

THE ALBERTA ENERGY REGULATOR

PROCEEDING ID NO. 444

IN THE MATTER OF the Public Lands Act Application
for a Coal Exploration Program (A10123772);
Coal Conservation Act Application for a Deep Drill
Permit (1948547); and Water Act Application for a
Temporary Diversion Licence (00497386) to the
Alberta Energy Regulator by
Northback Holdings Corporation

AER PROCEEDING

VOLUME 2

Pincher Creek, Alberta

December 4, 2024

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1 Proceedings taken at the Pincher Creek
2 Community Hall, Pincher Creek, Alberta

3

4 December 4, 2024 Morning Session

5

6 P. Meysami The Chair

7 S.F. Mackenzie Hearing Commissioner

8 M.A. Barker Hearing Commissioner

9

10 M.G. LaCasse AER Counsel

11 S. Gibbons AER Counsel

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13 T. Wheaton AER Staff

14 E. Arruda AER Staff

15 D. Parsons AER Staff

16 A. Stanislavski AER Staff

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18 M.K. Ignasiak, KC For Northback

19 Holdings Corporation

20 J.D. Eadie For Northback

21 Holdings Corporation

22

23 D. DiPaolo, CSR(A) Official Court

24 S. Murphy, CSR(A) Reporters

25

26

1 (PROCEEDINGS COMMENCED AT 9:02 AM)

2 Opening Remarks

3 THE CHAIR: Thank you. Please
4 be seated.

5 Good morning, everyone. And welcome back.

6 Just a couple of reminders before we start.
7 Video of the hearing is being livestreamed
8 through a link on the AER's website. We do not
9 keep a record of the video cast, and the video
10 is not an official transcript. The court
11 reporters will prepare the only official
12 transcript of this hearing.

13 To any viewers who are observing the
14 videocast, we ask that the recording or
15 rebroadcasting of the audio or video is
16 strictly prohibited. And the same applies to
17 everyone here.

18 I also would like to ask the speakers,
19 please speak slowly into the microphone so our
20 court reporters can capture all your thoughts
21 and have a clean transcript.

22 Do the parties have any preliminary matters
23 that we wish to -- to bring to our attention?

24 No.

25 Okay. So our first speaker -- oh, sorry.
26 We have some safety remarks, reminders.

1 Ms. Wheaton, please.

2 T. WHEATON: Good morning,
3 everyone. Just a reminder that if we have to
4 evacuate, please use the exit closest to you.
5 There's one exit on the left-hand side of the
6 stage and two exits at the front of the
7 building. There's a fire extinguisher and AED
8 located on the wall outside of the kitchen, and
9 then there's also another fire extinguisher
10 located to the right of the stage.

11 In the event of a medical emergency, please
12 call 911 and then alert an AER staff member,
13 and myself and Ms. Arruda are first aiders.
14 Thanks.

15 THE CHAIR: Thank you,
16 Ms. Wheaton.

17 So first on the agenda today, we have
18 Ms. Josefine Singh.

19 JOSEFINE SINGH, Affirmed
20 Direct Evidence of Josefine Singh

21 J. SINGH: Forgot. Sorry about
22 that.

23 THE CHAIR: Just before you
24 start, has Ms. Singh been sworn? Thank you.

25 J. SINGH: Hi. I'm Josefine
26 Singh. I wrote this first section of my

1 write -- write-up in June and then again in
2 November and December, so ...

3 So I'm starting out with June. I'm
4 Josefine Singh. As a young child, I learned
5 from my older siblings that water is most
6 precious and wars will be fought over it when
7 it runs out. Energy comes from the sun. I
8 learned how to burn a hole into paper with a
9 magnifying glass.

10 The watershed of the eastern slopes has too
11 little water already, and the Oldman River, Bow
12 River, Red Deer River will not be able to
13 supply the water as needed.

14 Darwin said, Only the fittest will survive.
15 Even the fittest won't survive without water.

16 2024, agricultural takes a 50 percent cut
17 this year, so should the coal, oil and gas
18 industries. The cities have the lowest amount
19 of water take. We all need to drink water.
20 We're made out of 90 percent of water. Water
21 is life.

22 Wildfires are roaring up again due to the
23 drought and heat. Edmonton and Calgary had
24 Level 10 -- okay. Thanks.

25 Edmonton and Calgary had Level 10, the
26 highest of smoke air pollution, on May 11,

1 2024.

2 Use of water in Alberta. Groundwater
3 industry, 55 percent; agriculture, 25 percent;
4 municipalities, 12 percent; management,
5 8 percent.

6 Surface water. Agriculture, 70 percent;
7 industry, 20 percent; municipalities,
8 7 percent; agriculture total, 68 percent;
9 industry total, 22 percent; municipalities
10 total, 7 percent.

11 Kyle Backs, the business reporter at CBC,
12 says: (as read)

13 Water used for drilling and fracking
14 has a high mixture of water, sand, and
15 chemicals with high pressure.

16 Drilling activity needs ten times more
17 water than other areas depending on
18 the geological factor. [AER
19 statement.]

20 Fourth year of drought. Calgary has high
21 drought conditions, limiting water on occasion.
22 Why drill when there is not enough water to
23 drink?

24 April 31st, 2024, 50 percent less water for
25 farmers allocated in southern Alberta,
26 St. Mary's district.

1 Drilling the Grassy Mountain 46 boreholes
2 to a depth of 20 metres to -- 20 metres to
3 550 metres in the vicinity of a hundred metres
4 to water. Fresh water can only be used for
5 drilling.

6 The road track of 7 metres wide to drill
7 locations need to be built; 15.99 kilometre in
8 length with many trails of 3.09-kilometre
9 length. A total of 1.6 hectares will be
10 disturbed.

11 Building the roads with heavy machinery on
12 it, the tires picking up seeds from noxious
13 weeds on the way and depositing the same in
14 undisturbed areas. For wildlife, leakage of
15 selenium into broken-up rock and soil into
16 water by rain or snow, and gases from the earth
17 also escape by those drilling lines.

18 Selenium is a bioaccumulator increasing
19 concentration up the food chain.

20 The 1976 Coal Policy says a detailed
21 exploration and development exploration will
22 not be permitted while the environment, plant,
23 and animal life cannot be properly protected
24 and where the reclamation of any disturbed land
25 is not possible.

26 West [sic] cutthroat trout is threatened

1 with calcite precipitation and selenium that
2 will run off into creeks and rivers and deform
3 the growth and kill them. Those fish need
4 clear, cool water to thrive.

5 Whitebark and limber pine are also
6 threatened. It is illegal to destroy them.
7 Selenium also destroys the livers of mammals
8 when absorbed in the grasses and other plants
9 that they eat. Note: People are also mammals.

10 I have -- I have been seven times to the
11 Foothills of the Rocky Mountains with Nature
12 Conservancy Canada and do not want to see this
13 landscape altered. Yes. I have volunteered
14 with them at the Waldron Grazing Co-Op. It has
15 the drought-resistant native endangered fescue
16 grasses where the ranges of Municipal District
17 of Ranchland Number 66 have their cattle. The
18 land is picturesque and beautiful. It is a
19 conservation area with special management
20 restrictions.

21 In spring 2020, the Alberta Government
22 revoked the 1976 Coal Policy to protect the
23 eastern slopes. There was a huge public outcry
24 against this, and I even planted signs with
25 environmental groups in people's front yards
26 with their permission saying, "protect our

1 water", "Alberta beyond coal".

2 So in the end, the Alberta Government
3 reinstated the 1976 Coal Policy on August 6,
4 2021. The joint view -- review panel concluded
5 with the Government of Canada that the Grassy
6 Mountain coal project cannot proceed. And on
7 the 2nd of May of -- March -- sorry -- 2022,
8 Minister Sonya Savage, Minister of Energy at the
9 time, signed the Ministerial Order 002/2022 for
10 the appendix coal development direction
11 purpose.

12 The direction for the AER. With the
13 exception of lands subject to an advanced coal
14 project or an active approval for a coal mine,
15 all approvals as defined by Responsible Energy
16 Development Act for coal exploration or
17 development of Category 3 and 4 lands in the
18 eastern slopes shall be suspended, and no new
19 applications will be accepted until such time
20 as written notice is given by the Minister of
21 Energy and/or Minister of Environment and Parks.

22 Number 5. For the purpose of this
23 directive, an active approval for a coal mine
24 is a licence under the Coal Conservation Act.

25 Number 6. For the purpose of this
26 directive, an advanced coal project is a

1 project for which the proponent has submitted a
2 project summary to the AER for the purposes of
3 determining whether an environmental impact
4 assessment is required.

5 I wrote to Minister Brian Jean regarding
6 the Northback Holdings Corporation application
7 to conduct test drilling on Grassy Mountain.
8 He responded that he had written a letter on
9 November 16, 2023, to the AER to clarify the
10 definition of "advanced coal project". He says
11 in the letter to me: (as read)

12 Contrary to what has been reported, my
13 letter neither supported nor opposed
14 Northback's application to do test
15 drilling.

16 It should be noted that this is not an
17 application to reopen the mine, nor do these
18 applications ask for permission to use or
19 divert any water from any stream or river in
20 Alberta.

21 The applications before AER ask for
22 permission to use a limited amount of water
23 from the existing mine pond left on Grassy
24 Mountain from when it was actively mined during
25 the last century.

26 Benga Mining Corporation had such a

1 project, and an application for a mine permit
2 and mine licence. However, the joint review
3 panel's report stated, Number 3050: (as read)

4 Exercising our authority as AER we
5 deny Benga's Application 1844520 and
6 1902073 and -- under the Coal
7 Conservation Act.

8 Thus Benga no longer had an active application
9 nor an advanced coal project. The successor,
10 Northback, cannot claim to have an advanced
11 coal project. It can only have an active
12 approval if it has a licence under the Coal
13 Conservation Act.

14 The Ministerial Order 002/2022 is still in
15 effect, and the letter of Minister Brian Jean
16 is not a ministerial order; it is just a letter
17 that he cc'd with Minister of Environment
18 Rebecca Schultz; Larry Kaumeyer, DM, Energy and
19 Minerals; and Kasha Piquette, DM, Environment
20 and Protected Areas.

21 If Northback company just wants to drill
22 for the fun of it, go somewhere else.

23 Drilling for coal deposits cannot be
24 allowed here as it would lead up to mining. We
25 could only ship it out to Asia and would have
26 to suffer from the transport of it, leaving a

1 trail of coal dust, disease, and fire. The
2 earth does not need more heat. We already are
3 overheating everywhere. Life cannot continue
4 with more heat and more CO2 replacing oxygen
5 and water depletion. That is where my anxiety
6 comes in, and all the young people's worry and
7 fear for the future which might not be.

8 November 1st, that's my second -- second
9 letter. Things have changed. 2024 has the
10 hottest year on record in the world. We have
11 surpassed 1.5 degrees Celsius above
12 preindustrial level. Inuvik, Northwest
13 Territories, had plus 35 Celsius degree
14 temperature this summer, reported by CBC Radio
15 in a broadcast on October 25, '24.

16 Jasper wildfires destroyed part of that
17 town and Jasper National Park. Calgary had a
18 huge hailstorm, hail as big as tennis balls.
19 Smoke alert in Edmonton times 3 over Level 10,
20 which is the highest.

21 All that is called "change of climate". We
22 are in a climate crisis. Exploration for coal
23 cannot be allowed as it would lead to coal
24 mining. It would be surplus money spent on
25 something that will make us sick and destroy
26 nature with its biodiversity.

1 I am elderly, and my breathing is affected
2 and my blood pressure. My mental health is
3 suffering due to the uncertainty of the
4 Government of Alberta and, yes, Minister Brian
5 Jean.

6 And the AER, how to interpret the law.
7 Ministerial Order 002/2022. To me it is clear
8 that if the Government of Alberta and AER
9 continue to value profit of 20 to 25 years,
10 over the health of Alberta citizens. For the
11 next seven generations, we are doomed.

12 Northback says the exploration is going to
13 have less coal removal due to less drilling.
14 11 drill pads, small quantity of water removed,
15 1,500 cubic metres using existing trails.
16 Still, it is not a small scope. The
17 disturbance to the environment and biodiversity
18 will be there. It should not be allowed.

19 November 27. The project of the
20 exploration of Grassy Mountain will ultimately
21 lead to mining. This has to be stopped.
22 Mining for coal will affect directly the
23 Municipal District of Ranchland; to some
24 degree, the Municipality of Crowsnest. The MD
25 of Ranchland would get paid 1 million in
26 property taxes. Crowsnest would get paid half

1 of that in property taxes by Northback.
2 Ranchland opposes 100 percent to get a coal
3 mine on their property. It has the last
4 remaining fescue grasslands. It opposes also
5 in the interests of the critical headwaters.

6 The Tyee Newspaper, November 15, 2024, the
7 top court of Alberta questions the legality of
8 this hearing. Edmonton Journal, November 23,
9 '24: "Legal Concerns From the Provincial Top
10 Court".

11 I don't know if I'm supposed to be here.

12 The 2021 Coal Policy Committee findings.
13 More than 70 percent of Albertans responding to
14 that survey agreed that coal would put water
15 and the environment at risk. More than
16 60 percent judged that coal was not a
17 significant breadwinner in the province. It
18 placed a moratorium and further development of
19 coal.

20 The Government of Alberta already violated
21 this. Northback told listeners that selenium
22 was not a problem. The Tyee Newspaper
23 November 15 -- that's a newspaper -- 2024.

24 To this day, selenium cannot be flushed
25 out. Coal dust will settle in creeks and soil.

26 Since retirement, I work to make amends of

1 my generation to the young people. We have
2 been living with overconsumption and
3 overproduction. Exploration of the old mine
4 site on Grassy Mountain is surplus.
5 Steelmaking is getting replaced with hydrogen
6 power instead of coal all over the world, by
7 the way.

8 Benga, now Northback Holdings, is
9 determined to make a go with a coal mine on
10 Grassy Mountain to ship coal to India and China
11 and other Asian countries. Their air pollution
12 will be thicker than ever. I've been to China,
13 and it's terrible; your throat burns.

14 For Northback only, the money counts, even
15 if they appear benevolent for the
16 Crowsnest Pass community. Young people are
17 getting disillusioned ingesting drugs, dying.
18 Most of my own five young children have decided
19 to be childless. I guess they don't want to
20 see the end of it.

21 Right now, December 2 to December 13, 2024,
22 Crop 16 in Riyadh is going on to combat
23 decertification. The last word goes to you
24 from the UN Secretary General Antonio Guterres:
25 We depend on land for our survival, yet we
26 treat it like dirt.

1 I think that's it. You want to see the --
2 that's the Edmonton Journal about the -- about
3 this hearing. Okay.

4 I think I'm done. I don't know. Did I ...
5 I stay on time --

6 THE CHAIR: You did well. You
7 stayed in time. You did well.

8 J. SINGH: Thank you.

9 THE CHAIR: Next we have
10 Mr. John Clarke. Please proceed.

11 JOHN CLARKE, Sworn

12 Direct Evidence by John Clarke

13 J. CLARKE: Good morning, Board.
14 I'm here today to speak on behalf of the
15 wildlife and fish that don't have a voice here
16 today.

17 I'm a resident of the Crowsnest Pass for
18 approximately about 28 years. My career as an
19 Alberta fish and -- life officer brought me to
20 the Crowsnest Pass area as part of my job
21 duties around the province. I held positions
22 as district officer, regional problem wildlife
23 specialist, predator response team leader, and
24 K9 handler for the Alberta government for
25 approximately 34 years.

26 During my time as an officer, I found

1 Northback's staff and management to be
2 exceptionally approachable, honest, and
3 transparent whenever I needed to contact them
4 in my official duties such as complaints that
5 would be sent to our office.

6 The Northback staff that I'd worked with
7 have shown me that they have the same respect
8 for the environment that I do. I know they
9 would prioritize the environment and the
10 well-being of the water, the wildlife and fish
11 that all resides within their property.

12 I've educated myself -- I've tried to
13 educate myself on the operation of coal mines
14 by communicating with the honest experts in the
15 field. Mining is a complex procedure, but if
16 done properly and the correct technology is
17 used, I think it can benefit the economy, the
18 public, and the environment.

19 Yesterday there were some negative comments
20 about the well-being of wildlife on the mine
21 sites. From my observations while attending
22 several Teck mines in Elk Valley and mines up
23 in the Hinton area, I found that the mine sites
24 offer rich food sources, suitable habitat,
25 denning, breeding, feeding, staging areas, and
26 shelter for the wildlife, basically creating a

1 sanctuary for these animals.

