitat through “direct removal of watercourses and reaches” as mining progresses, which will further endanger two already threatened fish species.

The Crowsnest River is a fly fishing destination in Alberta, touted as second only to the Bow River for spectacular trout populations. This fishery supports an important economic driver for the region and the socio-economic assessment in the EIA report did not discuss impacts on the angling or tourist economy. Impacts would likely include dust, noise and aesthetic changes but could also include positive influences such as increased amenities. **Impacts to the area’s tourist economy are important information for the residents of Crowsnest Pass and other communities in the regional study area when they are evaluating the impact to their towns and should be further investigated and provided in the EIA.**

**Cumulative Effects**
The watershed health of the Oldman headwaters has declined because of the cumulative effects of multiple use and this project will further contribute to its decline by increasing linear features density, removing intact forests and grasslands, changing groundwater and surface water hydrology and possibly degrading water quality.

An overarching cumulative effects assessment is lacking in the EIA, with some sections stating that one is not necessary. **We suggest a more robust cumulative effects assessment is undertaken which includes empirical data and modelling of the known multiple uses in the area.**

**Water Quality**
Six water quality variables are expected to exceed the Alberta Water Quality Guidelines for the Protection of Aquatic Life at certain times throughout the roughly 25 year life expectancy of the mine. Water quality is expected to recover once mining activities are complete but there will be impacts over the ~25 years the mine is active. These impacts are not thoroughly discussed and the EIA focuses on the time after reclamation. **Given the fairly long time period of the mine operation we would like to see more investigation of the impacts over those 25 years.**

The EIA states that acidification is not expected to occur at all because there will be low emissions and acid rock drainage is not expected because the earth and water will mix with neutralizing layers. We are concerned with this assumption, given the this issue is already happening in the proposed development area as a result of past mining activities at this site, and no plan is given to ensure this issue is dealt with. **We suggest a monitoring and management plan is needed in the EIA to address acid mine drainage.**

Selenium contamination is a concern because we have seen the impact of it nearby at the Teck coal operations just across the Alberta border in British Columbia. Due to the technically challenging nature of the problem, Teck has had limited success at mitigating selenium contamination after investing millions of dollars in mitigation efforts. (Transboundary Flathead River: Water Quality and Aquatic Life Use Final Report, [http://cpawsbc.org/upload/Water_Quality_Report_2013_FINAL_rs.pdf](http://cpawsbc.org/upload/Water_Quality_Report_2013_FINAL_rs.pdf), Review of Available Technologies for the Removal of Selenium from Water, [http://www.namc.org/docs/00062756.PDF](http://www.namc.org/docs/00062756.PDF), [http://strategy.sauder.ubc.ca/antweiler/blog.php?item=2015-02-07](http://strategy.sauder.ubc.ca/antweiler/blog.php?item=2015-02-07)). **Given Benga’s surface water management plan for effectively mitigating selenium is untested in this context, there is a risk that it may not work and water quality will be impacted a lot more than expected. Further investigation and piloting the mitigation strategies is needed.**

**Groundwater**
The Oldman Watershed Council completed the Crowsnest River Watershed Aquifer Mapping and Groundwater Management Planning Study in 2013, which was cited several times in the EIA. Our results and interpretation of the limited data available in the study highlighted the complexity of groundwater in the Crowsnest watershed because of the mountainous geology with extensive folding and faulting. Our key finding was that much more data and study is needed to understand the complex groundwater system and how it interacts with surface water. **We warned that these preliminary findings are only the first step and should not be used for site specific decision making (Crowsnest River Watershed Aquifer Mapping and Groundwater Management Planning...**
Study, [http://oldmanwatershed.ca/publications-list/groundwater-studies](http://oldmanwatershed.ca/publications-list/groundwater-studies). Given OWC’s experience with the area we find the results of the EIA presumptuous and lacking in empirical evidence.

Groundwater is highly connected to surface water as seen by the hydraulic response to precipitation and snow melt. Blairmore and Gold Creeks are fed by groundwater discharge and so will be directly affected by the mine, with Gold Creek seeing the larger impact with a 6-10% decrease in base flow expected. ([Riversdale Resources EIA Summary](http://www.ceaa-acee.gc.ca/050/documents/p80101/103944E.pdf).

There are 35 domestic wells and 11 industrial wells within the local study area and 175 water wells in the regional study area, including 8 for the Municipality of Crowsnest Pass. **The Municipality of Crowsnest Pass relies on groundwater to supply its 5656 residents and more investigation is needed to ensure this resource will not be put at risk.**

According to the EIA, chemistry results show that groundwater in some locations is already above the Canadian Drinking Water and Fresh Water Aquatic Life guidelines for several parameters, mostly metals. This could increase with new mining activities and exacerbate the problem.

The EIA states that monitoring wells will have to keep being moved to allow mining. Monitoring over time requires that the locations remain constant and testing from wells in different locations will not be as valuable as stationary wells. Additional wells can be added to the program over time, but no wells should be removed. Biannual or annual chemistry sampling is also inadequate. **Given the high risk to groundwater, reliance on the resource by nearby residents and extreme difficulty in reversing impacts, we suggest that the groundwater monitoring program requires improvement and the EIA should be revised to address these concerns.**

**Biodiversity**

In addition to the two threatened fish species already discussed the project would remove 27 species of rare plants within the project footprint, including *Pinus albicaulis* (whitebark pine), which is endangered federally and provincially and *Pinus flexilis* (limber pine), which is endangered provincially and recommended by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) to be listed as endangered federally. The project would also remove 7.8 ha of shrubby open fens and 168.8 ha of old growth forest and impact many wildlife species including grizzly bears (provincially threatened), olive-sided flycatcher, common nighthawk, short-eared owl and little brown myotis.In addition, the project would remove 56.3 ha of native montane grassland and 104.3 ha of native subalpine grasslands, which includes rough fescue grasslands that are extremely difficult to reclaim and known for their high value for carbon storage, livestock forage and wildlife habitat. Grasslands are the most endangered ecosystems on the planet and only 24% of them remain in Alberta.

**The EIA did not adequately address local or cumulative impacts or avoidance and/or minimization strategies related to biodiversity and we believe that further work is needed.**

**Reclamation and Offsets**

Offsets can be a useful tool, but only if equivalent areas are actually restored to the original ecological function of the damaged areas. If existing environmentally valuable areas are simply designated as offset areas, the net effect is still a loss. If the restored areas are not as ecologically functional the net effect is also still a loss. Keeping what we have is much more economical and effective than having to reclaim afterwards, or attempt to restore other damaged areas. We do not have the ability to recreate what nature has created over time and reclamation has proven to be very difficult, expensive and sometimes impossible.

The project is located in an area that is very difficult to reclaim because of shallow soils and we have seen past reclamation efforts nearby fail to establish groundcover. **The OWC would like to see more information added to the EIA regarding a plan to establish adequate groundcover to control erosion and restore ecological function.**
Thank you for the opportunity to participate in the AER's review process. Please do not hesitate to contact the Oldman Watershed Council's Executive Director, Shannon Frank, at <contact information removed>, if you have any questions or would like more information.

Sincerely,

Doug Kaupp
Chair
December 22, 2015

EMAIL TO ARCTeam@aer.ca

Authorizations Review and Coordination Team
Alberta Energy Regulator
1000, 250 - 5 Street SW
Calgary Alberta Canada   T2P 0R4

Dear Sir/Madam:

Re:  Benga Mining Limited Grassy Mountain Coal Project
     Application Nos. 1844520 and 1844522
     Statement of Concerns

We act for the Coalition of Alberta Wilderness Association (AWA) and Grassy Mountain Group. The following landowners are the members of Grassy Mountain Group. The legal land description of each of the landowners and their location relative to the mine permit boundary are indicated below.

<table>
<thead>
<tr>
<th>Nos</th>
<th>Name</th>
<th>Land Description</th>
<th>Location relative to the mine permit boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Illyas Pagonis and Margo Pagonis</td>
<td>SW 31-8-3-W5M</td>
<td>Within the mine permit boundary</td>
</tr>
<tr>
<td>2</td>
<td>Fran Gilmar</td>
<td>SW 30-8-3-W5M</td>
<td>Within the mine permit boundary</td>
</tr>
<tr>
<td>3</td>
<td>Mitch Bonertz</td>
<td>SW 30-8-3-W5M</td>
<td>Within the mine permit boundary</td>
</tr>
<tr>
<td>4</td>
<td>Larry Donkersgoed</td>
<td>SW 19-8-3-W5M</td>
<td>Within the mine permit boundary</td>
</tr>
<tr>
<td>5</td>
<td>Ed Donkersgoed</td>
<td>SW 19-8-3-W5M</td>
<td>Within the mine permit boundary</td>
</tr>
<tr>
<td>6</td>
<td>Connie Watmough and Norm Watmough / Sun Cured Alfalfa Cubes Inc.</td>
<td>SE 19-8-3-W5M</td>
<td>Adjacent to the mine permit boundary</td>
</tr>
</tbody>
</table>

<contact information removed>
We have attached our clients' statements of concerns as requested in the Notice of Application dated November 19, 2015. The statements of concerns are bookmarked for ease of reference.

Yours truly,

ACKROYD LLP

Original signed by

RICHARD C. SECORD
RCS/sl
Enclosures

c. Benga Mining Limited, Cal Clark at <email address removed>

c. clients
Dear Authorization Review and Coordination Team,

Re: Benga Mining Limited: Grassy Mountain Coal Project - Application 1844520

Please consider this letter as Alberta Wilderness Association’s (AWA’s) statement of concern regarding the Grassy Mountain Coal Project proposal – application 1844520. AWA has a well known and long standing interest in the environmental protection of the Livingstone - Porcupine area of Alberta (Appendix A). Based on a number of concerning factors including serious environmental threats to endangered Westslope Cutthroat Trout in Blairmore and Gold Creeks adjacent to the proposed mining site and severely questionable world markets for metallurgical coal, AWA formally requests that the Grassy Mountain Coal Project application 1844520 be denied.

AWA works throughout Alberta towards more representative and connected protection of Alberta’s unique and vital landscapes that are the source of our abundant clean water, clean air and vital habitat for wildlife in each one of our six natural regions. We have been working in Alberta for fifty years, to raise the profile of Alberta’s spectacular wilderness, and to help Albertans learn more about the value of our wilderness and wildlife, and participate in opportunities to protect and care for the legacy that we will leave for future generations. With more than 7000 members and supporters across Alberta and beyond, AWA remains committed to assuring protection of wildlife and wild places for all Albertans.

AWA is currently reviewing the application for the proposed project but the following highlight our most serious initial concerns with the Grassy Mountain Coal Project.
Environmentally Significant Area

The Livingstone-Porcupine region as a whole is crucial forested headwater landscapes that are the water lifeline for the rest of southern Alberta and east into Saskatchewan and Manitoba. It is a biodiversity hotspot with internationally recognized environmental significance. Unique flora and fauna are found in this region that supports remnant populations of some of our most at risk species in the province. It is also heavily valued for its world class recreational opportunities and backcountry exploration.

Coal exploration and mining has significant negative impacts on land, air, and water quality. Surface mining completely eradicates the existing vegetation, alters soil composition, and displaces fauna which results in permanently altered landscapes. Large sites cleared for open-pit mines and their associated infrastructure can change the entire topography of those areas. Wetlands are destroyed in site areas, significant amounts of freshwater can be used, and tailings ponds have leached toxic materials into waterways.

Cumulative Effects and Linear Disturbance Thresholds Exceeded

It is well known that the region for the proposed mine has been disturbed in many ways that cumulatively exceeds existing scientific thresholds for species at risk recovery and maintaining healthy biodiversity (Ripley et al. 2005)(Stenhouse et al. 2003). The proposed coal development will be to the detriment of the landscape and the higher values for wildlife and humans this area provides.

Coal mining is not the only threat to the ecological integrity of the area. Forestry, oil and gas operations, grazing mismanagement, and off-highway vehicle use contribute to the degradation of the Oldman watershed. It is absolutely crucial when evaluating this project proposal to consider the significant existing cumulative impacts and complete a comprehensive cumulative impacts assessment.

The regional plans under Alberta’s Land Use Framework provide strategic directions on a regional scale. The South Saskatchewan Regional Plan (SSRP) is an important piece of legislation and policy that is intended to guide all land use decisions within the region. The entire eastern slopes south of Banff National Park, including the Livingstone-Porcupine area, fall within the south Saskatchewan region therefore any development proposal within these boundaries must align with the values and objectives of the SSRP. The SSRP defines headwater protection and maintaining biodiversity as top priorities. The Grassy Mountain Coal Project is in direct conflict with these priorities. The release of substances from the mine or increased sedimentation from associated roads flowing into the surrounding waterways will further endanger fish and wildlife and there is good reason to believe the environmental risk in the case of a large catastrophe is very high.

As part of the SSRP, the Alberta Government is currently developing a Biodiversity Management Framework for the entire region; and a Linear Footprint Management Plan and Recreation Management Plan specifically for the Livingstone area. No large development projects such as the Grassy Mountain Coal Project should be approved while these important plans for maintaining biodiversity and managing human footprint are being developed and implemented.
Species at Risk

There are 60 wildlife species at risk that may occur on or near Grassy Mountain (Benga 2015).

Gold Creek and its tributaries and an unnamed tributary to Blairmore Creek, located within close proximity to the mine site, are both listed as critical habitat in the federal recovery strategy for westslope cutthroat trout, a threatened species under the Species at Risk Act (SARA). Westslope cutthroat trout are sensitive to stream habitat degradation and changes in stream temperature, substrate, and sedimentation so will be adversely affected by this mine project (Fisheries and Oceans Canada 2014). Critical habitat for this species is now legally protected under section 58(1) of SARA with the registration of a Critical Habitat Protection Order.

The project occurs within critical grizzly bear habitat which must be managed under the provincial Grizzly Bear Recovery Plan for open route densities of less than 0.6 km/ km2 in high quality habitat and 1.2 km/km2 in "all remaining grizzly bear range." The Grassy Mountain project area already exceeds these scientific density thresholds to allow for the successful recovery of grizzly bears. Grizzlies are an umbrella species so if they are managed properly, the 59 other wildlife species currently at risk have a better chance of recovering as well. The Grassy Mountain Coal Project will likely significantly reduce the chances for recovery of all aquatic and terrestrial species at risk in the area and negatively affect the species currently not at risk.

The Livingstone-Porcupine is also prone to high winds and heavy flooding events which compound the risk of accidents and heavy erosion. Losing such a large area of vegetation in a surface coal mine operation and soil compaction from heavy machinery reduces the sponge effect of the forest floor and hampers regeneration. Intact watersheds play an important role in gathering, storing, filtering and slowly releasing water. As the landscape is degraded by development, it loses the ability to protect against both floods and drought, consequently increasing risks to downstream inhabitants.

Atmospheric Environment

Climate change is a global environmental challenge and Canada and Alberta must effectively address and curb greenhouse gas emissions. The Grassy Mountain Coal Project will likely adversely affect air quality and will be a significant source of greenhouse gas emissions.

Contamination and Spill Risk

Accidents and spills can risk entire populations of fish, harm other aquatic species, impact human health through their drinking water, and affect all other ecosystem elements. AWA is very concerned with any substances from the Grassy Mountain Coal Project entering into important headwater streams, tributaries, and any ground water aquifers in the area. Prior to the approval of the project and its official commencement, Benga Mining Limited is already under investigation by the Alberta Energy Regulatory for non-compliance with an alleged contravention of a release of coal tailings into a watercourse (listed on AER’s Compliance Dashboard). This should cast reasonable doubt that Benga or anyone else would be able to ensure there will be no water contamination through a release from mining activities.
Water contamination is a serious problem especially with the geology of the area containing elevated levels of selenium and other heavy metals. Excess selenium in fish eggs causes reduced hatching success and a host of abnormalities in post-hatch survivors (Kennedy et al. 2000). Selenium poisoning of aquatic species in Alberta’s southern watersheds will be the reality if this project is approved.

The Grassy Mountain Coal Project will directly and adversely affect a large number of southern Albertans.

AWA respectfully requests that policy makers and regulators meet their obligations to conserve species at risk and deliver on promises to reduce linear footprint and protect Alberta’s headwaters. Given the continued failure of the Provincial Government to take their responsibilities seriously, we have no alternative but to oppose the approval of this project and respectfully request that the Grassy Mountain Coal Project be denied.

Sincerely,

ALBERTA WILDERNESS ASSOCIATION

<Original signed by>

Brittany Verbeek, AWA Conservation Specialist
References


Fisheries and Oceans Canada. 2014. Recovery Strategy for the Alberta populations of Westslope Cutthroat Trout (Oncorhynchus clarkii lewisi) in Canada [Final]. Species at Risk Act Recovery Strategy Series. Fisheries and Oceans Canada, Ottawa. iv + 28 pp + Appendices


Appendix A

AWA ‘Areas of Concern’ Map of Livingstone – Porcupine Area

[Map of Livingstone - Porcupine Township and Range (W4/W5)]

We, Margo Pagonis and Illyas Pagonis, are the owners of the lands legally described as South-west 31 Township 8 Range 3 West of the 5th Meridian (“the Lands”). We have a cabin on our Lands which we have been using for twenty-five years. We use our property recreationally. We reside in our cabin for two to three weekends each month of every year.

We are concerned about Benga Mining Limited’s (“Benga”) proposals to construct and operate a surface metallurgical coal mine, a coal handling and preparation plant with associated infrastructure, an overland conveyor system and a new rail track (the “Project”).

We are also concerned about Benga’s proposed intention to apply for a licence to divert surface and groundwater for use in the Project at a later date. We are further concerned about Benga’s proposal to construct two external overburden dumps adjacent to the pit. Details of our concerns are below.

Description of the Project

The Project is located north of the Town of Blairmore in the Crowsnest Pass region of Alberta, specifically in the Rocky Mountain Natural Region. The Project is expected to affect certain lands in Township 8, Ranges 3 and 4 and Township 9 Ranges 3 and 4, west of the 5th Meridian. There are several national historic sites and national parks within the vicinity of the Project. The Project will pass through the Piikani Reserve and some Crown lands.

Benga expects that the Project will produce 4 million metric tonnes of metallurgical coal per year and 11,000 tonnes of metallurgical coal per day. Benga determined in Table A.4.0-1, PDF pages 25-26 of its Application that the Project would disturb a total of 1,582.4 hectares of land (“Disturbance Area”).

Pagonis Concerns

We are concerned about the following:

1. Geographic location of the Project

As stated above, the Project will affect 1,582.4 hectares of land. We own and recreationally reside on land within the Project boundary and Disturbance Area. We have owned the Lands for more than 25 years and have enjoyed the beauty, relaxation, and the wildness that the area provides. Locating the Project in the proposed location with its
attendant noise, dust, and clearing of vegetation will seriously affect the value of the area. This will ultimately affect our enjoyment and recreational use of our property.

Benga stated in its application (pdf 34) that the Project site has seen some mining activities. One of the legacy surface mine is within its footprint while others are outside of its footprint. We are concerned that the larger size of the Project in comparison to the legacy mines will cause adverse impacts on our lives, the lives of other residents of the area, endangered species, and destroy the water quality of the Blairmore Creek, Gold Creek, Crowsnest River and the stream that provides water to us.

A typical example of the adverse impact that could arise from this Project at its proposed location occurred in October 2014 when drill waste escaped from Benga’s exploration site down the east slope of the mountain and into a waterway below. The Alberta Wilderness Association brought this spill to the attention of Benga wherein Benga claimed that the spill did not enter any waterway as the nearest waterway was 500m away and the spill was contained at the old mine site using materials from that site. We state that Benga’s assertion in that instance was not correct as the stream that provides our cabin with drinking water runs directly below and east of the spill site. The waterways running around the mountain frequently goes underground and reappears at a surface location when it hits a solid base. The stream that provides us with our drinking water may have been contaminated by that spill.

We are concerned about the close proximity of the Project to our water source. Sometime in the summer of 2014, while Benga was setting up its drill pad sites during one of its exploratory work, Benga pushed soil over the stream that is our source of drinking water. Benga did not inform us of this until we saw the damage while climbing the Grassy Mountain in October 2014. We reported this matter to the Alberta Energy Regulator who commenced investigation into it.

In July 2015, a heavy rainstorm washed part of the mountain slope and the wastes from Benga’s exploration activity into the Gold Creek. The washing away of the mountain slope occurred because of disturbance and destabilization by Benga’s exploration activities. Mitch Bonnertz, an occupant of SW ¼ 30-8-3-W5M, who was present at the time reported this matter to the Regulator. Benga did not notify any of the landowners about this contamination and its potential effects on their lives.