2 Although not actively mining, Northback has
3 provided safe and secure places for me as an
4 officer to relocate certain wildlife on the
5 property, such as orphan animals, without
6 being -- without human disturbance and
7 interference.

8 I -- I actually had to relocate two
9 yearling orphaned black bear cubs 'cause they
10 were orphaned, and they -- onto their property,
11 and I monitored them for quite a bit, and they
12 actually did well on their property. They
13 stayed there, and they did fine. If they were,
14 probably, somewhere else, they wouldn't do too
15 well because of interference from other
16 sources.

17 The topic of grizzly bear management was
18 brought up yesterday claiming that the
19 population in Alberta was decreasing due to
20 several negative industrial environmental
21 factors. The speaker claimed coal mines were
22 one of the primary reasons for the supposed
23 decrease in the population. Well, this
24 umbrella species is very adaptable and thrives
25 well on private land used for -- such as coal
26 mines due to the habitat that's created there

1 for them and the available food sources and --
2 and the security from human interference.

3 Prior to the existence of Northback, I
4 received numerous complaints about water
5 pollution stemming from the previous abandoned
6 operations which continued to affect the creeks
7 and watersheds today.

8 Presently, Northback monitors the water
9 quality from the abandoned pits, nearby
10 streams, and tributaries. Apart from their
11 quarterly monitoring on their property,
12 there's -- no measures have been taken to
13 mitigate or treat this water; therefore, water
14 pollution remains an ongoing issue with no
15 mitigation efforts.

16 Northback will be required to comply with
17 the water quality standards set out by the
18 Mines Act, the regulations, the permits, and
19 the policies established by the Alberta
20 government. If Northback was to commence
21 mining, water quality would improve, as they
22 would be required to mitigate that problem as
23 well as address current water concerns. Water
24 quality is important to all of us, the fish and
25 wildlife, and they rely on it also.

26 Basically, in conclusion, I believe AER

1 I am the finance officer of Piikani Sand &
2 Gravel. I will be referring to Piikani
3 Resource Development Ltd. as "PRDL".

4 PRDL provided written submissions to the
5 Panel on November 6, 2024. I do not speak on
6 behalf of the people of Piikani Nation; I speak
7 only for Sand & Gravel.

8 PRDL is a wholly owned business of
9 Piikani Nation. It provides a number of
10 employment and other opportunities for
11 Piikani Nation members. It is also the primary
12 economic development vehicle for
13 Piikani Nation.

14 One of the businesses operated by PRDL is
15 Piikani Sand & Gravel. Our sand and gravel
16 business operates out of our gravel pit located
17 on the east side of the Piikani Nation.

18 I will also be referring to Piikani Sand
19 and Gravel as "PSG".

20 PSG is capable of producing a variety of
21 aggregate products, and we hold a federal
22 licence to sell our products to off --
23 off-Nation contractors, producers, and
24 community members.

25 In addition, PRDL and PSG employ Piikani
26 members on reserve, which permits those members

1 to live in our community and maintain gainful
2 employment.

3 PSG operates across Treaty 7 territory,
4 including the Crowsnest Pass and the site of
5 the proposed drilling program, which is located
6 on Piikani territory.

7 PSG has secured a commitment from Northback
8 to procure all its aggregate needs for the
9 proposed drilling program from PSG. Northback
10 has also committed to using PSG to fulfill any
11 future aggregate needs for the proposed
12 program.

13 We also worked with the Tig contractors,
14 which we did already establish that working
15 relationship with them. They did purchase some
16 aggregate from us, I believe, just before
17 summer, and round trip from our pit to the site
18 is 70 minutes there and 70 minutes back. So
19 it's about 140 minutes, approximately two
20 hours, to haul the gravel there and back.

21 So I think, you know, with that being said,
22 it goes to show that the engagement with the
23 First Nations is there with Northback as well
24 as their contractors. As we all know, there
25 are a number of gravel pits around -- closer to
26 the site, but, like I said, to establish that

1 relationship with the First Nations just goes
2 to show the commitment that they're willing to
3 provide us.

4 Given the nature of the program, this will
5 be a significant contract and relationship to
6 Piikani Sand & Gravel and PRDL as well. We
7 estimate that the work associated with the
8 proposed program will be hundreds of thousands
9 of dollars of revenue for Piikani Sand &
10 Gravel. It will provide employment and
11 economic opportunities that would not otherwise
12 be available to PSG and our employees.

13 Given this opportunity, this will also
14 allow sand and gravel to give back to our
15 community. So right now, we are able -- so our
16 community members and our elders are able to
17 purchase aggregate from us for, you know, their
18 homestead, their roads. With this project
19 being approved, we'll be able to offer our
20 elders and our community members a discounted
21 rate per load.

22 Gainful employment opportunities on or near
23 our reserve are very limited. This is largely
24 due to the location of our reserve. And right
25 now with our location of the gravel pit,
26 there's approximately four to six gravel pits

1 surrounding our gravel pit, which, you know,
2 causes us to -- our -- it's difficult to get
3 those contracts out there, being First Nations.

4 And then so our employees do take great
5 pride in their work, and our quality of product
6 is great. We just purchased -- we recently got
7 some aggregate crushed. We were one of the
8 contractors. McNally Contracting did comment
9 and say that our aggregate was very clean. So
10 our Nation is able to produce that clean
11 aggregate for our contractors as well as the
12 drilling program.

13 As a youth of the Piikani Nation, it is
14 important for us to pursue opportunities for
15 our future generations. It is also important
16 to build and maintain meaningful relationships
17 with an industry and surrounding communities.

18 Speaking from personal experience, my
19 husband, my brother, and my brother-in-law,
20 they worked in the northern oil sands for about
21 ten years, so I understand that it's their
22 choice to go up there and provide for their
23 family. But at the same time, to go up there
24 and commit to work 10 days on, 8 days off;
25 20 days on -- to be away from family, the
26 different events and birthdays and stuff like

1 that, like, home stuff, they miss out.

2 So I think with this drilling program -- I
3 do understand that it is a short-term program
4 as of right now, but it will -- with the
5 drilling program, it will provide that
6 long-term program with the mining once
7 approved, allowing not only, like, my family
8 personally, but we do have a vast majority of
9 our Piikani Nation members working off reserve,
10 working in the oil sands, the gas, as well as
11 the diamond mines, and that's leaving their
12 family for, like I said, from ten days up to
13 three months.

14 And I think with this mining program, if it
15 is approved, they'll be able to come home, live
16 on the Nation, work, and be a part of their
17 family's events as well as work close to home.
18 So it's not only going to benefit the sand and
19 gravel aggregate, but it will also benefit the
20 members working off reserve and that want to
21 come home and work in the mine.

22 With -- once the drill program is approved,
23 it will be gainful employment -- it will --
24 members will gain employment, training, and
25 different opportunities to vest out their work
26 skills.

1 Also we -- right now, the sand and gravel
2 pit, we do -- we are working with the
3 community, and I think once this drill program
4 is approved and then eventually the mine, we
5 will be able to give back to our community, not
6 only with the different prices of the aggregate
7 to our elders and communities, but we could
8 also use the aggregate to build our roads,
9 sidewalks, pave -- hopefully pave the town
10 site.

11 I'm not too sure if you're familiar with
12 our Nation and the state it's in. We don't
13 have sidewalks; we don't have paved roads. And
14 I think with this program we'll be able to give
15 back to our community through Northback, giving
16 us those contracts to sell our aggregate to
17 them.

18 Unless there are any questions, those are
19 my submissions.

20 THE CHAIR: Thank you.

21 The Panel Questions the Presenter

22 Q COMMISSIONER BARKER: Thank you,

23 Ms. Grier.

24 Just a quick question, how many residents
25 from Piikani Nation work for your company?

26 A M. GRIER: So right now with

1 the weather dawning on us, we just have the one
2 loader operator and then myself. We also have
3 a scale house operator, and then in the summer,
4 we hire labourers.

5 So with these different -- I think with
6 this program -- hello -- this program will
7 allow us to hire more employees with the work
8 that it will provide us.

9 Q Okay. Do you have an estimate -- if these
10 applications are approved with the drilling
11 program work, do you have an estimate of how
12 many people totally you would be employing?

13 A So we would also be able to purchase haul
14 trucks with the gravel pit. So I think with
15 the haul trucks, our equipment operators,
16 labourers, and scale house, we would be able to
17 employ anywhere from 10 to 20 more employees --
18 members for the Nation.

19 Q Okay. Thank you very much.

20 THE CHAIR: Thank you.

21 Q THE CHAIR: Just one last
22 question to tie back to that question. Do you,
23 at the moment, exclusively work with Northback
24 or -- you mentioned you work with the Nation
25 and you provide gravel for the Nation. But do
26 you also work with other clients, or it's just

1 Northback?

2 A We work with other clients, but, like I said,
3 you know, it's quite difficult for us to get
4 those contracts because of the surrounding
5 gravel pits around our Nation. There's one,
6 like, literally 8 kilometres across the highway
7 from us. So that puts a big strain on our
8 production and our contracts.

9 We did -- as I mentioned, we did start to
10 establish that work relationship with Northback
11 as well as Tig contractors. So they did
12 purchase those few loads from us, and then --
13 so I think -- and then they do call upon us
14 when -- when and if they need aggregate.

15 Q So there is an agreement that --

16 A Yes.

17 Q -- if the project gets approved -- these
18 programs get approved, you will be the sole
19 provider?

20 A Yes.

21 Q Yes.

22 Okay. Thank you. Thank you very much.

23 A Thank you.

24 THE CHAIR: Next I have

25 Mr. Kevin Watson.

26 K. WATSON (UNAFFIRMED): I have not been

1 sworn in. They said they'd swear me in when I
2 came up.

3 THE CHAIR: Okay. We can take
4 care of that.

5 KEVIN WATSON, Affirmed
6 Direct Evidence of Kevin Watson

7 THE CHAIR: Thank you.

8 K. WATSON: Thank you. My name
9 is Kevin Watson. I am a resident of the
10 Crowsnest Pass. I live 17 kilometres
11 downstream of the proposed Grassy Mountain
12 mine. I drink my water directly from a
13 cistern. The Crowsnest River runs directly
14 through my property.

15 I purchased the property in 1977. I built
16 a house on it in 2006. And when I retired in
17 2018, I moved down, and I live on the property
18 as a permanent resident.

19 I have extensive experience in the
20 ecosystem of eastern slope rivers. I come by
21 that by spending literally thousands of days
22 over my 50-some-odd years fly-fishing and
23 guiding fly-fishing on eastern slope rivers.
24 The majority of that has been spent on the
25 Crowsnest River, where I live.

26 I also gained invaluable experience

1 learning about rivers and ecosystems related to
2 repairing habitat of eastern slope rivers by
3 serving as the president of the Bow River
4 chapter of Trout Unlimited from 2005 until
5 2010. I further served on the national board
6 of directors for Trout Unlimited from 2010
7 until 2015. I'm also a lifetime member of the
8 Oldman River chapter of Trout Unlimited.

9 So I will be directly and negatively
10 impacted by the proposed mine because, first of
11 all, the water that I drink -- my cistern is
12 32 feet from the river. I draw the water
13 directly from the Crowsnest River, and -- and
14 that will be polluted by the -- by the -- by
15 the selenium and the material -- other
16 materials that are going to be part of -- of --
17 of the process of the mine.

18 But -- but, also, it's not just me losing
19 my ability to get drinking water; it's
20 everybody else downstream. But, more
21 importantly, it's the recreational value of the
22 resource of the fish.

23 We have an unbelievable world-class trout
24 fishery that is something to be cherished,
25 and -- and thousands of people get recreation
26 from that, including myself. And not only

1 recreation but livelihood. There's -- there's
2 more than 50 guides in this surrounding area
3 that -- that -- that work on -- on these
4 eastern slope rivers, in particular the Oldman
5 River. So the selenium will kill the fish.

6 Now, I -- we've heard people say that,
7 Well, you know, we should let them go ahead,
8 and we'll find out if the selenium is actually
9 there. And we've heard Northback make -- make
10 presentations that the selenium will be -- will
11 be managed, but that's simply not true. I
12 mean, if -- if that was possible, they would be
13 doing that, you know, 40 kilometres -- or
14 40 miles west in the Elk Valley. The selenium
15 problem has been going on for decades from the
16 mines in the Elk Valley. The selenium flows
17 into the Elk River, goes further downstream,
18 and it pollutes the Kootenay River basin. The
19 exact same thing will happen.

20 And I'm sure they would like it to -- to
21 not be there or that they could manage the
22 problem, but the fact is they can't. If they
23 could, it would be done. But there -- there's
24 no -- there's -- there's no scientific data or
25 no mine anywhere that's been successful ever in
26 controlling the selenium problem. So for them

1 to represent that, Trust us; it'll -- we will.
2 It's simply a lie. They won't.

3 Corb Lund stated it yesterday: It's a line
4 item. They understand that they're going to
5 pollute. They know that. There's nothing they
6 can do to stop that. They see their peers in
7 the Elk Valley are polluting, and they
8 understand that they -- that that's going to
9 happen. It's just a natural circumstance
10 created by the mine.

11 So what do they do? It becomes a line
12 item. It's no different than the cost of
13 labour or fuel or -- or -- or any other line
14 item. This is going to be -- they're going to
15 be fined. I mean, the -- the Elk River Valley
16 Mines have been fined over \$60 million. All
17 they do is pay it and continue to pollute.

18 These guys will do the same thing. They
19 wish they -- you know, that they wouldn't be
20 polluting. They wish they could save that
21 \$60 million, but the fact is they can't. If
22 they could, they would; but it's -- it's
23 impossible.

24 There's no scientific proof that they can
25 stop the selenium. It's the same rock. Once
26 you explode this rock, the selenium is

1 released. Once it's released, the genie's out
2 of the bottle. You can't control it. It goes
3 everywhere. It goes into the air. It goes
4 onto the surface. It goes into the watershed.
5 And the people affected downstream will be
6 myself and everybody else.

7 And, you know, this -- this is -- but
8 what's really critical in relation to the Elk
9 River Valley and the Kootenay basin in the
10 circumstance related to the Oldman River basin
11 is the volume of water. So the higher the
12 concentration of selenium, the more detrimental
13 it'll be.

14 So in the Kootenay Valley, we have much
15 higher water flows. The -- the water flows
16 in -- in the Kootenay River, the annual flow is
17 782 metres cubed per second. That's a lot of
18 water. And that water flows downstream into
19 Idaho and Montana. Well, Idaho and Montana are
20 currently -- there's a lawsuit from Montana
21 and -- and Idaho against BC. The -- you know,
22 the costs could be hundreds of millions of
23 dollars for the damages that's being created by
24 these Elk River -- or Elk Valley mines so much
25 so that another Nation is suing the BC
26 government because the amount of selenium is in

1 excess of -- of federal levels.

2 So -- so here we have a massive river,
3 782 cubic metres per second, and the
4 concentrations downstream are far higher than
5 they're supposed to be, so much so that the
6 Montana and -- and Idaho governments are suing
7 British Columbia government.

8 Now, if we look at the Oldman River basin,
9 the annual flows are 101 metres cubed per
10 second, eight times less than the Kootenay
11 Valley. Eight times.

12 So if -- if the same amount of selenium is
13 released in eight times less water, the
14 problems downstream are going to be eight times
15 worse. And -- and that is just a cost and a
16 risk that is -- is far too extreme to take for
17 the few jobs that will be created. And they're
18 only going to -- the jobs will only be
19 available while the price of coal is
20 economically viable for the company to do it.

21 They say there's 20 years or 30 years
22 reserves. That doesn't mean anything. If in
23 three years the price of coal collapses,
24 they'll just quit mining. They're not going to
25 keep mining at a -- at a -- at a loss.
26 They'll -- they'll close the mine. That's what

1 mines do.

2 So -- so there's short-term employment --
3 for what? -- I mean, to -- to pollute a
4 watershed that hundreds of thousands of people
5 downstream rely on. I mean, the bottom line is
6 this: In 2021, a board rejected this. It was
7 appealed twice; they rejected it as well.
8 Nothing's changed. Nothing's changed. It's
9 the same mine, the same owners, some Australian
10 parent, the same river. The only thing that's
11 changed is we got less water, so the selenium's
12 going to pollute more, and -- oh, sorry. There
13 is a slight bit of new information.

14 We learned in a recent plebiscite in the
15 Crowsnest Pass, depending upon how many people
16 they allowed to vote, 1,900 people were in
17 favour of the mine. 1,900. Well, we also know
18 in 2021 the Alberta government took a poll, and
19 72 percent of Albertans don't want any mining
20 in the eastern slopes. 72 percent of
21 Albertans. 3.1 -- sorry -- 3.3 million people.
22 3.3 million people versus 1,900. I don't even
23 know why we're here. It's such an obvious
24 circumstance that there's political
25 interference and that we are somehow having to
26 rehash this thing again. There is no argument

1 anywhere in the world or anywhere in this
2 province that makes this project make sense.
3 Do the right thing and reject this for the
4 fourth time.

5 Thank you.

6 THE CHAIR: Thank you,
7 Mr. Watson.

8 The Panel Questions the Presenter

9 Q COMMISSIONER MACKENZIE: Just -- just a
10 couple of questions. You mentioned that -- I'm
11 not sure what -- you were a fly-fishing guide,
12 or you're still a fly-fishing guide?

13 A K. WATSON: I'm retired now. I
14 was a fly-fishing guide.

15 Q And when you were a fly-fishing guide, how many
16 visitors or clients typically came in a -- in a
17 season for you to fish the rivers --

18 A Well --

19 Q -- just approximately?

20 A Every day I got a -- we had a client, so it
21 would have been in the hundreds.

22 Q Hundreds over the fishing -- over the summer?

23 A Over the season. The season is from, you know,
24 spring until late fall.

25 Q Thank you. Thanks.

26 K. WATSON: That's it? Thanks.

1 THE CHAIR: Thank you. Thank
2 you very much.

3 So I have a note here that we had
4 Ms. Cunningham next; however, they are not
5 feeling well, so we have Ms. Bonnie
6 Castellarin -- sorry. Am I saying your name --

7 B. CASTELLARIN (UNAFFIRMED): It's quite a
8 name. It's -- the last name is Castellarin.

9 THE CHAIR: Castellarin.

10 B. CASTELLARIN: Yes.

11 THE CHAIR: -- who will be
12 speaking on behalf of Ms. Cunningham?

13 B. CASTELLARIN: Yes, I will.

14 THE CHAIR: Okay. Thank you
15 very much. And I understand you haven't been
16 sworn in yet.

17 B. CASTELLARIN: No, I have not.

18 THE CHAIR: Okay. We can take
19 care of that.

20 BONNIE CASTELLARIN, Affirmed
21 Direct Evidence of Bonnie Castellarin

22 THE CHAIR: Please proceed.
23 Thank you.

24 B. CASTELLARIN: (as read)

25 I'm writing to you today as a limited
26 participant for the Northback Grassy

1 Mountain project's exploration
2 drilling program hearing. I strongly
3 feel that not allowing this
4 application to go forward would have a
5 negative impact on me, my family, and
6 our community.

7 We are a mining community, and we
8 will always be a mining community.
9 This community is made up of retired
10 miners that make up our amazing
11 history in the Pass, miners that
12 history -- that have history and still
13 continue to carry on the tradition at
14 the Teck mines in BC and elsewhere and
15 the new miners that join the industry.

16 Everywhere you go in any of the
17 five towns in Crowsnest Pass there are
18 historic plaques on the houses and
19 businesses to indicate their
20 significance to the history of this
21 area and the mining that took place
22 here. As a local realtor, I see this
23 history every day in the houses that
24 go up for sale and are bought. I see
25 the original miner shack in the
26 backyard of a property in Bushtown,

1 the documentation found on a property
2 title from prohibition, and the
3 original mining company in Hillcrest,
4 the mine manager's house from 1918
5 that was restored to its original
6 glory in Coleman, and the list goes
7 on.

8 We are a coal town, and that can
9 be seen in the old mine buildings
10 along the highway, the original coking
11 ovens in Coleman, the historic sites
12 in Hillcrest, and that will never be
13 taken away no matter what decisions
14 are made.

15 I have spent the last 20 years in
16 a mining community, 12 years of that
17 in Grande Cache. I saw firsthand the
18 impact of mining being shut down.

19 When the mines closed in
20 Grande Cache, house prices dropped so
21 low that people had to leave because
22 no one would buy them. Small
23 businesses had to close. My business
24 was one of them. And those that chose
25 to stay had to travel away to go to
26 work and leave families behind just to

1 make ends meet.

2 When the mine opened again, the
3 town thrived, and everything bounced
4 back, and it's still going strong.

5 The miners that make up our
6 community are a brotherhood of people
7 that date back a hundred years. You
8 can sit in a group of these people and
9 listen to the stories and feel the
10 camaraderie and know that you are part
11 of a family.

12 My husband comes from such a
13 family filled with underground and
14 surface miners, and that tradition has
15 passed down to his children.

16 Mining isn't just a job; it's a
17 way of life. And we want to see this
18 tradition to continue many years to
19 come.

20 Myself and my family support
21 Northback and strongly believe the AER
22 should allow them to proceed with this
23 application. Northback has brought
24 excitement to the community, and we
25 deserve the opportunity to thrive.

26 They are a huge supporter of our

1 community. The Northback team is
2 well-known in the community and does a
3 great job in supporting and being
4 involved with projects and events that
5 take place here.

6 I have worked with Northback on
7 many initiatives as the manager of the
8 community market. As a small business
9 owner as well as a realtor and member
10 of the Chamber of Commerce, the
11 communities that make up the
12 Crowsnest Pass deserve the opportunity
13 to keep the mining tradition alive and
14 have our communities thrive.

15 Thank you for your time and
16 attention. Sincerely, Kim Cunningham.

17 Now, I wish to present an addendum, if I may.

18 THE CHAIR: I don't see why not.
19 Please go ahead.

20 B. CASTELLARIN: Again, my name is
21 Bonnie Castellarin. I do not have credential
22 behind my name, nor do I have celebrity status.
23 However, I am a born and bred Crowsnest Pass
24 girl and a proud daughter, granddaughter, and
25 great-granddaughter of coal miners.

26 I have seen my beloved Crowsnest Pass

1 thrive -- I'm sorry. This is very emotional
2 for me.

3 THE CHAIR: Take your time.

4 That's all right.

5 B. CASTELLARIN: I have seen my
6 beloved Crowsnest Pass thrive when the coal
7 mines were operating in the five communities
8 that make up the Pass. I have also seen the
9 decline of the Pass when one by one the mines
10 closed.

11 However, this does not mean that we have
12 given up. Far from it. I commend former
13 mayor -- Lethbridge Mayor Spearman for the
14 wonderful advancements that have occurred in
15 Lethbridge and surrounding area since their
16 coal mines closed. I ask that you ponder these
17 few questions: Do you think that perhaps the
18 geographical differences between the
19 Crowsnest Pass and Lethbridge might be a
20 factor?

21 How much industry would Lethbridge have if
22 it measured a meager 32 kilometres long and
23 1 kilometre wide?

24 Of course, I cannot continue without
25 mentioning the elephant in the room. Yes,
26 you've guessed it: selenium. There is much

1 finger-pointing at the coal mining sector for
2 leaching this poison into the water system.

3 As an aside, a few years ago there was a
4 study conducted which found the selenium levels
5 in waters from Fort Macleod to Taber to be
6 high.

7 Another question I ask you to ponder:
8 Could this be -- perhaps be as a result of the
9 established feedlots along the way?

10 I am not here to lay blame or to discount
11 the opinions of others in this room. I am here
12 to implore the Alberta Energy Regulator Panel
13 to appreciate the passion of these proceedings.
14 I am here to implore folks to realize that the
15 coal mining industry of today has many, many
16 more environmental constraints placed on it
17 than the coal mining companies of yesteryear.
18 This is something that we as Albertans should
19 be proud of.

20 If I felt for one second that Northback was
21 going to ruin my beautiful Crowsnest Pass, my
22 home, I would not be standing before you this
23 morning. Let us look to a promising future
24 where our most precious resource, our youth,
25 can remain, thrive, and strengthen the vitality
26 of the Crowsnest Pass.

1 Thank you.

2 THE CHAIR: Thank you very much.

3 Thank you.

4 So we are at 10:00. Now, we can take a
5 break now and then be back at 20 -- 25 past
6 'cause it's slightly over -- past 10. So see
7 you at 10:25.

8 (ADJOURNMENT)

9 THE CHAIR: Thank you. Please
10 be seated.

11 So I believe we have Ms. Koral Lazzarotto
12 and Mitchell Withrow, yeah? And you've been
13 sworn in. Please proceed.

14 MITCHELL WITHROW, Affirmed

15 Direct Evidence of Mitchell Withrow

16 M. WITHROW: Good morning.

17 Thanks for allowing us to speak today.

18 My name is Mitchell Withrow. This is my
19 partner, Koral Lazzarotto. Together we own K&M
20 Custom Homes located in the Crowsnest Pass.

21 We specialize in new home construction and
22 renovations. We are here today to show our
23 support for Northback, not only for the coal
24 exploration program, deep drilling permit, and
25 temporary diversion licence, but also for the
26 future development of the Grassy Mountain coal

1 mine.

2 Koral and I have chosen to raise our three
3 children in the area due not only to the access
4 to local activities such as skiing, hiking,
5 snowmobiling, other recreational activities,
6 the small-town feel, and the close proximity to
7 family, but we've also -- but also for the
8 potential opportunity industry like Northback
9 can put in place for them in the future.

10 KORAL LAZZAROTTO, Affirmed

11 Direct Evidence of Koral Lazzarotto

12 K. LAZZAROTTO: A little bit about
13 my mining background.

14 I am part of four generations of coal
15 miners in the Crowsnest Pass. My great-great
16 grandfather was killed in an explosion in the
17 Hillcrest mine; my great-grandfather worked at
18 Coleman Collieries during the second world war;
19 my grandfather -- or as we call him "Pappy" --
20 ran the first Joy continuous mechanical miner
21 that operated in Michel.

22 He continued to be involved in the
23 transitions to new modern mining techniques and
24 reclamation, and after his retirement, he was
25 part of the three-year Bellevue underground
26 mine restoration project.

1 My father started working underground at a
2 very young age and continued to work in the
3 coal mining industry until his passing.

4 My brother is a control room and plant
5 operator, and I also work in accounts payable
6 department, both at Elk Valley Resources in
7 Sparwood.

8 Growing up in Bellevue, I spent a lot of
9 time playing in the area: quadding, swimming,
10 et cetera. The area of Grassy Mountain mine is
11 definitely not pristine. Old coal slacks,
12 buildings, and essentially garbage is scattered
13 around the area; an old coal mine that was
14 never reclaimed.

15 For as long as I can remember, there has
16 been a lot of comments about tourism in the
17 area and how the Crowsnest Pass needs to rely
18 on it. Tourism alone is not a long-term
19 economic strategy for our area. It can bring
20 benefits to businesses and showcase the area's
21 natural beauty and history, but it can also be
22 vulnerable to economic downturns, seasonal
23 fluctuations, and changes in travel trends.

24 Why can't we balance tourism and industrial
25 development? We do strongly believe that with
26 current mining technologies and environmental

1 standards, we can do both.

2 The drilling program will provide us with
3 clarity on the coal and confirm its viability.
4 This needs to be completed in order to process
5 with a new application for the coal mine. The
6 application that was denied by the JRP in 2021
7 was a denial for that specific application.
8 Why can't Northback again apply to meet all the
9 regulatory requirements and ensure that their
10 plan includes the environmental protection?

11 In supporting the Grassy Mountain coal
12 mine, we see an opportunity to revitalize our
13 economy, create stable and local jobs, and
14 strengthen the foundation for future
15 prosperity. We strongly believe that coal
16 mining can coexist with environmental care and
17 standards, while upholding our rich mining
18 heritage that has supported local families and
19 businesses in the past.

20 Supporting the -- sorry -- supporting the
21 deep drilling program is a continuation of our
22 family's legacy. Being in support of this does
23 not mean that we do not care about our
24 environment. We understand the opportunities
25 and challenges of mining, and in that we can
26 ensure that the projects are being handled

1 responsibly for future generations like -- for
2 our children.

3 I'd also like to take the rest of my time
4 to read a letter submitted to the AER from Colt
5 Lazzarotto as he's unable to be present today:
6 (as read)

7 My name is Colt Lazzarotto, and I'm a
8 coal miner. I was born and raised in
9 the Crowsnest Pass. Growing up in
10 Bellevue, I watched my dad get up for
11 his day or his nightshift, make a
12 coffee, pack his lunch, and head to
13 the BC border to haul coal as a truck
14 driver for the coal mines in
15 southeastern British Columbia.

16 I watched my mom get up early and
17 head out to the mine to work in the
18 office. I am proud of them for that.
19 They provided a good life for my
20 sisters and me.

21 My dad may not have always been
22 home to read me a bedtime story or
23 watch every baseball game, depending
24 on his shifts, but he had a steady
25 paycheque, along with my mom; ones
26 that we relied on.

1 My dad was raised a lot in the
2 same way as I was. His father worked
3 in the Bellevue underground mine for
4 decades. Pappy, my grandfather, was a
5 key member of establishing the
6 Bellevue underground mine tours that
7 are still available to the public
8 today and a proud part of the
9 Crowsnest tourism offering.

10 After I finished high school in
11 2000, I went to Calgary to pursue an
12 education and search for a career. I
13 really had no choice but to leave home
14 and find a way to make a living and
15 get my life started.

16 When you grow up in the Pass, you
17 don't have a lot of options other than
18 to leave when you're done high school.
19 I was lucky to land a job, meet my
20 wife, and together we set our roots in
21 another historical coal mining area,
22 Lethbridge, and we welcomed our two
23 daughters into our lives.

24 I was fortunate to land a job at
25 the coal mines in the Elk Valley in
26 2018, and much like a lot of my other

1 coal workers, travelled back and forth
2 for a number of years.

3 In 2019, after my dad's unexpected
4 and sudden passing, we knew it was
5 time to make the move back home. We
6 sold our home in Lethbridge and made
7 the choice to come back here in search
8 for a happier life, close to family.

9 My mom, sisters, family, and
10 friends reside here. When my wife and
11 I made the move back, it was risky. I
12 was fortunate to have a career in coal
13 mining, following the footsteps of my
14 father and grandfather, but my wife
15 wasn't sure where she would be able to
16 find good, steady employment.

17 When I started working at Teck, I
18 was working as a haul truck driver.
19 Although this is an entry-level job,
20 it was a well-paying job that I was
21 able to support my family with. I was
22 happy with what I was doing, and I was
23 excelling.

24 Over the years I've been a
25 recipient of promotions, raises, and
26 have built a career I can say I'm

1 proud of and my girls are proud of me
2 for. My wife was fortunate to land a
3 job with Northback in July 2020. I
4 bring this up so you have an
5 understanding of how we support our
6 family of four. With my wife's
7 education, work history, and talents,
8 she got this great job in a company
9 that has not only supported our family
10 but welcomed us both into their fold.

11 With both of us working in the
12 coal industry, we've been classified
13 by people across Alberta in opposition
14 of this project as greedy and ignorant
15 of the environmental effects in this
16 project.

17 The fact of -- the fact of it is,
18 neither of that is true. My wife and
19 I are regular working-class people.
20 We're not wealthy; we're not greedy.
21 We also are a family that deeply cares
22 about the environment, the water we
23 drink, the elements we expose our
24 children to, and the landscape that we
25 so deeply cherish. We are a family
26 that spends time outdoors -- avid

1 skiers, golfers, and campers.

2 Because we live here, we want to
3 ensure we are protecting the area in
4 which we live, and in working in this
5 industry, we know for sure we can.

6 We care about how we show up in
7 the world. We have integrity. And we
8 would not sign up to work for a
9 company that does not reflect our own
10 personal and family values.

11 Should you not approve the
12 applications for the exploration
13 drilling program, we believe you are
14 sending a clear message to Northback
15 and its owners that their business is
16 not welcome here in our province. We
17 have had many restless nights worrying
18 that we might stand to lose half of
19 our household income. The fact of the
20 matter is, if my wife were to lose her
21 job, there isn't another out here that
22 would meet her income nor schedule.

23 Sure. She could try to get a job
24 out in Elk Valley like me, but where
25 does that leave our kids? We both
26 can't be working four days on/four

1 days off in another province with two
2 girls aged 12 and 9 at home.

3 Like I said, we are not rich
4 people. We have a mortgage. We have
5 car payments, grocery bills. We're
6 trying to save our kids -- we're
7 trying to save for our kids' education
8 and take a vacation here and there.
9 Please consider that when you read
10 these statements of concern over this
11 project and it accuses the Grassy
12 Mountain project of not having a great
13 economic impact to Albertans if it is
14 not approved. It will have a great
15 impact in my life, in my wife's life,
16 and in my children's lives.