2. **Noise and dust**

We are concerned about the noise and dust that will arise from the mining operations. We are concerned that we will experience a large amount of dust from the mining operation due to the direction of winds. The Project area is in a strong wind zone. Strong prevailing winds come from the west to the east and our Lands are directly east of the mine location.
Figure A.1.0-2 of Benga’s Application indicates that the pit edges will be adjacent or very close to our property line. We are concerned that the blasting operations that will occur in the pit areas will significantly increase the noise levels in our cabin as well as affect our use and enjoyment of our property.

3. **Access Concerns**

We are concerned that Benga’s proposed settling pond on NW 30-8-3-W4M will be going across the access road that leads to our property thereby blocking the access route to our property. We note that Figure A.1.0-2 of Benga’s Application shows that the access road will again be blocked, possibly, permanently by Benga’s coal handling and processing plant and infrastructure that is projected to occur on Section 24-8-4-W4M (“Section 24”). We have always had this access road to our property. The access road is a registered easement on title to Section 24 (Land Title Registration No. 921280727). Without this access road, we will have no direct access to our property and to Blairmore road.

4. **Water**

We are concerned about the effect of the Project on the quality of our drinking water and having continued access to clean drinkable water. We note that the mine pit boundary encompasses the headwaters of the stream that provides us with our drinking water. We are concerned that inclusion of the headwaters of our stream within the mine pit boundary will impact our access to clean drinkable water.

We note that Benga proposes at page A-78 of its Application to treat the surface water runoffs and water used in the mining operation in a collection or settling pond before releasing them into the environment and into Blairmore Creek and Gold Creek. We are concerned that the proposed treatment operation will not be sufficient to remove the harmful effects of metals from mining operation and safeguard human health, fish health especially the endangered westslope cutthroat trout that spawns in the Gold Creek and the health of other wildlife that make use of the surface water around Grassy Mountain.

We are further concerned about Benga’s lack of responsible communication when our water source was impacted by Benga’s exploration activities. We do not trust Benga especially in relation to their proposal to treat water used in mining operations before releasing the water into the environment and into Gold Creek.

5. **Air Pollution and health concerns**

We are concerned that the existence of the mine pits and the north disposal areas in close proximity to our Lands will affect the quality of air on our Lands. We will be exposed to compounds such as sulphur dioxide, nitrogen oxides, and other substances that are released from mining equipments, and from blasting of these huge quantities of rock.
6. Environmental concerns

We are concerned about the effects of this Project on the wildlife, fauna, and fishery in the area. We have seen grizzly and black bears, cougars, bobcats, wolves, coyote, fox, fisher, wolverine, bats, pica, Indigo Bunting, very rare albino dentinum (a mushroom) and great gray owls in the area. The grizzly bears have lived in the Grassy Mountain valley since 2012. There are limber and white bark pine growing on the mountains. The endangered westslope cutthroat trout spawns in Gold Creek. This critical habitat for westslope cutthroat trout will be destroyed if this Project is allowed to proceed.

Furthermore, copious species of wildflowers grow on the slopes of Grassy Mountain. The presence of these wildflowers contributes to the beauty of the landscape, all of which will be destroyed if this Project is allowed to proceed.

7. Property Devaluation

We are concerned that the proximity of the mine pits to our Lands will devalue our Lands. It will be hard for us to find a purchaser for our property if the project is approved.

8. Contact Details

Margo and Illyas Pagonis

Requested Disposition

We request the Regulator to record and consider our concerns in dealing with Benga’s applications. In addition, we respectfully request the Regulator to register our statement of concern as an objection to Benga’s applications and to hold a public hearing to determine the applications.

In the event that the Regulator considers it in the public interest to approve the Project with or without a hearing, we request that the Regulator includes as a condition of any approval of the Project an order requiring Benga to purchase our Lands.

Yours truly,
Margo and Illyas Pagonis
I am the registered owner of SW 30-8-3-W5M ("SW 30"). SW 30 is within the mine boundary as Benga Mining Limited ("Benga") indicates at page A-7 of its application. SW 30 is close to the mine pit boundary and the proposed north disposal areas.

I have owned SW 30 for more than 22 years. My late husband and I used to operate a ranch (Grassy Mountain Ranch) on SW 30. We have a residence and barns on SW 30. I still operate Grassy Mountain Ranch and have livestock there. As often as I can, I go up to stay in the residence and enjoy the beauty that Grassy Mountain offers.

I am concerned about Benga’s proposals to construct and operate a surface metallurgical coal mine, a coal handling and preparation plant with associated infrastructure, an overland conveyor system and a new rail track (the “Project”).

I am also concerned about Benga’s proposed intention to apply for a licence to divert surface and groundwater for use in the Project at a later date. I am further concerned about Benga’s proposal to construct two external overburden dumps adjacent to the pit.

Details of my concerns are stated below.

1. Geographic Location of the Project and past actions of Benga

The Project will affect 1,582.4 hectares of land. SW 30 is within the Project’s boundary. Locating the Project in the proposed location with its attendant noise, dust, and clearing of vegetation will affect the value of SW 30 and the Grassy Mountain area. This will ultimately destroy my enjoyment and use of my property both for my personal enjoyment and for grazing my livestock.

The Project will be located near some water bodies and environmentally significant areas and will impact these water bodies. For instance, the Blairmore Creek and the Gold Creek flow in a north to south direction along the western and eastern margin of the proposed mine permit boundary. Spring run-offs flow from the top of the mountain down south along the east and west slopes of the mountain. All the spring run-offs flow into Gold Creek and Blairmore Creek. Locating the Project at the proposed location will cause a pollution of the Blairmore Creek and Gold Creek as a result of tailings/slags and coal debris being washed off during spring runoffs or heavy rain. A typical example occurred sometime in July 2015 when coal plumes and debris from Benga’s exploration activities pursuant to AER approvals received under Applications CEP130011 and 140011 were washed off of the exploratory sites into watercourses below. This incident (Reference No. 2015-020) is still being investigated by the Alberta Energy Regulator.
2. Quality of Coal and Project Need

Benga states at page A-1 (A.1 Background) of its Project application that the intention of the Project is to re-establish a historical coal mine on Grassy Mountain, to ship “high quality coking metallurgical coal” to overseas steel producing markets. Benga further states at page A-2 (PDF 22) that at full production, the Grassy Mountain will be one of the largest single site sources of hard coking coal to have been developed in the past few decades using the most modern mining technology.

I have considerable concerns about the quality of the coal that Benga is projecting will be realized from this Project. There is no high quality coal in Grassy Mountain. Benga’s statements are speculative. Similar claims were made by the previous owners of the legacy Grassy Mountain mine prior to production. When the coal was produced, the coal quality was so poor that the coal was rejected by the Japanese importers that the coal was sold to. Due to the poor quality of the coal, the legacy mine was decommissioned twice, first in 1913 and lastly, in 1961. The coal deposit in this project location is not a “high quality” coal as Benga projects.

Benga claims that the project will bring economic development to the Grassy Mountain area and its environs. This claim of economic development does not consider the environmental damage that will result from the so-called economic development. It is possible that the coal that will be produced from this mine site if the project is allowed to proceed will turn out to be similar to the coal produced in the previous years that were rejected.

3. Water Concerns

I am concerned about Benga’s proposal to discharge “treated” waste water into the environment and into Gold Creek. I have water well on SW 30 that is fed by a stream that runs into Gold Creek. Any discharge of the “treated” waste into the environment will affect the quality of my drinking water and will likely affect my health.

I am also concerned about potential pollution of my water source by leaching of selenium from mining wastes dumped in the north rock disposal areas. Benga identifies at page A-16, paragraph A.6.4 that “leaching of selenium out of the rock disposal areas is a possibility”. The boundaries of the north rock disposal areas border the west boundary of SW 30 and the southeast sedimentation pond is close to the south boundary of my land. A leaching of selenium from the rock disposal areas and the sedimentation ponds will affect my water source and Gold Creek.
Furthermore, any discharge of “treated” waste water into Gold Creek will affect the quality of the water in Gold Creek and possibly affect the continued existence of westslope cutthroat trout that spawns in Gold Creek. In fact, the westslope cutthroat trout has its nursery in the Gold Creek running through the southwest corner of SW 3O. The westslope cutthroat trout habitat on SW 30 has been there for many years.

There are also pristine water bodies such as Daisy Creek that will be affected by Benga’s Project and the proposal to discharge “treated” waste water into the environment.

Benga anticipates that there will be diversion of water for mining activities. A diversion of water will cause a loss of flow and have significant impacts on downstream fish habitat and affect the quantity of water available to me. The flow of water will be cut off.

4. **Noise and dust**

I am concerned about the noise and dust that will arise from the mining operations. I will experience a large amount of dust from the mining operation due to the direction of winds. The Project area is in a strong wind zone. Strong prevailing winds come from the west to the east and SW 30 is directly east of the mine location.

The noise from the blasting operations will increase the noise levels in SW 30 and destroy my peaceful enjoyment of my land. This will also have effect on my health.

In addition, the dust from the blasting operations of Benga will settle on the Gold Creek and our water source thereby polluting them.

5. **Access concerns**

Figure A.1.0-2 of Benga’s Application shows that the access road (a registered easement on SW 30) which we use to access SW 30 will be blocked, possibly, permanently by Benga’s north disposal areas and coal handling and processing plant and infrastructure that is projected to occur on Section 24-8-4-W4M (“Section 24”). This access road is also a registered easement on title to Section 24 (Land Title Registration No. 921280727). Without this access road, I will not have direct access to SW 30 and to Blairmore road.

6. **Property Devaluation**

I am concerned that the proximity of the mine and its associated facilities to SW 30 will devalue SW 30. No one will want to live near a mine and a mining plant. The presence of the mine will discourage potential purchasers from buying my land.
7. **Air Pollution and health concerns**

I am concerned that the existence of the mine pits and the north disposal areas in close proximity to SW 30 will affect the quality of air on SW 30. I will be exposed to compounds such as sulphur dioxide, nitrogen oxides, and other substances that are released from mining activities.

8. **Environmental Concerns**

I am concerned about the effects of this Project on the wildlife, fauna, and fishery in the area. SW 30 has a moose yard where moose often rests. I have seen grizzly bear and black bear pass through SW 30. Sometime ago, a grizzly bear killed a moose on the corner of SW 30 and NW 30. Golden eagles used to nest on the ledge of Grassy Mountain. The golden eagles disappeared last year when Benga started its exploration activities in the area. Approving the Project in this location will destroy the habitats of the grizzly bears, black bears, moose, cougars and other wildlife that call Grassy Mountain home, just as the exploration activities destroyed the nesting grounds of golden eagles.