17 And the same will stand for the
18 rest of the employees of Northback as
19 well as all other families here in the
20 Pass or at Piikani First Nation who
21 are hoping to get better-paying jobs
22 to pay their mortgage with high
23 interest rates or pay their car
24 payments or save for their own kids'
25 educations.

26 This project can be done safely.

1 This project can leave the environment
2 better than it was found. This is not
3 a project that will use a substantial
4 amount of water. How do I know this?
5 I've talked to the company about it.
6 I've done site tours. I've talked to
7 the CEO who's very willingly -- to be
8 open and transparent. I have worked
9 on water quality management teams at
10 my current site, assisting the team in
11 sampling water so it meets regulations
12 on an hourly, daily, monthly, and
13 yearly basis. I've also assisted
14 supervising tailing ponds at my
15 current site, ensuring they are all
16 within government and ministry
17 compliance on a 24-hour basis.

18 The 2024 regulations are stricter,
19 the penalties are stiffer, and the
20 attention to mining practices is
21 greater. Northback will not have
22 permits grandfathered in from decades
23 gone by. It will have to meet these
24 current standards on day one, which I
25 believe the company is more than
26 qualified and prepared to do.

1 I'm not speaking on behalf of
2 Northback, nor will I ever try. I'm
3 speaking for myself: a dad, a husband,
4 brother, uncle, a long-term proud
5 resident of the Crowsnest Pass, a coal
6 miner, and proud supporter of other
7 coal mining communities in southern
8 Alberta and British Columbia, like
9 Lethbridge, Coalhurst, Lundbreck,
10 Hillcrest, Bellevue, Coleman,
11 Sparwood.

12 I ask humbly and earnestly to
13 please accept and approve these
14 applications and strongly encourage
15 the future application of a mine at
16 Grassy Mountain for us, the Lazzarotto
17 family, and for the people of the
18 Pass, so we may have a future for
19 ourselves and for future generations
20 to come.

21 Thank you.

22 THE CHAIR: Do you have any
23 further remarks?

24 K. LAZZAROTTO: No.

25 THE CHAIR: No?

26 Just let me check. Question? Question?

1 I have a question for you.

2 K. LAZZAROTTO: Yeah.

3 The Panel Questions the Presenter

4 Q THE CHAIR: So you mentioned you have
5 a construction company in Crowsnest Pass. How
6 many people do you employ?

7 A K. LAZZAROTTO: Three. Three?

8 A M. WITHROW: Five, including
9 ourselves.

10 Q Okay. And that's residential construction?

11 A Strict -- yeah, we do strictly residential.

12 Q New -- new homes?

13 A Yeah.

14 THE CHAIR: That's all. Thank
15 you.

16 M. WITHROW: Thank you.

17 THE CHAIR: So next we had on
18 the agenda Liz Insley from Piikani Travel
19 Centre, and I was just notified that they won't
20 be able to attend today. So we're going to
21 skip that. If we have time later and if they
22 come, we'll see if we can allow them to speak.

23 Then I have -- is there Darkhorse Services
24 Incorporated, Mr. Lucas Michalsky or Michalsky?
25 Sorry. I probably am mispronouncing every
26 single name.

1 L. MICHALSKY (UNAFFIRMED): It's all right.

2 It's a good Irish name.

3 THE CHAIR: Okay. Well, you may
4 have guessed I'm not Irish, so I would misspell
5 those too.

6 LUCAS MICHALSKY, Affirmed
7 Direct Evidence of Lucas Michalsky

8 THE CHAIR: Okay. Please go
9 ahead.

10 L. MICHALSKY: Is this good? Can
11 you hear me?

12 THE CHAIR: Yes.

13 L. MICHALSKY: Okay. I hate the
14 sound of my voice on a microphone.

15 It's Lucas Michalsky.

16 THE CHAIR: Michalsky. Thank
17 you.

18 L. MICHALSKY: And I'm not speaking
19 for Darkhorse Services. That is a company that
20 I -- that I do own, I work with. I'm -- I want
21 to speak today more about the young population
22 of Crowsnest Pass and the local farmers and
23 ranchers.

24 So because there's a lot of emotion in this
25 conversation, I'm going to try to stick to what
26 I have written down. So it will sound like a

1 canned message; I apologize.

2 Hello, everyone, on the dais. Trust me
3 when I say that I do not want to be here today.
4 I'm scared of public speaking, but I feel an
5 obligation to speak on this matter.

6 I think I speak for everyone in the area
7 when I say this is exciting. I think most of
8 the country forgot that the Crowsnest Pass
9 existed until we wanted to reopen the Grassy
10 mine. I wish we had this many people mobilized
11 and show interest in our area when the Lost
12 Creek fire was trying to burn us out.

13 Over the last two days, we have seen some
14 excellent presentations, many filled with
15 conjecture, some interesting and relevant
16 facts, science, and emotion. I believe there
17 should be emotion in this hearing. The
18 ramification of the decision has potential to
19 uplift a downtrodden community or help push its
20 slow march to obscurity as a weekend getaway
21 for lawyers and doctors to escape city life.

22 You've already heard several respondents
23 say this is a blue-collar community filled with
24 people who just want to put in a honest day's
25 work and go home to their families at the end
26 of the day. That is why I'm here.

1 I would love to try and pull heartstrings
2 and say that I want my family to stay here,
3 work, raise children, and keep running cattle,
4 but I believe enough of the previous
5 respondents have touched on that.

6 I'm not here to speak about the science
7 regarding reclamation or selenium, water, or
8 geology. I don't want to explain how adding
9 more revenue streams helps our province's GDP,
10 and I believe enough people have explained that
11 our civilization needs steel. To put it
12 simply, this whole hearing is to discuss a
13 drilling program, not a mine. Until the
14 drilling program happens, no one will know if
15 there's enough coal to even make this feasible.

16 And we won't know what is in the ground
17 that may lead to potential contamination, that
18 we are all worried about. And Lord knows
19 Alberta hasn't had a problem with drilling
20 holes over the last century.

21 No one knows the country better than a
22 rancher and respects what it has to offer and
23 how hard it is to repair once it's been
24 damaged. Water management is equally as
25 important as pasture management. As stewards
26 of the land, it is our duty to protect it. The

1 last thing any of us would want is for the land
2 and the water to be destroyed.

3 For over 120 years, my family has lived
4 downwind and downstream of coal mines. We have
5 mined coal and ran cattle on the eastern slopes
6 of the Livingstone Range since before Alberta
7 was a province. We have been the first to
8 defend this land, and we want it to remain wild
9 and accessible to future generations, but in
10 order to defend it, we need to be able to
11 afford to live here to protect it.

12 This is why I'm in favour of the mining
13 activities currently proposed by Northback.
14 I've seen the lengths they are willing to go
15 through to ensure those of us downstream and
16 downwind are not going to be negatively
17 impacted by their operations. I'm very
18 appreciative of the work they've already done
19 to clean up the mess that was already there.
20 If it wasn't for them, that old suspended mine
21 would still be sitting there not cleaned up
22 while the rest of the world drove past,
23 oblivious to what was just out of sight.

24 Before them, no one cared enough to clean
25 up the red streams, the open mine shafts, pits,
26 and rusting equipment hidden in the trees.

1 Northback has shown they care about the
2 environment and the community we live in. I
3 recommend everyone to get tickets to Aussie
4 Days. It's a great time, and the proceeds go
5 to great causes.

6 I've got to know many of the people who
7 work for them. Several are born and raised
8 residents of the Crowsnest Pass. Others have
9 brought their families here and made this their
10 home. I have made good friends with some of
11 them, and that friendship will last, regardless
12 of the outcome. What is often missed is that
13 this project so far has already started
14 bringing young families back to the area.

15 Now, over the last ten years, I have sat
16 through hours of meetings and discussions.
17 I've viewed the technology they plan to employ,
18 and this is something I encourage some of you
19 to do as well.

20 Being immediately downwind and downstream,
21 I feel like they have completed the steps to
22 ensure my family and my farm are safe from any
23 adverse effects that may stem from the mining
24 operation. I'm hoping it can go to full
25 production someday so my children have better
26 opportunities than I had and they can stay in

1 this area, raise families, and keep chasing
2 cattle on the eastern slopes.

3 I am an Albertan. We are all Albertans.
4 This is my home as much as it is yours. I
5 don't want to hear an absolute yes to all
6 industrial ventures, but in this case, I don't
7 think a no will help us either. We need a "yes
8 but" solution. There's nothing selfish in
9 working for a solution where we all can benefit
10 from the result. At no point should we pit one
11 person's livelihood against another's. There
12 is dignity in every person's work. We are all
13 Albertans. We can't lose sight of that.

14 We have turned Alberta into a powerhouse in
15 the oil and gas industry and a leader in the
16 world with our farming and beef production.
17 Our environmental stewardship has become a
18 world standard. Instead of creating division
19 and animosity, we should work together as
20 friends and neighbours to find common ground
21 that will give us our mine and ensure
22 everyone's concerns are addressed.

23 In closing, I will reiterate: Let's work
24 together, stay away from absolute yeses and
25 noes, and find a compromise where, as
26 Albertans, we can make a future together. To

1 everyone on the dais, have a good day.

2 THE CHAIR: Thank you very much.

3 We have a question for you.

4 L. MICHALSKY: Uh-oh.

5 The Panel Questions the Presenter

6 Q COMMISSIONER MACKENZIE: It's okay. It's a
7 very easy one.

8 You mentioned that you ranched downstream.
9 I just wondered if you can tell us where you
10 are in relation to the Crowsnest Pass and the
11 project.

12 A L. MICHALSKY: So I live by Burmis.
13 Our -- we're roughly a mile off the river,
14 and -- off the Crowsnest River. A lot of the
15 watersheds that come out of the mountains flow
16 right past our house. We are -- as a crow
17 flies, we're probably -- I'm not sure --
18 5 miles, 6 miles straight west of the mine.
19 I'd have to take a -- or east. Sorry.

20 Q That's okay. I know where the Burmis tree is,
21 so I can visualize it now. Thank you.

22 A You can see the Burmis tree from my parent's
23 house.

24 Q Great. Thanks.

25 Q THE CHAIR: I have a question
26 for you as well. It will be an easy one. You

1 mentioned that you have witnessed Northback
2 cleaning up the old mine wreckage leftover.

3 Can you talk about that more?

4 A So when we were -- when we were kids, we used
5 to sneak up onto the old Grassy Mountain site.
6 We used to sneak up into the old town site of
7 Lille and drink a few beers. We used to go
8 swimming in the pits, and we had to be careful
9 when we jumped in how deep we went 'cause you'd
10 get yourself snagged up on the steel and metal
11 and everything in there.

12 Garbutt mentioned yesterday the rivers used
13 to run red, and they used to. Every spring
14 when you had runoff, you could actually see the
15 red coming down. I haven't seen that in
16 several years now.

17 I haven't sat at the gate and watched the
18 metal and all of the stuff they're pulling out,
19 but I can tell -- when I drive to work, I can
20 look at the creeks, and I can see they don't
21 run red in the spring anymore.

22 Q Thank you.

23 A Yeah.

24 Q Thank you very much.

25 Discussion

26 THE CHAIR: So we are way ahead

1 of schedule. My clock says 11.

2 It has been brought to my attention that
3 there are a couple of people who have indicated
4 they wish to speak. The names I have are Edna
5 Fairbrother and Wynonna Smith, Nicole Johnston,
6 and Dimple Stump. I believe they are willing
7 to speak separately to -- each two names in
8 that sequence together.

9 If they are in the room, I'd like them to
10 come forward, but I'll give you a chance to
11 give us your thoughts about that. Just -- just
12 hold on a moment. Please take a seat before --
13 M. IGNASIAK: So -- sorry. Madam
14 Chair, someone's left their notes here.

15 Madam Chair, so we object to adding any
16 speakers to the list. It's been many months --
17 I think June is when the AER issued its
18 decision on who are limited participants and
19 full participants, so we're looking about a
20 half a year ago.

21 In addition, this Panel has provided many
22 opportunities for parties to register for
23 today. People have travelled to be here.
24 People are expecting to travel back. The
25 reality is if we're just going to start adding
26 people to the list, Northback can have

1 20 people here in the next hour who will gladly
2 speak in support of the project, and we can sit
3 here all day and do that.

4 I think it's quite unfair to Northback and
5 all the people who have taken time out to be
6 here to arbitrarily add people to the list,
7 given the ample opportunities that have been
8 provided to people to register up until to this
9 point. I think the AER has gone way beyond its
10 regular processes to ensure that this community
11 and people in the surrounding communities have
12 input into this, and I think everyone
13 appreciates the AER doing that.

14 But I think we have to be respectful of the
15 process that's been here and everyone has made
16 commitments based on the timelines we've
17 outlined in the schedule. And as a proponent,
18 we expect that the list that people signed up
19 for will be respected and we'll stick to it.

20 So that's our view that if we start just
21 adding people, then it becomes very arbitrary,
22 and, quite frankly, it puts Northback in a
23 position where we wonder whether we should be
24 asking others to come and extend this
25 proceeding. We don't think that's appropriate.
26 We think we should stick to the list, and we

1 haven't heard any reason why we would depart
2 from the list that was set, given the ample
3 opportunity that people were provided to
4 register.

5 Thank you.

6 THE CHAIR: Thank you,
7 Mr. Ignasiak.

8 Can I ask you why you haven't had a chance
9 to register before today?

10 E. FAIRBROTHER (UNAFFIRMED): I wasn't aware
11 that we were allowed to speak.

12 THE CHAIR: Could you move --
13 turn on -- or go to the podium, turn on the
14 mic. Whichever works.

15 E. FAIRBROTHER: Thank you. I wasn't
16 aware that we were allowed to speak. I was
17 just -- thought -- I thought we were just
18 coming to attend and listen, so that's why I
19 didn't prepare anything, sir.

20 THE CHAIR: Okay.

21 E. FAIRBROTHER: And I am Piikani
22 First Nation, and there's not a representation
23 here for the people.

24 THE CHAIR: Thank you. So give
25 us a couple of minutes. I will speak to my
26 colleagues.

1 E. FAIRBROTHER: Okay.

2 THE CHAIR: And then I'll let
3 you know what we decided.

4 (ADJOURNMENT)

5 THE CHAIR: Please be seated.

6 So -- sorry -- you need to turn it on.

7 C. HANERT: I've been here for
8 two days. You'd think I'd remember that. My
9 apologies for throwing a bit of a wrench in the
10 works.

11 My name is Caireen Hanert. I'm with the
12 law firm of Gowlings WLG (Canada) LLP, and I
13 represent Piikani Nation and Piikani Nation
14 chief and council.

15 I just wanted to remind the Panel that
16 Piikani Nation is a full participant in these
17 proceedings, and they intend to make lengthy
18 submissions with respect to the applications at
19 the hearing for full participants in January.

20 So to the extent that these Piikani members
21 wish to speak, we have no objection to that but
22 want to make it clear that they don't speak on
23 behalf of the Nation as a whole or on behalf of
24 its governing body, the council.

25 THE CHAIR: Thank you.

26 C. HANERT: Thank you.

1 THE CHAIR: So I -- we -- my
2 colleagues and I spoke. We hear Northback's
3 objection, and I note that we are about --
4 quite a bit -- actually about an hour ahead of
5 the schedule.

6 This is an open session. We are in the
7 community and for the community -- to hear
8 community members.

9 In the past two days, I've allowed various
10 people who haven't been registered -- mind you,
11 we really appreciate everybody's hard work to
12 register, to prepare their submissions, all of
13 that, but we have allowed people coming off
14 script, such as mayor -- ex-mayor of
15 Lethbridge, Ms. Castellarin; she wasn't
16 registered.

17 So this is no different to us. Members of
18 the community are welcome to speak, and we --
19 we'll just give them a limited time to speak,
20 maybe 10 minutes or so or 15 minutes. And we
21 go from there.

22 So please proceed. I will need you to get
23 sworn first before you speak.

24 EDNA FAIRBROTHER, Affirmed

25 Direct Evidence of Edna Fairbrother

26 E. FAIRBROTHER: Good morning, and

1 thank you for allowing me to speak.

2 My first name is Sitookitaapyaaki. My
3 second name, my Christian name, is Edna Little
4 Mustache Fairbrother; and my government name is
5 1313.

6 First of all, I would like to state that my
7 First Nation is a broken Nation. Where I'm
8 coming from -- the lady before me just said
9 that I could not speak on my people. I have
10 loved ones that I'm applying to here. People
11 came up and spoke with letters from people out
12 of the -- not even here. But those people that
13 I speak to are my family on their behalf that
14 can't be here.

15 So in that regards, that is who I'll be
16 speaking to and for. I don't speak for
17 inanimate objects like sand and gravel. I will
18 be speaking for the human lives that are broken
19 from this deal.

20 Every time our Nation deals with the
21 government of the province, it's a slippery
22 slope. That's not who we are binded to, who
23 has fiduciary obligations to us. It is Trudeau
24 and the Government of Canada that has that
25 fiduciary obligation.

26 So any time we do speak a matter at hand in

1 public -- in provinces, provincial matters, it
2 takes a bit -- a little bit away from us every
3 time. But having this being on our -- in our
4 backyard, we need to address this.

5 I wanted to clarify with the hiring
6 processes on our Nation. They gave a real --
7 the people that spoke before me gave a real
8 romantic view of what is happening. We
9 don't -- not everyone gets a job. A select few
10 get employed.

11 I've been trying in my Nation to get a job,
12 and they were saying -- Northback was saying
13 they were going to have 300 jobs. Today, when
14 I count, there's only, let's say, 20 maximum
15 jobs that they're doing. But why we're tied to
16 it is because we have a travel centre that they
17 paved the road to, invested it. So now we
18 can't step back because we owe them money.

19 The Nation is divided because of this deal.
20 And any time a First Nation deals with a
21 company, more times it's changed -- that
22 company changes their -- their -- their name.
23 When they came here, who were they called?
24 What was their name? That's not the name that
25 I was talking about the last time I spoke.
26 They changed the name, and I wonder why they

1 changed the name.

2 You know, that history proves that any time
3 a government agency works with a First Nation,
4 they don't get it the first time. A name is
5 changed. Our name was changed from -- to
6 Piikani from Peigan in 2001 because they
7 couldn't get it right the first time. So they
8 changed it, did something else, and then they
9 passed it. Then our name was changed. That's
10 why we're Piikani today. Just a little bit of
11 history.

12 Our leadership has stated in the past that
13 they follow status quo. To me, status quo, you
14 don't grow; you don't change; you don't
15 improve. And from the last leadership, that's
16 what they were doing was pushing Northback down
17 our throats, pushing Grassy Mountain down our
18 throats, saying, Well, they're going to pay for
19 this; they're going to do this; they're going
20 to do that.

21 But I as one -- a very viable, employable
22 member of our Nation, because I speak out, I
23 strongly believe I don't get anywhere in my
24 Nation in regards to employment. Nobody's
25 paying my bills. Northback is not paying my
26 bills.

1 I'm a small business owner. I sustain
2 myself. So I don't have any link to Northback.
3 But what I'm hearing is the promises are broken
4 promises again. There's no 300 jobs. I don't
5 see 300 jobs. Where are the 300 jobs? Where
6 they going to -- what are they going to be
7 doing, 300 jobs? I don't understand that.

8 And if there was 300 jobs, you know what?
9 I'd have a job. And, again, our Nation is
10 broken. Our Nation fell 2-point-some
11 percentage in the last year due to OD, opioids,
12 COVID.

13 We are broken. We're suffering. If you
14 speak out, you're ostracized. And that's a
15 proven fact. Just look at our leadership right
16 now; we're broken. And these guys are coming
17 in stating that they're going to make all these
18 promises to us? I don't see it. I don't feel
19 it.

20 It's almost Christmas. Look at how many
21 people are suffering on our Nation. Like I
22 said, only a handful of people are benefitting
23 from Northback, Grassy Mountain. What other
24 names are there? There's so many.

25 Traditionally, when we have a vote, our --
26 our consultation, if we're not in agreement, we

1 won't show up. Today it's conducive to that.
2 Not too people -- not too many were aware to
3 make presentations, to register to speak. Had
4 our Nation shared this information and went
5 home to home, you know what? There'd be more
6 people here. I guarantee you that. There'd be
7 more people here speaking on -- on their own
8 behalf.

9 You know, there's a lot of people that --
10 had I known we could have read letters here, I
11 would've got some letters faxed, emailed, text
12 to me, and I could have read all those letters.

13 Our elders are not at the forefront of our
14 planning. Our elders are not taken into
15 consideration when making decisions. That's
16 something that is very, very important. Our
17 elders are getting older. Right now, with all
18 the -- the people that we lost, there's -- we
19 have a Nation full of young people and very old
20 people. A whole generation in the centre was
21 taken. To what? COVID, OD'ing, opioids.
22 Where's the help when that comes? We need help
23 with that. Not to promise 300 jobs that --
24 when there're not going to be 300 jobs. Let's
25 try and get some empathy in our Nation and look
26 at the real issues here.

1 When you throw a dollar -- a piece of meat
2 in front of a pack of hungry wolves, there's
3 going to be fights. And you know what? That's
4 what's been happening in our Nation.

5 I just see -- met somebody who I've never
6 met; she speaks on my behalf? Then she comes
7 up here and tells me that I can't speak on my
8 behalf? There's something wrong with that.
9 That's the first time she's laid eyes on me,
10 first time I laid eyes on her. That's
11 something that has to be taken very seriously.

12 Who is speaking on our behalf? Who is
13 speaking for those children? I'm speaking for
14 my grandchildren. I would really like this --
15 this whole organization shut down, go home, and
16 not look at our reserve, not -- not wreck our
17 water and leave because that's what's going to
18 happen. That's what happened in -- in
19 Australia. Things are poisoned, and they
20 leave. It's not fair that our people aren't
21 here. Maybe this can be taken to the reserve.
22 Then you'll see how many people are opposed to
23 this, the ones that are not afraid to speak up,
24 the ones that are not afraid to be ostracized,
25 the ones that are not afraid to be blacklisted.
26 We'll speak up.

1 Who is missing from this group are the
2 hunters, the fishermen, the people that go out
3 hiking, the people that work in the -- in the
4 industry in the -- in -- outdoors breathing the
5 air. Those are the ones that are missing, not
6 the ones that are having employment and
7 hush-hushed.

8 On our Nation, if we speak up, we are shut
9 down right away. And that is something I
10 experience, so I could speak on it. I know
11 that. And for us speaking up, those days are
12 gone where we should be ostracized. Our voices
13 have gotten louder. The music quieten out
14 there because our drums are getting louder.
15 We're -- we're starting to --cohesive and be a
16 group. But when you start dividing a Nation --
17 that's exactly what's happening right now. Our
18 Nation is broken. Our Nation is divided.

19 In our traditional -- traditions, they say
20 our chief is our father. Well, our father
21 needs to start speaking up for all of us, not
22 just the select few. And who's making [sic]
23 rich off of us? It's getting really bad. Our
24 table water's going to be ruined with drilling;
25 our groundwater -- then we'll be another
26 First Nation with no water. Added to all those

1 other Nations with boiling water advisories,
2 where we don't have running water.

3 No. We're trying to stop that. We're
4 trying to stop the genocide that's going to be
5 occurring if that selenium gets -- what the
6 gentleman was saying -- the water's going down.
7 Yes. Our water, our reservoir, our Oldman
8 water reservoir was drained. For what? Oh,
9 people were pointing fingers here and there.
10 Oh, well, the people down east are happy. And
11 they were. They were quiet.

12 Now it's filling up again. What's going to
13 happen next spring? Is it going to drain
14 again? Is it going to be full of selenium?
15 Where it's going, is it going to poison our
16 chronically ill, our sick, our people that live
17 along the water?

18 You know, we have a treatment centre, but
19 we don't know if it's going to cut out -- what
20 the levels are going to be. We need to start
21 taking that into account and start talking to
22 all First Nations on our -- on our reserve, all
23 Piikani, not just the select hand few of people
24 that are benefitting. That's not enough.

25 The status quo on our reserve must stop.
26 We can't follow one person's ideology and say

1 Direct Evidence of Wynonna Smith

2 W. SMITH: Wynonna.

3 THE CHAIR: And your name is

4 Fabian North Pigeon? No.

5 W. SMITH: No. I'm Wynonna
6 Smith.

7 THE CHAIR: Wynonna Smith.

8 Please go ahead.

9 W. SMITH: Hi. Thank you for
10 letting me speak today.

11 My name is Wynonna Smith. I'm from the
12 Piikani Nation in Browning, Montana, tribe.
13 Amskapi Piikani. My mom is Gertrude Smith.

14 THE CHAIR: Can you speak up,
15 please?

16 W. SMITH: I'm from the Piikani
17 Nation in Browning, Montana, Amskapi Piikani.
18 My mom is Gertrude Smith; my grandparents are
19 the late Nick and Agnes Smith.

20 I'm speaking on behalf of the Piikani
21 members who cannot be here today; for the
22 babies, for the children, for the youth who do
23 not understand the effects of coal mining yet,
24 for our future generations.

25 I am speaking for my child, my nieces and
26 my nephews that reach to Browning, Montana.

1 I'm speaking for the future generations. I am
2 speaking for our elders that are sick and
3 disabled that cannot attend this hearing and
4 that do not even know about it. I am speaking
5 for the members that are intimidated to oppose
6 this coal mining. I am speaking for the ones
7 that don't understand the scientific
8 implications this coal mining will have on our
9 traditional territory. I am also speaking for
10 Mountain Child Valley Society who are opposed
11 to Northback.

12 I also speak for the spirits of the water,
13 the animals, the plants, the buffalo, the
14 winged beings. We do not want this coal mining
15 permitted. Coal mining is not welcome on
16 Treaty 7 territory. There are other ways to
17 bring economic development within these lands.
18 This coal mining is not one of them.

19 Alberta, Canada, this is not reconciliation
20 if this mine is permitted, this drilling.
21 Please do not allow this. This is a public
22 health risk to everyone downstream, to my home
23 community, and everyone -- everywhere that the
24 wind will blow coal dust to. What Northback is
25 trying to do is ecoterrorism, is environmental
26 terrorism. This is not what Alberta should be

1 permitting.

2 That is all. Thank you.

3 Any questions? Any questions?

4 THE CHAIR: Questions. Just --
5 do you have any questions? No.

6 Thank you. Thank you. Thank you very
7 much. Thank you.

8 TANYA NICOLE JOHNSTON, Affirmed

9 Direct Evidence of Tanya Nicole Johnston

10 T. JOHNSTON: Okay. (OTHER
11 LANGUAGE SPOKEN). Hello. (OTHER LANGUAGE
12 SPOKEN). Good day. My name is Weasel Women.
13 My legal name or given name is Tanya Nicole
14 Johnston.

15 I am an Indigenous advocate and activist in
16 Calgary, Alberta, where I now reside. I was
17 born and raised here in Piikani. In light of
18 Truth and Reconciliation in which the
19 Conservatives, the Liberals, and the NDP, all
20 who now have somewhat of an idea about what
21 this actually means, the goal of the Truth and
22 Reconciliation was to teach all Canadians about
23 the reality of the Indigenous people and the
24 treatment of the Indigenous peoples.

25 But yet, here we are again, once again on
26 the brink of another disaster, another

1 genocide, one that will not only affect this
2 generation but future generations to come. Our
3 people, the Indigenous people, will now not
4 only have to deal with the intergenerational
5 trauma but will now have to add on the severe
6 health effects that come along with this coal
7 mining, with the selenium which will seep into
8 our drinking water, the coal dust that will
9 travel far and fast with the help of -- with
10 the -- with the help of the over hundred
11 kilometre winds that are almost on the daily
12 now and the chinook winds.

13 We were told that we could not stand here
14 and speak on behalf of the membership, but as
15 to what Edna had mentioned, our chief and
16 council keep us in the dark. They do not
17 inform us on any information or issues that are
18 happening in and around our Nation. We know
19 nothing. The members know nothing.

20 And I'll give you an example of that. We
21 were told that just recently Northback gave
22 Piikani chief and council \$3 million, one in
23 which 1.5 million will be distributed for this
24 year's Christmas bonus or whatever
25 distribution, however they want to word it, and
26 1.5 million will stay within the nine members

1 which has been now reduced to six council
2 members and one chief. Our chief and -- the
3 rest of the council members who are still there
4 ousted two of our council members. Why?
5 Because they speak out. Because they wanted to
6 inform the members as to what was happening
7 within our Nation.

8 I do not understand how they could believe
9 they are the only members that live in the
10 Nation. We live -- our families live there
11 too. The members are there. We exist. We're
12 real. We're human beings.

13 If this -- Northback gets their way, I
14 really hope they understand what's coming to
15 them and what's being created, which is another
16 genocide. And when people start dying with
17 sickness and disease, that blood will be on
18 your hands. So I really truly hope you are
19 ready, and if you believe in God, you will meet
20 your Maker one day, and you will have to all
21 answer to that and trying to push this forward
22 when it was shut down before and prior.

23 Now, I know you will come back under
24 another name, and you will only keep pushing
25 and pushing. And the woman who was behind
26 this, Gina Rinehart, well, I looked into this

1 woman to see what kind of a character she was,
2 and I found out that she took her own two
3 biological children's inheritance and money
4 from another company she was working with in
5 Australia, and those -- both cases are now in
6 the courts. So if she can take off with her
7 own children's money -- biological children's
8 money, what makes us believe that she's going
9 to make us millionaires?

10 And I say that in regards to Northback
11 coming down to the Nation, speaking to our
12 elders, who I sat with about two weeks ago, and
13 our elders informed me that Northback promised
14 them they will and we will become millionaires
15 if we vote yes to this.

16 My first question was: How? How are we
17 going to become millionaires? Because we all
18 know how the trickle effect goes down the line.
19 And then when it gets to our chief and council,
20 well, if 3 million was given and we're only
21 getting a \$500 pinch of that, how are we
22 supposed to believe one day we're going to
23 become millionaires? It makes no sense. The
24 numbers that are given makes no sense here.

25 The big picture, the reality of this should
26 scare every one of us in here. It terrifies me

1 that -- for my -- not only for my family but
2 for everyone down the line. I have people in
3 Lethbridge who have come to me in Calgary
4 asking and begging me to speak out for this,
5 for them, for their families in Lethbridge.

6 What the mayor said -- previous mayor said
7 yesterday shook me, and it should shake a lot
8 of you here today because if a -- the -- if
9 this water -- contaminated water shuts down
10 factories, the food chain in -- in Lethbridge,
11 our water, our soil is contaminated, and people
12 think, Okay. Well, that's fine 'cause we got
13 jobs; we'll just grow our own food with coal
14 dust that's covering the soil and the
15 contaminated water. How can we even grow a
16 potato with that? Another genocide.

17 I will not stand by and watch another
18 genocide be brought upon the people -- the
19 Indigenous people again. I am able to speak,
20 and I will.

21 I don't know if some of you know about
22 Standing Rock and what happened down there when
23 they fought for their water, for their
24 ancestral burial grounds that may have been
25 disturbed by now. The disrespect and disregard
26 to our ancestors. That in Standing Rock, if

1 you look it up and see what happened down
2 there, I guarantee you -- I guarantee you when
3 the people -- when the Indigenous people, not
4 just here in Piikani or the Blood Reserve --
5 when the time comes, we stand together, and we
6 stand strong. And I'm -- and I know you know
7 that. We will come together, and we will push
8 and shove to have this stopped.

9 There's other ways of bringing in an
10 income. I ran for chief this last term, and
11 that was one of the things I brought out. Why
12 do we need to destroy Mother Earth for money?
13 We -- we don't need to do that. Why not grow
14 hemp? Why not grow hemp that will sustain
15 future generations, three to five, maybe
16 longer, down the road?

17 They're here for a time -- little time to
18 get what they want, and they will push and
19 shove everybody out of the way for it. We will
20 be left with a disaster. We will be left with
21 contaminated water and soil. We will be left
22 with the mess. Our burial sites bothered,
23 disturbed.

24 I'm going to give you an example. There
25 was an elder in Calgary who -- in the northeast
26 side -- section of Calgary. He tried to stop

1 City council. He tried to tell City council
2 members, There's -- there's a burial site out
3 there; let us deal with it before you build
4 homes out there. They did not listen.

5 Today, they are -- every summer they get
6 hit with a major hail thunderstorm, and their
7 homes get ripped apart. They are on news every
8 year. They are repairing their homes every
9 year, and this is our spirituality that I am
10 speaking on, the respect that is needed and
11 considered.