**Contact Details**

Fran Gilmar  
<personal information removed>

**Requested Disposition**

I request the Regulator to record and consider my concerns in dealing with Benga’s applications. In addition, I respectfully request the Regulator to register my statement of concerns as an objection to Benga’s applications and to hold a public hearing to determine the applications.

Yours truly,

Fran Gilmar
We reside on LSD 4 of SW 30-8-3-W5M ("SW 30"), which is owned by Fran Gilmar, Rose’s mother. SW 30 is within the mine boundary as Benga indicates at page A-7 of its application. Our mobile residence is close to the mine pit boundary and the proposed north disposal areas.

We are concerned about Benga Mining Limited’s proposals to construct and operate a surface metallurgical coal mine, a coal handling and preparation plant with associated infrastructure, an overland conveyor system and a new rail track (the “Project”).

We are also concerned about Benga’s proposed intention to apply for a licence to divert surface and groundwater for use in the Project at a later date. We are further concerned about Benga’s proposal to construct two external overburden dumps adjacent to the pit. Details of our concerns are stated below.

Description of the Project

The Project is located north of the Town of Blairmore in the Crowsnest Pass region of Alberta, specifically in the Rocky Mountain Natural Region. The Project is expected to affect certain lands in Township 8, Ranges 3 and 4 and Township 9 Ranges 3 and 4, west of the 5th Meridian. There are several national historic sites and national parks within the vicinity of the Project.

Benga expects that the Project will produce 4 million metric tonnes of metallurgical coal per year and 11,000 tonnes of metallurgical coal per day. Benga determined in Table A.4.0-1, PDF pages 25-26 of its Application that the Project would disturb a total of 1,582.4 hectares of land ("Disturbance Area").

Our concerns are:

1. Geographic Location of the Project

As stated above, the Project will affect 1,582.4 hectares of land. SW 30 is within the Project boundary and the Disturbance Area. We spend most of our spring, summer and fall on SW 30 and we raise our horses on SW 30. As residents of SW 30, we have enjoyed and hope to continue enjoying its beauty, relaxation and wildness that SW 30 and surrounding areas provide. Locating the project in the proposed location with its attendant noise, dust, and clearing of vegetation will affect the value of SW 30 and the
Grassy Mountain area. This will ultimately destroy our enjoyment and use of the property.

The following points, some of which are from Benga’s application materials make the proposed location totally unsuitable for this project:

a. “Major ridgelines and valleys are generally oriented north-south, causing precipitation run-off and local groundwater to flow generally east-west downslope, away from topographic highs towards watercourses. Blairmore Creek and Gold Creek flow in a north to south direction along the western and eastern margin of the proposed Mine Permit Boundary, respectively, before discharging into the Crowsnest River” (Page A-6 Benga’s application). All operations of Benga will impact Blairmore Creek to the west and Gold Creek to the east and possibly, Crowsnest River. Gold Creek cuts across the east portion of SW 30. Some of our drinking water comes from the Gold Creek. Any contamination of Gold Creek is a contamination of our source of drinking water.

b. The project is located within various environmentally significant areas namely the Grizzly Bear, Mountain Goat and Sheep Range amongst others. Having this project at this location will destroy these environmentally significant areas.

c. The proposed location is home to various wildlife (e.g. grizzly bear), aquatic organisms (e.g. pure strain westslope cutthroat trout and bull trout), and species at risk some of which are threatened or endangered and whose habitats require protection. Having the project at this location will destroy the critical habitats of some of these endangered species as well as increase their mortality rates.

d. There are archaeological sites occurring within the project boundaries that are considered significant and warranting protection and preservation.

We are not against the exploration and procurement of resources as we require energy in our everyday activities. But, we do NOT need this particular resource which will not be used in Canada but shipped to overseas market such as Asia. There are plenty of other far less sensitive areas for energy exploration and development.

2. Water Concerns

We are concerned about Benga’s proposal to discharge “treated” waste water into the environment and Gold Creek. We are concerned that any discharge of “treated” waste water into the environment and Gold Creek will affect the quality of water in our water well, the quality of the water that Gold Creek provides to us and may possibly affect our health and the continued existence of westslope cutthroat trout that spawns in Gold Creek.
Benga anticipates that there will be diversion of water for mining activities. A diversion of water will cause a loss of flow and have significant impacts on downstream fish habitat and affect the quantity of water available to us.

We are also concerned about potential pollution of our water source by leaching of selenium from mining wastes dumped in the north rock disposal areas. Benga identifies at page A-16, paragraph A.6.4 that “leaching of selenium out of the rock disposal areas is a possibility”. The boundaries of the north rock disposal areas border the west boundary of SW 30 and Gold Creek which provides some of the water to our water well flows through SW 30.

3. Noise and dust

We are concerned about the noise and dust that will arise from the mining operations. We are concerned that we will experience a large amount of dust from the mining operation due to the direction of winds. The Project area is in a strong wind zone. Strong prevailing winds come from the west to the east and SW 30 is directly east of the mine location.

The noise from the blasting operations will increase the noise levels in SW 30 and destroy our peace and enjoyment of the land. This will also have effect on our health. Mitch is allergic to dust. We are concerned that the increase in dust will worsen Mitch’s allergy.

4. Access concerns

We note that Figure A.1.0-2 of Benga’s Application shows that the access road (a registered easement on SW 30) which we use to access SW 30 will be blocked, possibly, permanently by Benga’s north disposal areas and coal handling and processing plant and infrastructure that is projected to occur on Section 24-8-4-W4M (“Section 24”). This access road is also a registered easement on title to Section 24 (Land Title Registration No. 921280727). Without this access road, we will not have direct access to SW 30 and to Blairmore road.

Contact Details

Mitch and Rose Bonertz
Requested Disposition

We request the Regulator to record and consider our concerns in dealing with Benga’s applications. In addition, we respectfully request the Regulator to register our statement of concerns as an objection to Benga’s applications and to hold a public hearing to determine the applications.

Yours truly,

Mitch and Rose Bonertz
Alberta Energy Regulator
December 11, 2015
Benga Mining Ltd
Grassy Mountain Coal Mining Project
Application Nos 1844522 and 1842520
Donkersgoed Feeders Ltd/ Larry Donkersgoed

ALBERTA ENERGY REGULATOR

Statement of Concerns of Larry Donkersgoed, representative of Donkersgoed
Feeders Ltd

Donkersgoed Feeders Ltd and Berdina Farms Ltd are owners of lands legally described as SW 19-08-03-W5M (the “Lands”). I, Larry Donkersgoed and my wife, Barb Donkersgoed are the shareholders of Donkersgoed Feeders Ltd. I am the sole director of Donkersgoed Feeders Ltd.

Description of the Lands

The Lands are within the Mine Permit boundary. Figure A.1.0-2 of Benga’s application shows the Lands as being directly west of and adjacent to the Coal handling processing plant and the south rock disposal area.

We have a cabin on our Lands that we often make use of. We find that this land is a great place to truly be “one with nature.” The Gold Creek, with its fresh mountain water, runs directly through our little piece of heaven. More often than not, we encounter wildlife while relaxing at the cabin. In the summertime, we spend every other weekend on our Lands.

We have owned the Lands for 10 years now.

Noise, dust and traffic concerns

We are concerned that the peace and tranquility which we enjoy on our Lands will be destroyed by Benga’s proposed mine project. All of the beauty of the Gold Creek and surrounding streams and nature (wildlife and vegetation) will cease to be if this project is allowed to proceed. The noise, dust, excessive traffic and pollution which the project will bring will definitely destroy the beauty, peace, and tranquility of our lands. We will be exposed to constant noise, dust, and traffic all through the operational life of the mine, which Benga projects to be 24 years, as well as during its decommissioning stage. We are concerned about the effect on our health from being exposed to the noise and dust from the project.

Water concerns

We are also concerned about Benga’s proposal to discharge “treated” waste water into Gold Creek. We get our drinking water from Gold Creek, which runs right through our Lands. We are concerned that any discharge of “treated” waste water into Gold Creek will affect the quality of the water that Gold Creek provides to us and may possibly affect
our health and the continued existence of westslope cutthroat trout that spawns in Gold Creek.

**Access Concerns**

We note that Figure A.1.0-2 of Benga’s Application shows that the access road that we take to access our Lands will be blocked, possibly, permanently by Benga’s coal handling and processing plant and infrastructure that is projected to occur on Section 24-8-4-W4M (“Section 24”). We have always had this access road to our property. The access road is a registered easement on title to Section 24 (Land Title Registration No. 921280727). Without this access road, we will not have direct access to our property and to Blairmore road.

**Property Devaluation**

We are concerned about the effect of the mine and proposed pipeline on the value of our Lands. With our road access cut off (which we had an agreement with Devon to use) and a coal mine in our back yard, we feel that our property will greatly depreciate in value and become almost unsellable if the project is allowed to proceed.

We feel that it would be a shame to lose our little piece of heaven. As our children have grown into adults, we look upon this place as one for them to also enjoy with their families and our grandchild. What better experience for a child to learn to respect nature, than by having the opportunity to “live in it.”

**Contact Details**

Donkersgoed Feeders Ltd.
Larry Donkersgoed

*<personal information removed>*

**Requested Disposition**

We request the Regulator to record and consider our concerns in dealing with Benga’s applications. In addition, we respectfully request the Regulator to register our statement of concerns as an objection to Benga’s applications and to hold a public hearing to determine the applications.
Statement of Concerns of Edward Donkersgoed, representative of Berdina Farms Ltd

Donkersgoed Feeders Ltd and Berdina Farms Ltd are owners of lands legally described as SW 19-08-03-W5M (the “Lands”). I, Edward Donkersgoed and Shannon Donkersgoed are the shareholders of Berdina Farms Ltd. I am the sole director of Berdina Farms Ltd.

We adopt all of Larry Donkersgoed’s Statement of Concerns as our statement of concerns in this proceeding. As co-owners of the Lands, our concerns with the Project are the same as that of Larry Donkersgoed and Donkersgoed Feeders Ltd. We adopt also Larry Donkersgoed’s requested disposition as our requested disposition in this proceeding.

Our Contact Details

Berdina Farms Ltd.
Ed Donkersgoed
<personal information removed>

Yours truly,

Ed Donkersgoed
Berdina Farms Ltd.
ALBERTA ENERGY REGULATOR

Statement of Concerns of Norman and Connie Watmough

Sun Cured Alfalfa Cubes Inc. is the registered owner of SE 19-8-3-W5M ("SE 19"). We are the shareholders of Sun Cured Alfalfa Cubes Inc.

SE 19

We have owned SE 19 for 22 years now. We use SE 19 for grazing our cattle, for family gatherings or family social events and for recreation. We have 50 head of cattle that we graze yearly on SE 19. We rent additional grazing land from our neighbours, the Donkersgoed (owners of SW 19) and Lee Brewerton (previous owner of NW 19).

To get our cattle to SE 19 for grazing and to access SE 19, we use the Grassy Mountain road that goes beside the Golf course. There is no other access to SE 19 that can withstand a load of cattle and that does not involve crossing creeks and other waterways. It is impossible to get heavy cattle trucks through all of the creek crossings on the south access road.

We have our residence, and some corals on SE 19. We also have two free flowing springs that provide water to our residence and our cattle. Every year, we host our family social gatherings on SE 19. We take our children (2) and grandchildren (3 aged 10, 12 and 14 years) to SE 19 to enjoy the beauty and wildness of SE 19. Our friends also come up to spend some time with us, all with a view to be one with nature, enjoy the peace and beautiful nature of SE 19. Our children and grandchildren enjoy fishing in the waters, riding their quads and camping out in the wilderness. The beauty of SE 19 cannot be reproduced or replaced if destroyed, which the mine will do if permitted to proceed.

SE 19 is adjacent to the mine permit boundary as Benga Mining Limited ("Benga") indicates at page A-7 of its application. SE 19 will be close to Benga’s south rock disposal area and proposed pipeline route.

Concerns

We are concerned about Benga’s proposals to construct and operate a surface metallurgical coal mine, a coal handling and preparation plant with associated infrastructure, an overland conveyor system and a new rail track (the “Project”).

We are also concerned about Benga’s proposed intention to apply for a licence to divert surface and groundwater for use in the Project at a later date. We are further concerned about Benga’s proposal to construct two external overburden dumps adjacent to the pit.
Details of our concerns are stated below.

1. **Noise and dust concerns**

We are concerned that the peace, tranquility and clean air that we enjoy on our lands will be destroyed by Benga’s proposed mine project. The Grassy Mountain area is known for its strong winds. We have experienced strong winds moving at 160km per hour. On one occasion, the winds broke some branches of trees and carried them a significant distance away from the trees. We are directly east of the south disposal rock areas and the mine permit boundary and if the wind direction is from the west to the east, our property including our drinking water (the two springs) will be covered in dust if this project is allowed to proceed. In addition, the grasses that our cattle graze on both on SE 19 and SW 19 (Donkersgoed property) will be covered with dust and rendered unpalatable to our cattle.

We are also concerned about the health effects of the dust on our cattle’s health. We would not want to loose our cattle due to the operation of the mine.

The increase in traffic and the noise from the blasting operations will increase the noise levels on SE 19 thereby disturbing the peace that we currently enjoy on SE 19. In addition to the noise being harmful to us, the noise levels may also be harmful to our cattle.

2. **Access Concerns**

As indicated above, the only access to SE 19 is through the Grassy Mountain Road. If this access is blocked as Benga proposes to do, we will not have any access to our lands and to feed for our cattle.

3. **Water Concerns**

We are concerned about the potential pollution of our springs from dust from the mining operations and from the leaching of selenium from mining wastes dumped in the south rock disposal areas. Benga identifies at page A-16, paragraph A.6.4 that “leaching of selenium out of the rock disposal areas is a possibility”. A leaching of selenium from the rock disposal areas and dust from the mining operations are likely to affect my water source.

4. **Property Devaluation**

We are concerned that the proximity of the mine and its associated facilities to SE 19 will devalue SE 19. No one will want to live near a mine and a mining plant. The presence of the mine will discourage potential purchasers from buying my land. Also, the destruction of
the only viable access to SE 19 will make SE 19 totally unsaleable as access to a property is usually a strong consideration to a purchaser.

5. **Air Pollution and health concerns**

We are concerned that the existence of the mine pits and the south disposal areas in close proximity to SE 19 will affect the quality of air on SE 19. We, including our cattle, will be exposed to compounds such as sulphur dioxide, nitrogen oxides, and other substances that are released from mining activities.

6. **Geographic location of the project**

The proposed location of the project will see a destruction of a beautiful landscape that has served its residents, wildlife and aquatic organisms over many years. We had the opportunity to fly over the Elk Valley Mine in British Columbia that was operated by Teck Resources. We knew the Elk Valley prior to Teck’s operation. The Elk Valley mine was a similar mining operation as Benga’s proposed mine. The destruction of Elk Valley that we saw resonated with us. We know that if this project is allowed to proceed, Grassy Mountain with all its beautiful lakes, creeks, and landscape will cease to exist and will be replaced with a dusty environment, unusable and totally worthless.

**Contact Details**

Connie and Norman Watmough

<personal information removed>

**Requested Disposition**

We request the Regulator to record and consider our concerns in dealing with Benga’s applications. In addition, we respectfully request the Regulator to register our statement of concerns as an objection to Benga’s applications and to hold a public hearing to determine the applications.

Yours truly,

Connie and Norman Watmough
I am the registered owner of Plan 1014575, Block 19, Lot 25. I came to Blairmore 2 years ago after my home was destroyed near Gleichen, Alberta in the 2013 spring floods. I lived in an apartment for one year until October 2014 when I bought a sweet little house.

My home lies 7 km southeast of the proposed Grassy Mountain Coal Project in Blairmore, AB. My property is within the Local Study Area (LSA) indicated in Riversdale Resources’ Air Quality Assessment Report. Riversdale indicates at page 7 of the Air Quality Report that the LSA is the region immediately surrounding the Project development and was 12km by 15km.

My concerns relate to air quality impacts of Benga Mining Coal project on myself, other residents, plants and animals and inadequate environmental impact assessment conducted by Riversdale Resources. The Project area and Blairmore area are famous for its strong winds. The strong winds can carry items especially dust hundreds of kilometers away from its centre. I am concerned about the dust that will arise from the Project and the effect of the dust on the quality of air at my residence and in Blairmore.

I am concerned about present and future air quality for the community of Blairmore and Coleman where my family and I live. Crowsnest Pass (“CNP”) is said to be the oldest community demographically in Alberta with many lung and heart issues that older people have. It worries me that should I do nothing, the mining project will proceed and the officers will not mitigate dust problems that are inevitable. Open pit mines all generally struggle with managing fine particulate matter that is kicked up in the process by heavy equipment quite readily. Leading medical research finds that the impact of this fine dust to our health is actually more problematic than previously believed. There is a recent publication that found a significant impact on healthy populations where it was previously believed that only those with compromised immune systems were affected: [http://www.sciencedirect.com/science/article/pii/S1352231015304568](http://www.sciencedirect.com/science/article/pii/S1352231015304568).

The Alberta Government takes this issue seriously, announcing the exceedances and near exceedances of the Canadian Ambient Air Quality Standards for fine particulate matter. “The Calgary Northwest, Crescent Heights and Lethbridge stations were assigned to the orange management level for PM2.5, Actions for Preventing CAAQS Exceedance. As such, the zone was assigned to the orange management level for PM2.5. This management level indicates that PM2.5 concentrations are approaching CAAQS and proactive action is needed to prevent exceedance.” Blairmore and the Crowsnest Pass are in the South Saskatchewan Region and although the closest station is in Lethbridge, any development in the entire region must work towards maintaining air quality below the limit. Adding a new open pit mine is not in line with the

The Riversdale Resources (Benga) Environmental Impact Assessment does not present all the potential worst case scenarios from the construction of the Grassy Mountain Coal Project. Some residents are amused with an EIA that finds prevailing winds will prevent coal dust from blowing onto the highway, the homes and the businesses. The sad history of coal dust and illness, including black lung disease, surfaces in conversations about the proposed mine. They are unwilling to struggle through another environmental disaster that was theirs for too many decades or deface the wilderness where they are fortunate to live. I agree. One disaster a lifetime is enough.

The Riversdale (Benga) EIA explains "concerns were raised about air and water quality and the potential impact the Project may have on the health of people living downwind" (Benga, 2015, p. 2). The writers of the EIA used 2003 data to determine the existing health status in the region. Although they admit that the information is not directly comparable, I am sure that more current information is available from the medical community in the Pass. The Consultant's Report #1 presents the Air Quality Assessment that determines locations for sensitive evaluations within the boundary of the mine (#14-00201-01, p. 34). They do not reflect previous or present conditions in the community (Appendix A.4, Assessed Human Health Receptor Locations). I am unaware of Benga's public request for sites that would best represent "other area residents "or how information about the baseline conditions and other emission sources in the area (e.g. residential, automobile traffic and rail activities) were arrived at. The Consultant's Report #1 is not connected to a URL. As such, the assessment information is inadequate, incomplete and unrepresentative of a jewel of a community in South Western Alberta. A minimum requirement would be to establish appropriate air monitoring for the Crowsnest Pass area BEFORE any development occurs so that a good baseline of air quality is determined and the changes associated with the development are understood.

Contact Details

Shirley Kirby

Requested Disposition

I request the Regulator to record and consider my concerns in dealing with Benga's applications. In addition, I respectfully request the Regulator to register my statement of
Statement of Concerns of Shirley Kirby

cconcerns as an objection to Benga’s applications and to hold a public hearing to determine the applications.

Yours truly,

Shirley Kirby
Statement of Concerns of John and Rae Redekopp

We are the owners of land legally described as Plan 9912103 Block 2 Lot 1. Our land, which we live on, is located in an area called Valley Ridge Estates which shares the same valley as the proposed coal mine. In our estimation, our land is approximately 2 to 3 kilometers southeast of the Benga Mine permit boundary.

When we bought this land and built our retirement home, we were not anticipating being neighbours to Benga's strip mine. We chose this location specifically for its peacefulness, clean air and water.

After reviewing Riversdale/Benga’s application to the Alberta Energy Regulator, we are concerned about the following:

Blasting Noise and Vibration

Per clause 5.7.2 in their application titled “Blasting Noise and Vibration Mitigation” (page A-74 Benga's Application), Riversdale states that ‘the noise and vibration levels associated with blasting can have a potential impact on nearby residents and can cause sensory disturbance to wildlife. There are not specific noise or vibration level limits for blasting in the AER Directive 038, nor are there any specific other provincial or federal criteria.’