12 I really hope you all hear what I have to
13 say, and the research that maybe Northback
14 needs to do, in what happened down in Navajo to
15 the Navajo Nation. It's right there on
16 YouTube. Look at the videos, the Navajo people
17 that are sick and dying because of the coal
18 mine down there. The young -- the -- he's not
19 young anymore; he's an older guy, but he spoke
20 on the video, and he said when he was a young
21 boy he used to think it's snowing. But his
22 grandmother told him, No, that's not snow;
23 that's coal dust.

24 Family members have passed from that.
25 There's an old man on that video speaking on an
26 oxygen machine and dying from black lung

1 I think Mr. Fabian North Peigan is going to
2 speak on behalf of Dimple Stump. Can I get you
3 sworn, please. Thank you.

4 FABIAN NORTH PEIGAN, Affirmed

5 Direct Evidence of Fabian North Peigan

6 F. NORTH PEIGAN: Okay. (OTHER
7 LANGUAGE SPOKEN). I want to greet you all. I
8 want to greet everyone that is present. I want
9 to honour the grave challenge you have to
10 represent the presiding government and the duty
11 you have to bring such recommendation that is
12 going to affect not just today, but perhaps for
13 generations to come.

14 I want to honour our elders that are in the
15 house. I want to honour all of the citizens of
16 the municipal district of Pincher Creek. I
17 want to honour all those that have presented
18 the last couple days. I also want to honour
19 all our tribal people.

20 I've given much thought after listening all
21 day yesterday. So I can only imagine how much
22 chairs I have been sitting on -- have taken so
23 much of pressure, let alone the information
24 that we have to indulge in.

25 I'm honoured to speak from the perspective
26 that I've been given and transferred my

1 grandfather's name, which is Last Otter. The
2 name historically from my research, from my
3 grandmother's research -- I didn't get the
4 honour of having this discussion with my
5 grandfather, not knowing that at some point in
6 time I would be transferred such honour.

7 The name itself "Last Otter" was as a
8 result of the -- of the area and the
9 geographical lifestyle that our family led. In
10 the area in and along the Oldman River valley,
11 the Northern Peigan resided seasonally. From
12 that, one of our greatest mammals and -- and
13 sea life and water life was the otter, of whom
14 we all know is in dire straits of existence as
15 we speak today. Without singling any purported
16 reason, we all know we have an environmental
17 challenge.

18 So it is with my honour and humility that I
19 can dawn such eagle feathers so that I can
20 honour truth and not innuendo, not hearsay, and
21 not promises.

22 I can't speak on behalf of the greater
23 populous of the Northern Peigan Tribe. I'm not
24 in this modern-day governmental process elected
25 to do so. But I've never given up my
26 individual legal right to speak up according to

1 my heartfelt intention.

2 I'm humbled to also say that I'm very
3 familiar with due process, governmental
4 process, intergovernmental affair. I'm very
5 familiar with the Grassy Mountain itself. I'm
6 very familiar with the three tributaries that
7 combine water flow into the Oldman, which is
8 then -- joined forces with the South
9 Saskatchewan, which now must meet a quota to
10 fulfill the Hudson Bay. I'm very familiar with
11 much. I'm not saying it in a boastful way, but
12 I've been privileged and humbled to be given
13 such knowledge over my lifetime.

14 I too have been selected at the age of 23
15 to lead our Northern Peigan people in our
16 tribal office, at a very young age. I don't
17 encourage anyone at that age to do so.

18 I was then humbled and honoured to be
19 elected six times over the span of 30 years.
20 So I think I've learned a bit or two about
21 evolution of man, its existence and
22 co-existence with environment.

23 I too have witnessed and journeyed
24 North America to better understand what
25 environmental science means, how it affects not
26 only Aboriginal and First Nations people alike,

1 but all men and women and children alike. We
2 cannot speak for anyone else in most
3 circumstances, but we definitely should always
4 be able to speak for ourselves.

5 Wholeheartedly, we must try to find a happy
6 medium. We live in a very trying time. Man
7 and society in its current state. We live in
8 an inflated cost of living society where it's
9 greed over matter, where it's first come first
10 served.

11 We don't always get to be heard. I want to
12 honour our elected members that have come and
13 gone over the two days here in this building.
14 I've never disrespected whether they're for or
15 against. Although I may carry some current
16 concern as to how they represent my voice, my
17 children, and my family.

18 I want to humbly honour that they will take
19 the time and the money of our Nation to pay the
20 lawyer of the tribe to sit here for two days,
21 and she hasn't offered to buy me dinner yet.

22 I also want to take the time to -- to -- to
23 honour in some shape or form the endeavours of
24 such economic mines that are willing to take
25 all kinds of risks that affect every one of us
26 in pursuing perhaps their dream of becoming

1 multimillionaires, perhaps having a prestige
2 firm to represent.

3 I want to humbly honour those that dare to
4 venture into Blackfoot territory and dismantle
5 and divide our people. I don't say that in
6 a -- in a way that demeans anyone. But I will
7 reiterate this for the record: This particular
8 piece of land in question for development,
9 according to my name, which is historically
10 beyond 500 years old, long before Canada was
11 granted state by the great -- greatest --
12 great -- great Britain and long before the
13 Queen sanctioned and endorsed Canada to become
14 independent; long before there was such
15 ventures into the Whaleback, into the
16 Kananaskis, and into what we know as the West
17 Castle Mountains; long before there was such
18 venture and quad tracks, trapping; long before
19 there was such settlers; long before the
20 Northern Peigan were the gatekeepers of this
21 particular -- said part of the country, for all
22 time.

23 I can appreciate the ranchers that have
24 come and have protected and become and declared
25 to be stewards of the land. I can appreciate
26 that. But if we all look carefully at the

1 record of the history in which Canada stripped
2 away the lands of the people, one would have to
3 question who's the rightful owner.

4 I'm not here to ruffle any -- any --
5 anybody's feathers, especially the ones I'm
6 wearing. I'm here to speak my heart.

7 I have gained a little bit of academic
8 privilege in my time. I'm thankful for the
9 evolving education that we pursue and have
10 allowed our children to pursue. And perhaps
11 this is all cliché to many of you. Perhaps
12 this is just another day at the office. But
13 there are many forms of life that cannot
14 present today, that cannot speak for
15 themselves, that cannot represent themselves.

16 So it is my responsibility to represent in
17 a humble way those living beings that need to
18 be seriously considered in this process. And
19 those are of all the water mammals and all the
20 water life; those vegetations that inherit the
21 moisture and the clean runoff, the environment
22 in and around what is the giver of life without
23 water, we will die. That doesn't need to be
24 researched, nor does it need to be confirmed by
25 science.

26 I dare you to try to live without water for

1 the next week, and let's see which hospital you
2 end up in.

3 I want to also in some way or form
4 appreciate the interests, the economic
5 interests presented to you for this particular
6 area by such a mining company. We have heard
7 for and against; we have heard some character
8 references; we've heard some business
9 references. But one thing I will make very
10 clear: This is Northern Peigan traditional
11 land. It is not the Dene of the Tsuut'ina. It
12 is not the Stoney of the Nakoda -- Lakota and
13 the Sioux. They have no right to be injected
14 into this argument. That is not their land.

15 We don't venture into their arguments and
16 deploy to divide and conquer, to weaken our
17 argument by injecting such deliberate
18 processes, the means to give very character of
19 being stewards of the land.

20 If I was to come into your backyard and
21 start digging away, I'm sure you would not
22 appreciate it. If I was to try to buy you out
23 and remove you from where I have interests, you
24 would not appreciate it.

25 So this is not something that we need to go
26 to war over or go to battle over. Our battles

1 have been well researched and remembered. The
2 greatest battle of all was to remove us from
3 this land and put us into parcels of land that
4 we now know as "reservations". It is
5 unfathomable to believe that that process still
6 exists in this very modern day.

7 So it is with great intention that we find
8 a peaceful balance in this conversation, that
9 we find better ways of standing together,
10 rather than it always being black and white,
11 rather than it always being for or against. If
12 we cannot find a solution to be all winners and
13 successors in this process, then we all become
14 losers.

15 The dangerous process is if the current
16 federal government was removed, so does the
17 mandate. What is to become of such other
18 mandates of other governments?

19 I want to honour the Pincher Creek
20 municipal elected government for opening their
21 doors to such a conversation that is
22 contentious, knowing that there is going to be
23 much argument. I want to honour all those that
24 have presented, that represent the land, to
25 protect the land. I also want to honour those
26 that want to get out of this deprived state

1 that our economy is in. The dollar will
2 eventually win, whether we like it or not.

3 But at the end of the day when that dollar
4 is gone, we better hope that we've left
5 something for our children. These ventures
6 company don't live here. They can pack up
7 their briefcases full of money and leave when
8 all the damage is done. Then what are we going
9 to do? I'm not trying to fearmonger. I'm
10 speaking what is on my mind.

11 And I want to just conclude by saying there
12 is so much I would like to -- to say, but I
13 also don't want to be so confused, because I'm
14 not. I want to grant the privilege to due
15 process. I understand what the government's
16 intention is. But in order to find the happy
17 medium, we must learn to better understand each
18 other.

19 I'll end by saying a quote that my
20 grandfather used to always share: (OTHER
21 LANGUAGE SPOKEN).

22 My grandfather used to always sit at his
23 living room window and look out, and he would
24 tell us, in our language: If you lose the
25 language, you will lose your way of life and
26 everything that comes with it.

1 So it is our duty to not only try to
2 preserve who we are. We're not better than
3 you, and you're not better than we. Perhaps
4 we're living on borrowed time. And we can only
5 hope and pray that God, our Creator, the giver
6 of life, will have mercy on us for the
7 decisions that are yet to come and that life
8 can be preserved.

9 I don't feel bad for those that have argued
10 for or against. I'm not a fence-sitter. I
11 know which side of the issue I'm on. And I
12 will uphold my trust in protecting the land at
13 all cost.

14 As far as the application goes, it will be
15 awfully sad if we disregard every element of
16 concern. I'm not suggesting that you're going
17 to do that. You have a tough job. I want to
18 respect that. But as a keeper of the knowledge
19 of our people of this traditional land, I heard
20 a fellow -- and I don't want to stray too far
21 off, and I want to end here.

22 I heard a fellow say that they've had this
23 land for over a hundred years. I was amused.
24 I won't get into the amusement 'cause I'm not
25 into the amusement business. I will just say:
26 So was our people hundreds and hundreds and

1 Proceedings taken at the Pincher Creek
2 Community Hall, Pincher Creek, Alberta

3

4 December 4, 2024 Afternoon Session

5

6 P. Meysami The Chair

7 S.F. Mackenzie Hearing Commissioner

8 M.A. Barker Hearing Commissioner

9

10 M.G. LaCasse AER Counsel

11 S. Gibbons AER Counsel

12

13 T. Wheaton AER Staff

14 E. Arruda AER Staff

15 D. Parsons AER Staff

16 A. Stanislavski AER Staff

17

18 M.K. Ignasiak, KC For Northback

19 Holdings Corporation

20 J.D. Eadie For Northback

21 Holdings Corporation

22

23 D. DiPaolo, CSR(A) Official Court

24 S. Murphy, CSR(A) Reporters

25

26

1 (PROCEEDINGS COMMENCED AT 1:08 PM)

2 THE CHAIR: Thank you. Please
3 be seated.

4 Welcome back, everyone.

5 I have Mr. Ken Allred.

6 KEN ALLRED, Affirmed

7 Direct Evidence of Ken Allred

8 K. ALLRED: Good afternoon,
9 Madam Chair, Members of the Panel. My name is
10 Ken Allred. I've been a resident of Blairmore
11 since 2012. Actually, however, I grew up in
12 Waterton Park and was a product of the tourism
13 industry. I love Waterton, but once I finished
14 school, I realized that I couldn't make a
15 living in tourism and, hence, had to move away
16 to a more lucrative career.

17 I guess to some extent, coal is in my blood
18 as my grandfather and several uncles and
19 cousins worked in the Bellevue mine back in the
20 early 1900s. My dad hauled coal, and back in
21 those days, we burned coal for cooking. But
22 that's not the case today. We're talking about
23 metallurgical coal: coal for steelmaking.
24 Steel is used in virtually everything we use
25 these days.

26 I'm a retired professional land surveyor,

1 adjudicator, and columnist and author. I also
2 served for 15 years on the council of the city
3 of St. Albert and four years as the MLA for
4 St. Albert.

5 I guess I've gotta click this, do I? There
6 we are.

7 I recognize that this hearing is regarding
8 the application for a drilling permit on Grassy
9 Mountain. Further drilling is important to
10 prove out and determine the extent and quality
11 of the metallurgical coal on Grassy Mountain.

12 I'm fully supportive of this drilling
13 application and the eventual mining for
14 metallurgical coal on Grassy Mountain.

15 When I came to the Crowsnest Pass 12 years
16 ago, we had the Devon Gas Plant, the lime works
17 at Crowsnest Lake and two grocery stores. Now
18 we have only one grocery store, but we have
19 four pharmacies. Tells the story of our aging
20 community.

21 Specific to my support of the development,
22 a major concern is the reclamation of the
23 abandoned working of the former mine, which I
24 understand was abandoned in 1959 and never
25 reclaimed.

26 I've travelled up Grassy Mountain many

1 times, and I've observed the former mine site
2 is dangerous as well as an environmental mess.
3 You can see how dangerous it is with those
4 steep slopes from the former cuts.

5 There's no wildlife other than a few small
6 rodents and very sparse vegetation over much of
7 the site. Having viewed the site of the former
8 Grassy Mountain mine, it would be my opinion
9 that any work that Northback can do to mine and
10 eventually reclaim this abandoned mine site can
11 only be seen as beneficial to the environment.
12 The scar at the top of the mountain is
13 hazardous and subject to continuous erosion of
14 slag piles, unsightly open pits, and cuts. The
15 only cost-effective way to reclaim this mine
16 site is to re-mine the area and extract the
17 remaining metallurgical coal and market it in a
18 global marketplace.

19 A comment was made yesterday that it would
20 be up to the government and the taxpayer to
21 reclaim the mine after Northback is finished
22 with it. Northback has been committed to
23 reclaiming, and they will be required by our
24 current regulations to reclaim it. And it
25 hasn't been reclaimed for 60 years now, and we
26 need to reclaim that to make it a useful piece

1 of land for recreation and whatever.

2 This process of mining will provide an
3 economic benefit to both the municipal district
4 of Crowsnest Pass and the municipal district of
5 Ranchlands as well as to the provincial and the
6 federal governments. It will also provide
7 needed employment opportunities for local and
8 neighbouring residents, including those from
9 the Piikani Nation. The spinoff benefits will
10 also be considerable.

11 I've followed the development of this
12 project for ten years now, through the
13 Riversdale, Benga open houses and hearings.
14 I've studied some of their literature and
15 attended all their open housing -- houses and
16 asked questions. And I've been impressed with
17 the progress that both Riversdale and
18 particularly Northback now has made in
19 reconfiguring this project.

20 Both Riversdale and Northback have proven
21 to be responsible corporate citizens and have
22 proven to be environmentally responsible.

23 Here's another picture of the unreclaimed
24 mine site. It's considerably different than
25 the -- the photographs we saw yesterday of the
26 pristine landscape in the Grassy Mountain

1 areas. It's actually -- as I said earlier,
2 it's an environmental mess and a very dangerous
3 site.

4 The 1976 Coal Policy. I would suggest it's
5 significant that the 1976 Coal Policy exempted
6 Category 4 lands. Category 4 lands were a tiny
7 spec on the map of the eastern slopes of the
8 Rockies and covered the areas of at least three
9 unreclaimed mine sites; Grassy Mountain being
10 one of them.

11 It's my opinion that the reason Category 4
12 was a permitted site for future mining was
13 because a small area of Category 4 was a site
14 of two former unreclaimed mines. They're both
15 listed as advanced projects on the 2021 Alberta
16 coal mine activity map.

17 As I said, I've been to the top of the
18 Grassy Mountain several times. I've also been
19 on the ground on the abandoned Tent Mountain
20 site.

21 Again, you can see the mess that was left
22 in 1959 when that mine was abandoned. It's
23 important to have it cleaned up.

24 The South Saskatchewan Regional Plan. It's
25 very significant that the South Saskatchewan
26 Regional Plan that was adopted in 2014

1 recognizes the need to develop coal deposits.
2 Page 14 of the SARP [sic] states, and I quote:
3 (as read)

4 The Government of Alberta is
5 continuing to explore development
6 opportunities for our abundant coal
7 deposits. Given the current demand
8 for coal, development of coal
9 resources is important to the region
10 and the province.

11 And, further, the metallurgical
12 coal potential in the region is of
13 significance in that the coal can be
14 used on the steelmaking process.
15 Exploration and investment for coal
16 near the Municipality of
17 Crowsnest Pass demonstrates the future
18 potential for coal development in the
19 region. Ensuring opportunities for
20 coal exploration and development in
21 the region will create economic
22 diversification opportunities and
23 export markets for Alberta and will
24 result in increased opportunities in
25 the region.

26 And, further, page 42 of the SRP: (as read)

1 The South Saskatchewan region has a
2 long history of strong economic growth
3 with support from forestry, mining,
4 and tourism.

5 Page 89 sets out the following strategy,
6 Number 5: (as read)

7 Reclaim and/or convert previously
8 developed lands that are no longer
9 required in a progressive and timely
10 manner.

11 The 2018 Livingstone-Porcupine Hills Land
12 footprint -- land footprint -- pardon me --
13 Management Plan is a subregional plan that was
14 adopted under the government in 2018 further
15 addresses the issue of coal and mineral
16 extraction. I've been involved in the
17 region -- I've been involved in regional
18 planning process for probably 60 years, having
19 served as a director and chair of the Edmonton
20 Metropolitan Regional Planning Commission for
21 several years. I've also been involved in
22 development appeal boards and municipal
23 planning commissions.

24 I support the planning process, and I've
25 had some involvement in the development of the
26 Alberta Land Stewardship legislation, which

1 created the South Saskatchewan Regional Plan.

2 As such, I recognize that town and regional
3 planning is a process of compromises very often
4 between economic development and environmental
5 interests.

6 To sum up, I'm totally supportive of the
7 application of Northback for a further drilling
8 program on the Grassy Mountain site for the
9 following reasons: Grassy Mountain is an
10 environmental mess in need of reclamation.
11 There's a strong market for metallurgical coal
12 and the marketing thereof will contribute to a
13 strong economy for the municipalities of
14 Crowsnest Pass and Ranchlands as well as the
15 province of Alberta and the dominion of Canada.

16 I'm somewhat surprised at the opposition of
17 the MD of Ranchlands, as they have everything
18 to gain and very little to lose since most of
19 the infrastructure will be in the
20 Crowsnest Pass and most of the revenue will go
21 to Ranchlands.

22 Coal mining in the Crowsnest Pass has been
23 anticipated by provincial and regional plans
24 for decades and is supported by official plans
25 which emphasize the economic potential.

26 And if you have any questions, I'd be

1 pleased to respond. Thank you.

2 THE CHAIR: No questions. Thank
3 you very much.

4 Next on the agenda, we have Pekisko Group.

5 M. LACASSE: Madam Chair, I
6 missed a housekeeping matter. If you would
7 like the past presentation to be marked as an
8 exhibit, that would be 101.0.

9 THE CHAIR: Are you good with
10 that? Sure. Thank you.

11 EXHIBIT 101 - Ken Allred Presentation

12 THE CHAIR: So Pekisko Group.

13 RACHEL HERBERT, Affirmed

14 Direct Evidence of Pekisko Group - Rachel
15 Herbert

16 R. HERBERT: Good afternoon.
17 Before we get started, we'd like to recognize
18 our courageous Piikani neighbours who added
19 their wisdom and their voices today.

20 Hello. I'm Rachel Herbert of Nanton,
21 Alberta, and I hold an MA in history with a
22 specialty in ranching and the environment.

23 I'm addressing my concerns about coal
24 exploration on Grassy Mountain from my
25 experience as a fourth-generation rancher. My
26 family began ranching on the eastern slopes in

1 1882, and my teenage children are the fifth
2 generation to grow up with their lives
3 interconnected to this iconic Alberta
4 landscape.

5 My great-granny's grave lies at the base of
6 the hills. Her headstone reads "I will lift up
7 mine eyes unto the hills from whence cometh my
8 help". These hills and mountains are our
9 sacred space.

10 I'm speaking with my associates on behalf
11 of the Pekisko Group, a loose affiliation of
12 ranchers who call the hills and grasslands on
13 the eastern range of the Rocky Mountains home.
14 We share a common value of land stewardship,
15 and we intentionally manage our homes and our
16 grasslands on the eastern range for
17 generational sustainability.

18 Other than the Indigenous families who have
19 been on this land since time immemorial, no one
20 knows this landscape and its functions and
21 fragility more than the ranching families whose
22 lives and livelihood depend on the health of
23 the land and water. We believe coal mining and
24 associated exploration pose a critical threat
25 to agriculture in southern Alberta.

26 At issue today is our position that the AER

1 should not approve the Northback exploration
2 program, deep drilling permits, and temporary
3 diversion licence.

4 It's frustrating that we are here today.
5 We have spent the last five years consumed with
6 defending the eastern slopes from new foreign
7 industrial activity, and here we are yet again.
8 The Pekisko Group presented to the Coal Policy
9 Committee in 2021. We informed them of our
10 concerns regarding the eastern slopes: water,
11 wildlife, wind-borne pollutant, linear
12 disturbance, and the effects of an industrial
13 project with a limited life span and unlimited
14 risks.

15 The committee's findings were accepted by
16 the Alberta Government who promised they'd
17 uphold the recommendations. We encouraged the
18 AER to review the final report, particularly
19 the principal recommendations on pages 7 and 8.

20 It's disingenuous to discuss exploration as
21 distinct from the mine itself. On its website,
22 the AER states that coal exploration programs
23 are inextricably tied to the construction and
24 operation of coal mines. They assess projects
25 across their entire four-stage life cycle:
26 initiate, construct, operate, and close.

1 As ranchers, we can relate to a life cycle
2 approach. We operate in life and death. We
3 see firsthand that actions and decisions have
4 consequences. Just as we can't talk about
5 breeding plans without talking about calving,
6 we can't talk about exploration without
7 speaking to the realities of associated surface
8 mining. We expect the AER will consider this
9 mandate as they reflect on the material
10 provided in the hearing.

11 We're ranchers. I should be out with my
12 husband today helping to wean our calves, but
13 we've had to become pseudo-experts in coal
14 mining policy, Alberta's regulatory process,
15 and deconstructing corporate rhetoric and green
16 washing. Nothing we've learned has given us
17 confidence that a coal project is compatible
18 with this ecosystem.

19 Grassy Mountain resides in the MD of
20 Ranchlands, a municipality that objects to the
21 mine, and it's called that because it is truly
22 premier ranchland. Our larger South
23 Saskatchewan region represented on this graph
24 is 67.2 percent agriculture and 27 percent
25 grazing. Cows, water, and grass make our world
26 go around, and they are a synergistic use of

1 this landscape, but how many additional uses
2 can this landscape endure?

3 I remember when I first heard about this
4 mine, riding across the top of our ranch,
5 looking out past my kids towards the mountains
6 and almost breaking down with the realization
7 that we face an existential threat if those
8 mountains are mined.

9 We know what the wind feels like blowing
10 off the range. Now, imagine that chinook wind
11 full of particulates, changing the acidity of
12 our precious grasslands, entering the lungs of
13 those we love. Has anyone here ever had their
14 well run dry? I know I have.

15 In the depths of the recent drought, I've
16 lived out the quote: (as read)

17 Once you carry your own water, you
18 will learn the value of every drop.
19 Has anyone here ever hauled water for a few
20 hundred head of cows? I have. Our thirsty
21 region is drying up. We're watching the flow
22 of springs and streams trickle to a stop. How
23 can we entertain the possibility of destroying
24 the Oldman watershed that provides all the
25 water for the prairies downstream?

26 These mountains are our water towers. It's

1 unthinkable to start drilling into them even
2 for limited exploration, and it's even more
3 unthinkable to imagine the repercussions if
4 selenium enters this water supply.

5 The implications bound in approving this
6 exploration project are wide-reaching. We
7 implore the AER to abide by current policy,
8 respect the findings of the JRP, uphold the
9 recommendations of the Coal Policy Committee,
10 wait for the Courts to weigh in on the legality
11 of the Grassy Mountain project, utilize updated
12 land use planning and cumulative effects
13 analyses, and consider the economics of how one
14 short-lived project will affect the proven
15 sustainable industries that are already
16 existent on the eastern slopes.

17 And just before I turn it over to John, in
18 respect for your time, we've revised the
19 material in our presentation to avoid
20 duplicating some of the facts that you've heard
21 from the other hearing participants; however,
22 we would like it on record that we support the
23 content and endorse the arguments of the
24 Alberta Wilderness Association, Crowsnest
25 Conservation Society, Corb Lund, Kevin Watson,
26 Josefine Singh, Lee Eddy, David McIntyre,

1 Dr. Allan Garbutt, Chris Spearman, as well as
2 our Piikani neighbours who bravely spoke today.

3 Additionally, as they apply specifically to
4 our industry, we have the same questions posed
5 by Chris Spearman regarding research and
6 assessments by Borealis Environment, and we'd
7 really appreciate receiving those answers when
8 they're made available.

9 Thank you.

10 THE CHAIR: Thank you.

11 JOHN SMITH, Affirmed

12 Direct Evidence of Pekisko Group - John Smith

13 J. SMITH: Good afternoon.

14 It's really nice to see you guys. I'm glad you
15 guys made the trip here and are listening to
16 everybody's concerns.

17 My name's John Smith. I'm a
18 third-generation rancher here in southwest
19 Alberta, and along with my wife, Laura, over
20 there, we own and operate Plateau Cattle
21 Company, with a fourth generation eager to
22 carry on; I have two children.

23 Our grazing lands reside in the same
24 municipality as the proposed exploration in the
25 MD of Ranchlands, and I'd like to address a few
26 points that I've heard over the course of the

1 hearing here.

2 We've heard testimony that mines provide
3 inconsistent employment. We've heard that from
4 pro-mine, anti-mine people. The tragedy is is
5 that they create so much divide in our
6 communities as we heard earlier testified to.
7 I think we need to recognize that.

8 The plight of small towns is not specific
9 to the Crowsnest Pass. Our town in Nanton
10 has -- had three grocery stores; we have --
11 grocery stores; we have one now. Most small
12 towns in Alberta have suffered that plight of
13 degrading buildings and businesses leaving.

14 We heard referenced yesterday also that the
15 Elk Valley is a clean modern mine. My wife and
16 I and several of us travelled there to -- to --
17 to investigate what a clean modern mine looks
18 like. I can assure you it is not. If you need
19 your house washed, you can just let Teck know
20 at the time, and they'll run a hydrovac down
21 and wash the coal dust off your house and your
22 furniture in the back. It doesn't sound too
23 appealing to me.

24 There was also another gentleman that we
25 spoke to there that needed a water system
26 installed in his house to -- to scrub the

1 selenium out of his mine -- or out of his well.
2 Sorry. He had the -- the dubious distinction
3 of having the most polluted well in the Elk
4 Valley.

5 So we understand the realities of these new
6 modern coal mines, but, you know, these are the
7 same ones that recently just got fined
8 \$60 million.

9 I would also like to recognize that we're
10 all proud of our various heritages in Alberta,
11 past and present; however, only some of our
12 industries will sustainably move us forward.
13 We can be proud of our past, but we're not all
14 going to get to move ahead.

15 For the past five years, our time and
16 resources have pulled us away from our
17 operation to defend the eastern slopes and
18 other watershed. It started with standing on
19 the front lines against foreign coal companies
20 when the government first rescinded the coal
21 policy in 2020 without consultation in our
22 grazing lands. It's an understatement for us
23 to say that the trust in our regulatory and
24 government process has been broken. We do,
25 however, appreciate the opportunity to speak to
26 you today about it.

1 Like Rachel, we had to hire people today to
2 sort and ship some calves for us. That's a
3 critical aspect of our ranching operation and
4 our bottom line. I'm here because the
5 potential for a coal exploration with extension
6 to the development of coal mining on the
7 eastern slopes is the biggest threat that our
8 ranch has faced, and we've faced a lot of
9 adversity over the years.

10 Our cattle graze only 20 kilometres from
11 this proposed project in the southwestern river
12 basin of the Oldman watershed at the Waldron
13 Grazing Co-operative. The Waldron is one of
14 the largest grazing cooperatives in
15 North America respected -- excuse me --
16 respected for its water and land management in
17 partnership with the Nature Conservancy of
18 Canada. It hosts 78 individual producer
19 shareholders, and over 10,000 head of cattle
20 graze each season sustainably. These range
21 lands are some of the last remaining native
22 grasslands worldwide.

23 Water isn't the only concern. Our native
24 grasslands are the world's most rapidly
25 disappearing ecosystem and least protected and
26 most endangered ecosystems in Canada. We've

1 lost 75 to 90 percent to industry and
2 development.

3 Water is our number one resource in
4 Alberta. It's a reality that we need to handle
5 it carefully. In the last five years, our
6 ranch saw creeks dry up for the first time in
7 history. We've had to adapt due to ongoing
8 drought resulting in significant reduction in
9 our herd numbers. Are new -- are new coal
10 projects a judicious and prudent use of our
11 most precious and scare resource, which is
12 water? I'm here today to tell you that they're
13 not.

14 The coal industry has no precedent of
15 keeping selenium out of the water, period.
16 Stacking additional development will be a risk
17 and sacrifice existing industries as well.

18 Agriculture remains one of the leading GDPs
19 in our province. I've heard from grain
20 producers, for instance, that are concerned
21 about railcar capacity with the addition of
22 coal displacing grain on the tracks.

23 I've spoken to many farmers who are
24 concerned with the impacts of further draw of
25 water on irrigation. We're here to
26 respectfully remind the AER that this proposed

1 project and this sensitive watershed is
2 essentially the breadbasket of Alberta.

3 Every decision needs to be weighted in a
4 cost-benefit analyst with the environment,
5 human and animal health at the foundation.
6 Economy can't always trump the environment
7 before our resources collapse. We already
8 develop coal in the province, and the eastern
9 slopes are simply not the place for new coal
10 development.

11 We ask the AER to once again, as the
12 provincial and federal government have before,
13 deem this coal project not in the public
14 interest. The water, sensitive grasslands, and
15 ecosystem are depending on you.

16 Now I would like to thank you for your
17 time, and I'd like to introduce you to the --
18 the real scientist, Mandy Olsgard. She's a
19 former senior toxicologist for the AER, and we
20 had to engage Mandy to help us understand what
21 the ramifications of coal mining in the eastern
22 slopes was.

23 Thank you.

24 THE CHAIR: Thank you.

25 MANDY OLSGARD, Affirmed

26 Direct Evidence of Pekisko Group - Mandy

1 Olsgard

2 M. OLSGARD: All right. Good
3 afternoon, Chair, Committee Members, and all
4 participants. Thank you for the opportunity to
5 present here today.

6 My name is Mandy Olsgard, and I'm a
7 registered professional biologist with a
8 master's of toxicology and bachelor's of
9 biology.

10 I've practiced in Alberta for the last
11 17 years. I provide technical consulting
12 expertise on health risk issues related to
13 chemical emissions from energy and resource
14 development, including coal mining.

15 I currently consult for a variety of
16 clients, including the Pekisko Group and local
17 ranching families, starting in 2020, when
18 concerns around potential impacts from coal
19 mining to their health and ranching operations
20 arose when the coal policy was rescinded by the
21 Government of Alberta.

22 Prior to this, I was the senior
23 toxicologist at the Alberta Energy Regulator
24 and have experience and expertise in regulation
25 of energy development under the AER's mandate.
26 I will confess, though, I am a little confused

1 about the proceedings here and what's allowed
2 to a limited participant, so thank you for
3 bearing with me as I try and understand how to
4 present technical information in this forum.

5 Today I will briefly present on
6 policy-related issues specific to the South
7 Saskatchewan Regional Plan, referred to as the
8 "SSRP", followed by an overview of
9 toxicological issues related to coal mining
10 based on the independent research conducted by
11 my company, ITS, for the Pekisko Group. I have
12 tried to reflect that this is an exploration
13 permit application hearing, but it is based on
14 research that was done previously.

15 At this time, and as you can see on the
16 slide here, the Pekisko heritage area and the
17 grazing allotments are shown in the figure
18 reproduced from the report. And in the letter
19 from Northback to the AER about participation
20 in the public hearing, it was noted that the
21 Pekisko Group was 90 kilometres, but as John
22 has stated today, they are 20 kilometres from
23 the Grassy Mountain lease. And so on behalf of
24 the Pekisko Group, they would like to request
25 clarity on how the AER assessed their
26 participation and ask for reconsideration to be

1 included as a full participant in the hearing.