This is very disconcerting to us. In their application, Riversdale has included models for the impact of noise and/or vibration from every piece of machinery and nothing to mitigate the noise from the blasting other than to say that they will do their best to minimize the impact from blasting and noise and vibration. We feel we are at risk of seeing our property devalued and our enjoyment of our property affected due to the above and Riversdale has not addressed this issue.

We are concerned about the risk of rock slides that we have observed on Bluff Mountain (our property is located directly below it) as a result of the vibration from the mine.

Dust and Air Quality concerns

The Crowsnest Pass is infamous for its wind. Our acreage development is downwind from the Grassy Mountain and the dust and air quality from the project is of great concern. Our use and enjoyment of our property will be destroyed by dust and air pollution from the mine. Should there be baseline air quality tests carried out prior to mine development?
Alberta Energy Regulator
Benga Mining Ltd
Glossary Mountain Coal Mining Project  Application Nos 1844522 and 1842520
Statement of Concerns of John and Rae Redekopp

Water concerns

Riversdale claims they are not anticipating any impact on our water wells within Valley Ridge Estates. But we are concerned that the dust from the mine operations will cover our water wells thereby reducing its quality.

Further, Riversdale is also proposing a load out facility adjacent to the Crowsnest River which is a world class trout stream. We fly fish along Gold Creek which feeds the Crowsnest River. Contamination of Gold Creek would be disastrous. What will become of the precious fish habitat when it is contaminated?

Need for the Project

The established mines throughout the Elk Valley produce more than enough coal to meet the demand. We believe Alberta’s future depends on water NOT coal. There is no need for this Project at this location.

Contact Details

John and Rae Redekopp
<personal information removed>

Requested Disposition

We request the Regulator to record and consider our concerns in dealing with Benga’s applications. In addition, we respectfully request the Regulator to register our statement of concerns as an objection to Benga’s applications and to hold a public hearing to determine the applications.

Yours truly,

John and Rae Redekopp
Please find the attached correspondence. Original to follow via Canada Post.

Kind Regards,

Lisa Goss
Administrative Manager
Town of Pincher Creek
Ph: (403)627-3156
pinchercreek.ca
December 23, 2015

Brett Maracle
Panel Manager
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St.
Ottawa, Ontario, K1A 0H3
CEAA. Grassy Mountain. ACEE@ceaa-acee.gc.ca

Dear Sirs,

Re: Grassy Mountain Coal Project/Benga Mining Ltd.
Alberta Energy Regulator Application Nos.: 1844520 and 1844522
Canadian Environmental Assessment Agency Reference No.: 80101

The Town of Pincher Creek is located in Southwestern Alberta, approximately 40 km. east of the Crowsnest Pass. As such, we support one another as a region and residents and businesses live, shop, recreate and work together. The potential operation of a new coal mine will have a direct effect on our community.

We understand and have been informed that an environmental assessment is required for this project proposal, and the Town of Pincher Creek Council has directed that a Statement of Concern be filed by January 4, 2016. We request that the AER and CEAA consider this as the Town of Pincher Creek Statement of Concern/support for the Grassy Mountain Coal Mine Project. As mentioned above, this project will have a direct impact on our community and region and we wish to be kept informed and involved in the regulatory process.

The Town views this project with appreciation and anticipation that it will be an economic driver for the region for many years. We acknowledge that there will be challenges involved including transportation and other infrastructure issues, however we are more than willing to work with the management of Riversdale Resources to find solutions that will benefit the residents, businesses and the coal mine itself.

Please provide any project related information to: Laurie Wilgosh – CAO
Town of Pincher Creek
Box 159
Pincher Creek, Ab. T0K 1W0
<email address removed>

Sincerely,

Mayor Jon Anderberg
<email address removed>
c.c. Riversdale Resources
See attachment.

Greg Brkich
C.A.O.
M.D. of Ranchland No. 66
<personal information removed>
December 8, 2017

EMAIL

Authorizations Branch
Alberta Energy Regulator
Suite 1000, 250 – 5 Street SW
Calgary, Alberta
T2P 0R4
via email: SOC@aer.ca

Benga Mining Limited
PO Box 660
12331 – 20 Avenue
Blairmore, Alberta
T0K 0E0
via email: <email address removed>

Dear Sir/Madam;

Re: Statement of Concern to Applications No. 1844520 and 1902073 by Benga Mining Limited for Approval of its Grass Mountain Coal Project

The M.D. of Ranchland No. 66 hereby retracts our Statement of Concern letter dated January 15, 2016 under letterhead of Carscallen LLP, and replaces it with this Statement of Concern letter.

The M.D. opposes these applications for a number of reasons:

1. First, the M.D. is concerned about the effect of the Grass Mountain Coal Project on the M.D.’s mandate to pursue development in accordance with its Land Use Bylaw, which states that the M.D.’s purpose is to “conserve agricultural land, including grassland, while permitting activities associated with agricultural production on privately held lands or leased lands”. While we understand that in the event of a conflict a permit issued by the AER takes precedence over a municipal land use bylaw, municipal councils like the M.D. have an interest in passing and enforcing land use bylaws that regulate and control the use of land within their boundaries. The land used for the construction and the operation of the Grass Mountain Coal Project will interfere with that mandate as it will no longer be conserved or used as agricultural land.

2. The M.D. is concerned about the eradication and control of invasive weeds, which the M.D. must monitor and enforce pursuant to Alberta’s Weed Control Act, SA 2008, c W-5.1. The M.D. has significant concerns about the spread of prohibited noxious and noxious weeds on reclaimed and
disturbed areas in and around the mine site and new releases attributed to the activities related to this project. The M.D. knows that the presence of coal and coal dust in the area will further complicate the effectiveness of chemical herbicide used to kill invasive weeds because the carbon neutralizes the chemical. The M.D. already has significant decades long experience trying to control the noxious and prohibited noxious weeds on the site of the mine with much of the problem attributed to the physical characteristics of the site (terrain, reduced effectiveness of chemical because of coal residue, soil conditions), the length of time the weeds have been present (volume of historic seedbank and weed banks that existed prior to the M.D’s founding). At best we have been holding them on site, limiting the spread to the rest of the M.D. Needless to say this is expensive and time consuming. Because many of the weeds on the site do not exist in the rest of the M.D. it is critical from an agricultural, land management and ecosystem protection perspective that they do not increase. Once invasive weeds are established, it is very difficult to control their spread and to eradicate them. The M.D. is concerned that it will be required to allocate additional resources to monitor and enforce the control and eradication of weeds in the area in and around the mine. The disturbance of soils in an area already proven to have a significant seed bank, and extra challenging conditions for control of already existing noxious and prohibited noxious weeds, poses a significant concern on all disturbed areas, spoil piles, roads and reclamation sites on the mining area, the surrounding municipalities, and spread by any contaminated equipment traveling to do other work.

3. The M.D. is concerned about the effect of the construction and operation of the Grassy Mountain Coal Project on the M.D.’s provision and maintenance of services and infrastructure. Similarly, the M.D. will face increased costs with respect to providing and maintaining municipal infrastructure and services, such as roads, due to the increased population and traffic, including commercial and industrial traffic, in the area. The M.D. has no emergency services supplies or equipment and relies entirely on mutual aid agreements with surrounding municipalities and working with Ag and Forestry within the fire protection zone. The M.D. has no mutual aid agreement with the Municipality of Crowsnest Pass (CNP) which has the closest emergency services to the mine site. It is hard to predict what would be required from the M.D. in additional costs and strain on CNP emergency services to cover the mine and increased activities associated beforehand.

4. The industry road that provides access to certain private properties in the M.D. will be shut down as the Grassy Mountain Coal Project proceeds. This road is currently the only reasonable access road to these properties. The loss of this historical access for the private landowners at best limits their ability to enjoy their land and at worst lowers property values.

5. The M.D. is concerned about impacts and disturbances to landowners, grazing disposition holders in the forestry, and grazing lease holders on the surrounding lands. The proximity of private land to the mine site will significantly impact the enjoyment, quality of life, land value, aesthetics, and possibly even create impacts to agricultural production, pose health and safety issues, and ecological impacts for the owners of those lands. Impacts related to water quality and quantity, access, additional management challenges, weeds, fencing, dust, noise, blasting are all potential
issues for stakeholders in the surrounding area.

6. The M.D. does not currently have the resources, in-house expertise, or staff required to address the impact of the Grassy Mountain Coal Project. The entire M.D. is zoned either agricultural or forestry and the M.D. is not interested in forming and staffing a new department or rezoning areas to address industrial development of the scale proposed.

7. Benga Mining Limited has identified that there will be an increase in the population in the neighbouring Municipality of Crowsnest Pass. This increase will lead to higher demand for recreational space and activities, which, in turn, will place greater demand on the land within the M.D. and thus on the M.D.'s resources. Specifically, the M.D. is concerned about providing and maintaining access roads, public safety, emergency response, signage; controlling litter and vandalism; preventing riparian area damage; preventing soil erosion (which promotes invasive weed growth); and monitoring random (sometimes called scramble or dry) camping. In order to carry out these activities, the M.D. is concerned that it will have to hire additional staff and reallocate its limited financial resources.

8. The M.D. is very concerned about the overall impact to the aesthetics of the area, loss of habitat and impact on the environment, water quantity and quality, disturbances, noise and activity perturbing wildlife, releases in extreme weather events, and declines in threatened or endangered species that depend on the area.

9. The M.D. is very concerned with the reclamation of the Grassy Mountain Coal Project land and associated liabilities. Specifically, the M.D. is concerned as to who will bear the responsibility of future liabilities and reclamation, and costs in the event that Benga Mining or a future owner is non-compliant. The condition of reclamation, or lack of reclamation of the historic mining site, and other industrial sites in Alberta do not create confidence in the M.D., that promises of reclamation in the future will be kept or even enforced, leaving the area stakeholders, the M.D., and the environment with the aftermath of the disturbance.

10. The M.D. does not want to see a precedent set for further mining in the M.D. There are more areas within the M.D. that hold the potential for additional mining project proposals along the eastern slopes. The M.D. does not believe that the economic benefit from coal mining offsets the damage to the environment both locally, and in the effect on global carbon emissions.

11. The M.D. is concerned with the increased demand for water associated with industry in the M.D. and placing further demands on the South Saskatchewan basin. In a environment challenged by water stress such as the south Saskatchewan River Basin and uncertainty of additional challenges
poised by climate change, moving the area towards a climate similar to Colorado, it is the M.D.’s concern that possible constraints today will be exacerbated to critical levels in the next generation.

12. The M.D. is concerned that Riversdale Resources/Benga Mining Limited is not interested in operating the mine through its complete life cycle, but rather their main interest is in developing the mine and positioning it for sale soon after it becomes operational. The M.D. believes that promises made by Riversdale Resources/Benga Mining Limited to be involved in, and be good citizens of our local communities may not be kept by new ownership/management.

13. The M.D. is concerned that day to day activities such as blasting, mining, lighting, dust, noise and general disturbance will have a significant impact on the area. The entire length and breadth of the M.D. of Ranchland is in some form or another in the midst of a cornucopia of land use planning because of the South Saskatchewan Regional Plan (SSRP). In addition, recently within the M.D. we have seen the biggest conservation easement in Canada’s history placed by the Nature Conservancy of Canada (NCC) on the Waldron Grazing Co-op, and the (former) King Ranch and many acres of land conserved by the Southern Alberta Land Trust Society (SALTS).

Because of the special significance of the landscape within the M.D. the area is being conserved, preserved and regenerated. Bob Creek Wildland, Black Creek Heritage Rangeland, Pekisko Heritage Rangeland and the Special Management area, Porcupine PLUZ, Livingstone PLUZ, Chain Lakes Provincial Park, Beehive Natural Area, and expansion of Don Getty Wildland Park and other pending land designations on public land in the M.D. basically means that there isn’t any land within the M.D., outside a fraction that is in private hands (10-15% of 660,000 acres less all conservation easements), that isn’t under conservation or some special management restriction. As well there are many moving parts underway with new Recreation Management Plans, Land Use Planning (formerly Linear Footprint Plan), Biodiversity Framework Planning, finalizing Pekisko Heritage Rangeland planning and associated vegetative management planning as well as Livingstone PLUZ and Porcupine Hills PLUZ. This is just a testament to the value that the M.D.’s, provincial government, Albertans, Landowners, residents and Canadians place on this rare landscape.

Several highways bisect the M.D. that have the potential to separate habitat into fractured units similar to problems associated with highways 3, 1 and 22 north of Black Diamond with increased traffic. Highway 22, designated as “cowboy trail” is of particular concern as it cuts off the Porcupine Hills from the Whaleback, Bob Creek Wildland, Black Creek Heritage Rangeland, Chain Lakes Provincial Park and Pekisko Heritage Rangeland.

Rather than planning how to mitigate a moving wall of metal on “cowboy trail” through an area where every effort is being made by the Alberta Government, three M.D.’s., NCC, SALTS, Miistakis Institute, Yellowstone to Yukon Conservation Initiative (Y2Y), Pekisko Group, Livingstone Landowners Group, Porcupine Hills Coalition, Alberta Wilderness Association, Canadian Parks and Wilderness Society, and many other stakeholders, to protect, preserve and regenerate the
surrounding land, the M.D. would rather reduce the disturbance associated with industrial developments and the amount of traffic on highway 22 and connecting highways. The communities and developments associated with the highway 3 corridor already pose a significant barrier to wildlife movement and division of contiguous landscapes. The highway 3 corridor plays a significant role in cutting off the Waterton Biosphere from the M.D. of Ranchland, Kananaskis, and all the aforementioned parks and protected areas in the M.D. The M.D. does not see enough benefit in the proposal to further disrupt the environment.

As a result of these concerns, the M.D. is requesting that the AER deny Applications No. 1844520 and 1902073. Please forward any further correspondence regarding this matter to <email address removed>

Yours truly,

<Original signed by>

Cafm Gärdner
Reeve
Please find enclosed a Statement of Concern on behalf of the Gold Creek Grazing Co-op to Applications No. 1844520 and 1844522 pursuant to the Notice of Application issued by the AER on December 3, 2015. Please confirm receipt.

Regards,

Jessie K. Gill
Barrister & Solicitor
Carscallen LLP
1500, 407 - 2nd Street S.W.
Calgary, Alberta T2P 2Y3
Phone: (403) 298-8442
Fax: (403) 262-2952
Email: <email address removed>
Website: www.carscallen.com

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January 15, 2016

Michael B. Niven, Q.C.
<contact information removed>

File No. 26692.001

Authorizations Review & Coordination Team
Alberta Energy Regulator
Suite 1000, 250 – 5 Street SW
Calgary, AB T2P 0R4

Benga Mining Limited
PO Box 660
12331 – 20 Avenue
Blairmore, AB T0K 0E0
Attention: Cal Clark

Dear Sir/Madam:

Re: Statement of Concern to Applications No. 1844520 and 1844522 by Benga Mining Limited for Approval of its Grassy Mountain Coal Project

We act as counsel to the Gold Creek Grazing Co-op ("Gold Creek").

On behalf of and as instructed by Gold Creek, we advise that Gold Creek has concerns with Applications No. 1844520 and 1844522, which are applications by Benga Mining Limited for approval of a permit to develop a surface metallurgical coal mine site and to construct and operate a new coal processing plant (the "Grassy Mountain Coal Project"). Gold Creek is an active cooperative incorporated and registered provincially in Alberta.

Gold Creek leases the following lands for its members to use to graze cattle that are raised for commercial sale:

1. ½ NE 14-8-4-W5M;
2. ½ SE 14-8-4-W5M;
3. NE 18-8-4-W5M;
4. NW 23-8-4-W5M;
5. SW 23-8-4-W5M;
6. NE 26-8-4-W5M;
7. SE 26-8-4-W5M;
8. NE 35-8-4-W5M;
January 15, 2016
Page 2

9. SE 35-8-4-W5M;
10. SE 2-8-4-W5M;
11. SE 1-8-4-W5M; and
12. SW 1-8-4-W5M

(collectively, the “Lands”).

The above Lands are adjacent to the proposed Grassy Mountain Coal Project. Some of the Lands are also located within the boundaries of the proposed Grassy Mountain Coal Project.

Gold Creek has concerns with these applications because of the potential effects of the construction of the Grassy Mountain Coal Project and later operation of the mine on the Lands and on the health of cattle. Specifically, Gold Creek has the following concerns with respect to the Grassy Mountain Coal Project:

• noise pollution from the construction and operation of the mine will prevent cattle from grazing on the Lands.

• construction and operation of the Grassy Mountain Coal Project will disturb soil, which will inevitably lead to a proliferation of invasive weeds on the Lands that may be toxic to cattle and negatively impact the growth of vegetation cattle can feed on. Eradication and control of invasive weeds is very difficult and expensive once weeds are established.

• air pollution from the mine, such as coal dust and other particles, will negatively impact the health of cattle.

• water and soil contamination from the mine will negatively impact the health of cattle.

• loss of access to the Lands and to infrastructure, such as corrals, located on the Lands within the boundaries of the Grassy Mountain Coal Project.

• naturally occurring barriers between the mine and the Lands that prevent cattle from escaping will be removed requiring the construction of fences and other structures.

Gold Creek believes that the proposed Grassy Mountain Coal Project will negatively impact the Lands it leases for cattle grazing and the ability of its members to raise cattle, which, in turn, will affect the livelihood of Gold Creek’s members. Gold Creek is also concerned about the safety of the Grassy Mountain Coal Project and the reduction of grazing land due to acquisition of additional land for future coal exploration and development. As a result of these concerns, Gold Creek asks that an approval of Applications No. 1844520 and 1844522 by the AER include a requirement that Benga Mining Limited address and mitigate the concerns of Gold Creek.
Please forward any further correspondence regarding this matter to the following address:

Carscallen LLP
1500, 407-2nd Street SW
Calgary, AB T2P 2Y3
Phone: 403-262-3775
Fax: 403-262-2952
Email: <email address removed>
Attention: Michael B. Niven, Q.C.

Yours truly,

<Original signed by>

Michael B. Niven

cc Gold Creek Grazing Co-op
Attention: Donald Driver, President
Attached is a Statement of Concern Regarding: Application No. 1844520 and 1844522 Riversdale Resources / Benga Mining Ltd. - Grassy Mountain Coal Project from Oldman River Chapter Trout Unlimited Canada
STATEMENT OF CONCERN AND OBJECTION REGARDING:
Application No. 1844520 and 1844522
Riversdale Resources / Benga Mining Ltd. - Grassy Mountain Coal Project

Statement filed by: Richard Burke, president Oldman River Chapter Trout Unlimited Canada, on behalf of the chapter. Trout Unlimited Canada endorses this statement of concern.

Statement of Concern Filed : January 15, 2016

Contact Information: Richard Burke, 1313 7 Ave. S. Lethbridge T1J1K9, 403-317-4006, email: richburke45@gmail.com

Land Location: 25-year Conservation/stewardship leases on Crown land at Hillcrest (E. 1/2 Section 20, Township 7, Range 3 West 5 Meridian, Municipality of Crowsnest Pass) and Burmis (N. 1/2 Section 11. Township 7, Range 3, West 5 Meridian, MD of Pincher Creek No. 9) covering 4 km of Crowsnest River frontage, downstream of Gold Creek drainage into the Crowsnest River; Gold Creek and Blaiermore Creek.

Directly Affected: The chapter is concerned our on-going efforts to improve riparian and fish habitat, by reviving one section (Hillcrest lease) of the Crowsnest River, beside which was a coal slag pile from mining in the early-mid 20th Century, and reclaimed by the province in the latter part of the 20th Century, would be undone by mining immediately upstream. The chapter is also concerned with the potential negative effects of mining upstream of its second lease at Burmis. On-going work by the chapter since 2002 to improve riparian and fish habitat on that lease could similarly be undone.

TUC was a participant in development of Westslope Cutthroat Recovery Plan and Strategy 2012-2017, which focusses on streams such as Gold Creek and Blairmore Creek with pure strain Westslope Cutthroat Trout and recently affected by a Critical Habitat Order in the Canada Gazette.

The Oldman River Chapter of Trout Unlimited Canada, as well as Trout Unlimited Canada nationally, is concerned about the Grassy Mountain Coal Project potential negative
effects on fish and fish habitat in a part of the province that draws fishermen from around the world. In the chapter’s view, approval of the mine would undermine formal efforts at bringing back a Species at Risk – Westslope Cutthroat Trout – from the brink of extinction.

Our chapter has been a registered Alberta Society for 15 years, advocating for fish and fish habitat particularly in the Southwestern Alberta headwaters. This is consistent with Trout Unlimited Canada’s mission “To conserve, protect and restore Canada’s freshwater ecosystems and their coldwater resources for current and future generations.”

The chapter in 2002 committed to a 25-year conservation lease (2002) with the Government of Alberta on 2 kilometres of Crowsnest River frontage upstream of Burmis Lake, and another similar lease (2007) on an additional 2 kilometres of Crowsnest River frontage at Hillcrest. The accumulated stewardship investment on the leases, including cost of services, materials and equipment and attaching a dollar figure to volunteers for in-kind donations, would approach $100,000.

Both leases are just downstream from the point where Gold Creek, itself a stream with critical habitat for provincially and federally -listed threatened Westslope Cutthroat Trout, and Blairmore Creek drain into the Crowsnest River, a world-renowned fishery.

As referenced in the proposal on Page 61: “The Project’s mining activities may have the potential to directly and indirectly affect fish and fish habitat, as some of the unnamed tributaries to Blairmore Creek will be modified to accommodate mining and waste rock disposal areas. While these tributaries do not directly support fish habitat, water quantity and quality does contribute to downstream areas. Water will be diverted around mining activities, but a loss of flow or changes to flow regime (quantity, frequency, magnitude and duration) and therefore potential loss of downstream fish habitat is possible. Alteration or elimination of headwater sources and changes to groundwater regime within the pit footprint and adjacent areas is a concern, over and above flow volumes. In addition, there are known occurrences of a sensitive fish species (Westslope Cutthroat Trout) in both Blairmore Creek and Gold Creek.”

Although the proposal refers to the Westslope Cutthroat Trout as a sensitive fish species, the reference appears to downplay the true status of the species, listed as Threatened under both the federal Species At Risk Act, and Alberta’s Wildlife Act. The Department of Fisheries and Oceans Aquatic Species at Risk listing reads: “The greatest threats to the Westslope Cutthroat Trout in Alberta include habitat loss . . . . Habitat degradation and loss due to timber extraction, mining and hydroelectric developments have been directly responsible for loss of habitat and the decline of several populations.” This issue is especially problematic in the remaining isolated headwater streams where this species still persists.

Gold Creek, at the eastern end of the proposed open pit mine, has been identified under assessments done by Cows and Fish – The Alberta Riparian Habitat Management Society – as having habitat critical to the survival of pure strain Westslope Cutthroat Trout resident in the creek, target of the 2012-2017 Alberta Westslope Cutthroat Trout Recovery Plan. The mine proposal makes no mention of the plan, or its federal counterpart called the Alberta Westslope Cutthroat Trout Recovery Strategy.

Much of Blairmore Creek is also Westslope Cutthroat Trout habitat, although in the lower
reaches, the strain has been assessed at 95 per cent pure. Other fish species inhabit Blairmore Creek, to the extent that, as an Alberta Conservation Association Crowsnest Drainage Sport Fish Population Assessment - Phase 2 (2011) concluded, “Overall abundance of Westslope Cutthroat trout, rainbow trout and their hybrids in tributary streams was 60,637 fish, of which more than one-third inhabit Blairmore Creek.

Any risk from mining upstream that would degrade physical habitat, water quantity and/ or quality as the proposal suggests can happen, is risk not worth taking. In fact, the recovery plan and strategy goal is to “Protect and maintain the existing ≥ 0.99 pure populations (currently believed to be approximately 51) at self-sustaining levels.”

The proposal makes no reference to the interim Review of Environment Canada’s Teck Coal Environmental Assessment of Selenium Toxicology Test on Westslope Cutthroat Trout in the Elk and Fording rivers, by A. Dennis Lemly completed in September 2014. The report concludes:

“Collectively, the information strongly suggests that dissolved selenium emissions originating from coal mining waste rock are deleterious to resident fish populations, particularly the highly-valued Westslope Cutthroat trout. Selenium is deleterious to fish when concentrations exceed toxic thresholds in tissue. Excess selenium in eggs causes reduced hatching success and a wide variety of morphological abnormalities and physiological changes in post-hatch survivors. The combination of these effects is expressed in reproductive failure. The end result can be a total population collapse and local extinction of species. “

Selenium is ubiquitous in this region. The coal mines in the Elk Valley are part of the same deposits the proposed Grassy Mountain project seeks to mine – the Mist Mountain Formation, Kootenay Group – according to the Alberta Geological Survey.

Although the proposal mentions naturally-occurring selenium in Gold Creek and the Crowsnest River, it makes no mention of the real potential for heightened levels of selenium from mining. According to the Lemly review; “As surface mines have expanded in the past four decades, so has the volume of their selenium-laden wastewater discharges to nearby streams and rivers, both from active mine site operations and also from waste over-burden left behind.”

Even the Canadian Mining Journal, in a May 1, 2014 article, points to the concern for the “accumulation of selenium in the food chain, which has been directly linked to reproductive issues in fish species, and impacts on ungulates like cattle and horses.”

The article says, “It can take a minuscule amount of selenium (as low as 5-10 ppb) to have an impact – levels that have previously been difficult to measure.”

It goes on to say, “Selenium (VI) is much harder to remove, and is the primary threat to water quality in the coal mining industry today.”

And, although the article refers to newer technology being developed to combat selenium effects from coal mining, it acknowledges:

“While biological selenium reduction is a sound process that has been proven on a large
commercial scale, it is not perfect. Implementation costs can be high, and currently little is known about the long-term stability of the waste by-product it generates, leaving uncertainty for the industry about its long-term impacts. This uncertainty is what makes experts like Kratochvil uneasy.

“Nobody knows if producing this solid waste is the right way to go. It seems to be the only way to go, but the industry doesn’t know if this will cut it in the long-term.”

The Grassy Mountain proposal also raises flags over the planned increase in road construction in the area. According to Wildlife Conservation Society Canada Report No. 7 Protecting and Connecting Headwater Havens, July 2013, “Road crossings commonly act as barriers to passage by fish and other aquatic organisms. Bull Trout (extirpated in the Crowsnest drainage) and Westslope Cutthroat Trout are especially vulnerable to these barriers.”

The following longish, scarily-familiar excerpt from a brief to the Alberta Government in 1969, by the Alberta Land Preservation Society centred in Calgary, illustrates well the chapter’s primary concerns about the Riversdale proposal.

“In strip mining, protective cover of vegetation is removed, normal drainage is disrupted, topsoil is mixed with broken rock and usually dumped on adjacent land. This results in landslides, abnormal soil erosion, silting of streams, wind-blown coal dust and loss of wildlife habitat. “

Further, the brief notes: “The most severe damage done by coal mining has been in the Crowsnest Pass area, both as far as abandoned areas and areas presently being worked. A case of an abandoned strip mine is Grassy Mountain, about 6 miles north of Blairmore and about 4 miles east of the Kananaskis Highway. Between 1947 and 1958, the West Canadian Collieries mined about 2,750,000 tons of coal there.

“A great network of road and cuts were involved there. Nothing was done to restore the landscape and no seeds planted. This entire mountain, once beautiful, is now a moonscape of deep gouges and a network of roads.

“Two once fine trout streams drain this mountain, Blairmore Creek and Gold Creek. The detrimental effect on fish life in these streams has been enormous. In addition, Gold Creek serves as the water supply of the Village of Frank. Nothing of any consequence has been done to restore the land despite the fact that reclamation of this site would be a simple matter.”

The brief also documents significant damage done by coal mining in the Pass to Glacier Creek (now Crowsnest Creek), which drains into Crowsnest Lake, McGillivray Creek, a Crowsnest River tributary and “extreme damage” to Vicary Creek.

“Waste water from the mine runs through two ineffective tailing settling ponds and then directly into Vicary Creek in considerable quantity. Coal dust and silt from the working areas is blown into the stream, and together with the mine water has polluted it for miles. Fish habitat and food supply has be destroyed by the silt and chemicals. . . What was once a wonderful trout stream is nearly destroyed.”
We are optimistic those who will decide on the fate of the current Grassy Mountain mine proposal have no interest in history being repeated. However, a current investigation into pollution of Gold Creek from coal released into the creek from the Grassy Mountain site in 2015 illustrates our concern that further damage could certainly result from more mining.

Although the chapter’s main concern is the effect of mining over 24 years of proposed development on two prime trout streams and a world-class river, the potential for the damage to the streams’ long-term welfare is also worrying. As pointed out in mining.org, a website developed by the Fraser Institute, clearly a friend of the resource extraction industry:

“There are a number of cases where the owner of a contaminated site has been financially unable to complete the cleanup of the site due to unforeseen circumstances such as bankruptcy or corporate dissolution.

“In order to prevent mine abandonment for such reasons, mining companies are increasingly required to provide financial assurance in the form of a deposit or bond to governments and communities as a guarantee that the resources to meet closure requirements will be available. [8] The bonds can range from a few thousand to over 100 million Canadian dollars for a larger mine. [1]”

The Grassy Mountain proposal is a clear example of competing interests – natural capital (the environment) versus resources exploitation. In the past, Alberta has clearly favoured exploitation. That approach has proven faulty in the long term, to the point where it has played a significant role in unnecessary risks to the broader definition of natural capital and specific risks to water and at least two species – Westslope Cutthroat and Bull Trout.

In the face of overwhelming evidence of the threat to fish of the mine as proposed and acknowledgment in the proposal itself that the mine puts fish at risk, it’s difficult to imagine how the proposal could be approved without guarantees the mining operations would not harm fish or fish habitat. Otherwise, mining activities would be in direct opposition to the Provincial and Federal Recovery Plan and Strategy and a Critical Habitat Order which only within the past month was officially entered into the Canada Gazette. The plans and Critical Habitat Order are both in place to assist in the recovery of a species whose decline has been attributed to habitat degradation caused by activities such as mining. To approve the mine without these guarantees would be to hammer another nail into the Westslope Cutthroat Trout’s extinction coffin.

To the chapter, the most desirable outcome, for the sake of our water, fish and fish habitat, would be for the mine proposal to be rejected. If that is not likely to happen, we would expect approval of the proposal to include guarantees that the operation will not adversely affect the fish habitat and population in Blairmore and Gold Creek and their tributaries. Further, we would expect fish habitat and population of the Crowsnest River downstream of Gold Creek be protected from the adverse affects of mining. Protection of streams, fish habitat and fish to the north and west of the mine should also be guaranteed. Daisy Creek to the north is a known Bull Trout spawning area and home to Westslope Cutthroat Trout. Any approval should also have as a requirement that the mining company operating the Grassy Mountain mine post a financial assurance or bond of sufficient amount to guarantee the full reclamation of the mine site and any
damage to streams affected by the operation.

Richard Burke, president, Oldman River Chapter, Trout Unlimited Canada.