2 Okay. So back to the South Saskatchewan
3 Regional Plan and toxicology, what I understand
4 better.

5 The applications before the AER were
6 submitted in an area managed under the SSRP.
7 Section 20 of the Responsible Energy
8 Development Act, REDA, stipulates that the AER
9 in carrying out its powers, duties, and
10 functions shall act in accordance with
11 applicable Alberta Land Stewardship Act
12 regional plans and may direct a person who is
13 subject to an approval pursuant to REDA to
14 comply with any provisions of a regional plan.
15 Therefore, the status of the SSRP must be
16 considered in any regulatory decision with
17 respect to Northback's coal exploration program
18 applications.

19 The lands associated with Northback's
20 proposed coal exploration program are located
21 within the SSRP, which is currently amid a
22 ten-year review by the Government of Alberta.
23 Page 61 of the SSRP stipulates that the
24 Government of Alberta would undertake this
25 review and that of the 1976 Coal Policy land
26 categories to confirm whether the land

1 categories should remain in place or be
2 adjusted. That review has not been completed.

3 At this current point in time, the 1976
4 Coal Policy land categories and SSRP land
5 management policy direction that determine
6 whether coal exploration is appropriate on the
7 lands associated with Northback's proposed coal
8 exploration program is uncertain and will not
9 be complete until the SSRP ten-year review is
10 finalized.

11 In the coal exploration program
12 application, Northback states that the drilling
13 program will comply with the SSRP's air quality
14 and water quality management frameworks and the
15 Livingstone-Porcupine Hills Land Footprint
16 Management Plan. What is not stated is the
17 lack of consideration for protection or
18 consideration of the following plans which are
19 intended to be managed under the SSRP but have
20 not yet been developed as they were delayed or
21 deferred in the 2018 update.

22 So the following frameworks and plans are
23 not available under the SSRP: biodiversity
24 management framework, landscape management
25 plans for green and white area public lands,
26 integrated resource plans, a plan to establish

1 new or expand existing conservation areas on
2 provincial Crown land, the Pekisko special
3 management area and a management plan, a
4 comprehensive approach for groundwater
5 management, creation of public lands,
6 recreation -- sorry -- creation of public lands
7 recreation areas in the eastern slopes, the
8 regional parks plan, the South Saskatchewan
9 region trail system plan, and the South
10 Saskatchewan region land sub-table with
11 interested First Nations. Quite a lengthy list
12 of plans that are not available.

13 On behalf of the Pekisko Group, they assert
14 that the AER, pursuant to Section 20 of REDA,
15 wait until after the SSRP ten-year review is
16 complete and management plans and frameworks
17 are developed and implemented before making a
18 final decision regarding Northback's
19 application for a proposed coal exploration
20 program.

21 Okay. In the interest of time, I won't
22 mince words regarding the provincial health
23 risks related to open-pit coal mining. And as
24 you can see in Figure 4 here, the research I
25 conducted was for a planned development
26 scenario, which is on the eastern side of the

1 Continental Divide, which is very similar to
2 the mining operations on the west side in BC at
3 the Elk Valley.

4 So in my presentation today, I will refer
5 to published research and monitoring plans from
6 the Elk Valley operations as they allow us to
7 understand the potential impacts on the eastern
8 slopes.

9 So regarding the potential health risks
10 related to open-pit coal mining, the weight of
11 evidence from monitoring data at operational
12 coal mines in British Columbia, Canada, and
13 internationally is unequivocal in reporting
14 adverse health effects in human and ecological
15 communities from exposure to two main sources:
16 particulate matter released in fugitive dusts
17 and selenium introduced to water.

18 As discussed by Dr. Garbutt and others,
19 metallurgical surface coal mines have been
20 extensively studied in the United States and
21 Australia largely driven by environmental and
22 human health concerns as presented in the
23 literature review of the air modelling and risk
24 assessment study I conducted. These studies
25 provide evidence of a consistent association
26 between small particulate matter, less than

1 2.5 microns referred to as PM 2.5, in fugitive
2 dusts released from coal mines and increased
3 rates of mortality and morbidity from cancer,
4 respiratory and cardiovascular diseases and
5 congenital anomalies in populations living
6 nearby.

7 M. LACASSE: Ms. Olsgard, if you
8 want the court reporter to take a record of
9 what you're saying, we're going to have to have
10 you slow down.

11 M. OLSGARD: Okay. Sorry.

12 M. LACASSE: And I also take note
13 of the time.

14 THE CHAIR: Yes. I am aware of
15 the time. We are past the 20 minutes that each
16 partial participant ...

17 How much time do you think you may need?

18 M. OLSGARD: 20 minutes.

19 THE CHAIR: We are -- every
20 partial participant was given 20 minutes, and
21 we are past that for Pekisko Group. I'm going
22 to --

23 R. HERBERT: Sorry. Just we
24 respectfully request a little more time given
25 that we had time for additional presenters this
26 morning. We'd just like a few more minutes.

1 M. IGNASIAK: Madam Chair,
2 everyone had 20 minutes. It's really unfair to
3 the other speakers that submit to give another
4 group an extension. I'm not sure what the
5 logic is behind other people spoke, so they
6 should have more time.

7 Second, the nature of the evidence being
8 given by Ms. Olsgard is very technical in
9 nature. As we pointed out in our letter, the
10 study she did in 2021 is completely irrelevant
11 to Grassy Mountain or the exploration program
12 at issue today.

13 And I just remind the Panel, the last time
14 Ms. Olsgard provided technical evidence to this
15 AER it was rejected 'cause she used the wrong
16 model, didn't validate it, didn't calibrate it,
17 and made pretty irresponsible comments about
18 the health effects. So I'd just like to put
19 that on the record.

20 THE CHAIR: Thank you,
21 Mr. Ignasiak.

22 Yeah. We have been fairly consistent with
23 timing, give or take. I have been turning a
24 blind eye occasionally for four minutes, five
25 minutes. But perhaps five more minutes, and if
26 you can wrap up, because we are getting close

1 to half an hour now with Pekisko.

2 M. OLSGARD: Okay. The majority
3 of the rest of the research I was going to
4 provide -- and just to conclude -- this CALPUFF
5 modelling was completed by another consulting
6 firm, and the report recommendations and
7 results were fully accepted by the Government
8 of Alberta and the coal panel who reviewed it,
9 so I'm not sure how to redirect Mr. Ignasiak's
10 comments there.

11 This table, very quickly, shows that at
12 50 percent dust suppression, that being
13 proposed by Northback, there's still potential
14 risks to human health. 50 percent dust
15 suppression would not decrease the
16 concentrations of chemicals to below those that
17 would be safe for human health. Please review
18 the report to find the efficacy of dust
19 suppression.

20 I quickly would like to touch on the
21 difference in selenium surface water quality
22 guidelines. The dose makes the poison and not
23 all receptors are similar. Aquatic life is the
24 most sensitive receptor in a selenium
25 contaminated environment. They're more
26 sensitive than wildlife, and they're more

1 sensitive to humans.

2 The water treatment -- the best available
3 technology for water treatment currently
4 available from the reporting out of the Elk
5 Valley for the Teck water treatment facilities
6 and the saturated rock fill are not producing
7 an effluent below aquatic life guidelines used
8 in annual. They're three to ten times higher.

9 This is on the record, and so I hope the
10 Panel will consider this when they're talking
11 about considering Northback's assertions that
12 they can release selenium levels that are
13 protective in the environment. I'll note in
14 their last video communications I saw they were
15 proposing to release at that 10 micrograms per
16 litre, which is 10 times higher than the
17 aquatic life guideline in Alberta.

18 The Alberta coal mining wastewater
19 guidelines that we currently rely on do not
20 include selenium. These are your best in-class
21 environmental protection policy and regulations
22 that I've heard many supporters of Northback
23 stand behind. They are -- there's no selenium
24 release limits available in Alberta.

25 The most recent reporting out of the
26 operating coal mine in the Cardinal River

1 operations as regulated by the AER and
2 available to the Government of Alberta shows
3 that they are noncompliant with their own
4 specified management triggers for selenium
5 almost a hundred percent of the time or
6 58 percent of the time. This is an example of
7 how operating coal mines are currently managed
8 and regulated by the AER.

9 And it makes me question the assurances
10 that have been given here by the public that
11 they trust the regulator. It's a complex
12 situation, but these are all available to you
13 as a Panel to review. They're submitted by
14 operating coal companies right now.

15 Groundwater quality is also contaminated
16 below those mines above every -- so it's above
17 guidelines for nitrate, selenium, copper, iron,
18 and lead. I didn't do this analysis. This is
19 coal mine's own data being submitted to the
20 regulator that is showing they are above the
21 safe guidelines for the protection of the
22 environment and human health.

23 Finally, I want to talk a little bit about
24 in harlequin duck populations at that same
25 operating mine. They have seen statistically
26 significant decreases in the harlequin duck

1 population. This is reported to the regulator
2 every year. They are a protected species in
3 Alberta and should be managed as such.

4 Maybe you can walk onto a mine and see a
5 duck and feel the population is healthy. The
6 data being reported to the regulator from coal
7 mines is saying something different. And you
8 can see prior to the coal mine, there was no
9 decreasing trend.

10 So then I just have a few more requests
11 from the Pekisko Group, if I can take two
12 minutes. I won't talk to the rest of what I
13 was going to present.

14 Much of the data I was going to discuss
15 here today is based on the research of
16 Dr. Colin Cooke, a senior scientist with the
17 Government of Alberta and faculty member at the
18 University of Alberta. As such and on behalf
19 of the Pekisko Group, it is requested that
20 under Section 5.6 for information requests in
21 Manual 3: Participant Guide to Hearing Process,
22 published by the AER that Dr. Colin Cooke be
23 invited to provide information on his and his
24 colleagues' research and published research and
25 government research to support the Hearing
26 Panel with clarifying the evidence already

1 filed, simplifying the issues, permitting a
2 complete understanding of the matters
3 considered in expediting the hearing.

4 So, again, that request is for Dr. Colin
5 Cooke to directly provide evidence to this
6 Panel on his research as a government
7 scientist.

8 And so as noted earlier in the
9 presentation -- oh. I think that's it.
10 Because the Pekisko Group has requested full
11 participant hearing. And I will say, as a
12 researcher who published a study, I'm unclear
13 on Northback and their lawyer's request for
14 another group to speak to my research in the
15 full hearing in January. That's very
16 unorthodox to have another full participant
17 speak to a researcher's research.

18 Citing, as I've done with Dr. Colin Cooke,
19 is generally the approach. But for them to
20 suggest LLG or the MD could speak to my
21 research -- it's not recommended, and I'd like
22 to be afforded that opportunity if my research
23 and the study I provided Pekisko Group is a
24 subject of discussion at the full hearing in
25 January.

26 THE CHAIR: Thank you,

1 Ms. Olsgard. I am going to --

2 M. LACASSE: If this presentation
3 is to be entered as an exhibit, it would be
4 Number 102.

5 THE CHAIR: Okay. Thank you,
6 Ms. LaCasse.

7 EXHIBIT 102 - The Pekisko Group
8 Presentation

9 M. IGNASIAK: Yeah. Madam Chair,
10 we don't object to it being an exhibit.
11 However, as with other exhibits in this
12 proceeding, we'll be making submissions on the
13 weight that should be afforded to it. And,
14 again, I'd just like to encourage the Panel to
15 review the Teck Frontier decision,
16 paragraph 3,047, where Ms. Olsgard prepared a
17 human health risk assessment that she failed to
18 calibrate or validate, used the inappropriate
19 model, and was entirely rejected by the AER.

20 So we'd submit any of this evidence should
21 be treated with extreme caution since we didn't
22 have an opportunity to cross-examine
23 Ms. Olsgard.

24 Thank you.

25 THE CHAIR: Thank you very much,
26 Mr. Ignasiak.

1 I am going to suggest a ten-minute recess.
2 I'd like to confer with my Panel Members about
3 a couple of requests that you put on record.

4 (ADJOURNMENT)

5 THE CHAIR: Please be seated.

6 So we had a chance to have a discussion,
7 and our colleagues and I would like to advise
8 Pekisko Group to please -- you -- Ms. Olsgard
9 and Pekisko made a number of requests. We
10 would like you to put it in writing and make --
11 write a letter to the Panel by end of Friday,
12 the 6th, and Northback will provide their reply
13 to those submissions on -- just make sure I
14 have the date -- Tuesday, December the 10th,
15 noon. Thank you. And then we will issue a
16 decision afterwards.

17 So -- and I believe your presentations,
18 I -- do we have -- you had questions.
19 The Panel Questions the Presenter

20 Q COMMISSIONER MACKENZIE: Yeah. It was just a
21 small question. I just wondered, collectively
22 you had said you were a loose affiliation of
23 families. How many families are you and how
24 many head of cattle do you graze on the lands?

25 A R. HERBERT: So we are just a
26 loose affiliation. When the group got together

1 in the '90s, there was 45 ranching families
2 along Pekisko Creek, and now we extend all the
3 way from ranching families from the Highwood
4 down to the Oldman. We don't have any
5 charitable or society status; we don't receive
6 any external funding or lobbying dollars. We
7 just did, you know, some quick mental math. We
8 work with a number of 45 families, and we just
9 consider one asset.

10 So based on 250 cows per ranch at \$4,000 a
11 head, that's a figure of 45 million, and that's
12 just our, kind of, best guess with our mental
13 math.

14 Q Sorry. I didn't quite catch it. It was --

15 THE CHAIR: You're not on.

16 Q COMMISSIONER MACKENZIE: I didn't quite catch
17 it. It was --

18 A R. HERBERT: 250 cows as an
19 estimate per ranch, \$4,000 a head, \$45 million.

20 Q Thank you. I've got it.

21 A Of course, that's just one asset.

22 Q Thank you.

23 J. SMITH: Just to answer your
24 question there, that's about 11, 12,000 head of
25 cattle.

26 COMMISSIONER MACKENZIE: Thank you.

1 Q THE CHAIR: And if I heard you
2 correctly, you reside in the MD of Ranchlands,
3 the ranch -- the ranches that you spoke of?

4 A R. HERBERT: Yeah, some of them
5 are in the MD of Ranchlands. Personally, my
6 ranch is west of Nanton, just a few miles from
7 the border of the MD of Willow Creek and
8 Ranchlands. However, I source cattle from two
9 different operations for my ranch, and they
10 both graze at the Waldron, 20 kilometres from
11 the mine.

12 And I direct market all of my grass-fed
13 beef in Coaldale and -- at a small butcher
14 shop, and that draws municipal water right from
15 the Oldman River, and we purchased irrigated
16 hay from the lands at the Oldman River.

17 THE CHAIR: Thank you very much.
18 I think we are good. Thank you very much.

19 So next -- next I have Ricky Sharma from
20 Davis Dodge.

21 RICKY SHARMA, Affirmed
22 Direct Evidence of Ricky Sharma

23 R. SHARMA: My name is Ricky
24 Sharma. I am the general manager and a partner
25 at Davis Dodge, but just to be clear, I'm not
26 speaking on behalf of my staff or my business

1 partners. I'm speaking on behalf of myself and
2 the industry that I'm in.

3 I think it's important to recognize
4 everybody that spoke today, whether you're in
5 favour or you're opposing, I think it's
6 important to get everybody's opinions and hear
7 everybody out. So I just want to say that --
8 yeah -- I respect all of the opinions today.

9 I'm in favour of Northback moving ahead
10 with their drilling project. My dad and his
11 family immigrated to Canada in the late '60s,
12 early '70's and went right to the
13 Crowsnest Pass.

14 My dad was a coal miner for 33 years, and
15 obviously coal-mine dollars put food on my
16 table my entire life. My dad was a passionate
17 coal miner. I felt like we had a tight-knit
18 community in the Crowsnest Pass from everybody
19 that was there, and, more importantly, on the
20 automotive section, you know, this is met
21 coal -- metallurgical coal -- for steelmaking,
22 which is important obviously in my industry for
23 vehicles, parts, and everything else that is
24 created.

25 I look at current mining operations that
26 are 15 to 20 minutes west of the

1 Crowsnest Pass, and I do business with them
2 currently. I've seen them pour a ton of money
3 into their communities. I've seen what they've
4 done for the families, and it's not just the
5 Elk Valley that has benefitted from these coal
6 mines. It is businesses; it's communities far
7 beyond the Elk Valley.

8 I reside in Fort Macleod, Alberta,
9 currently, which is about 30 minutes east of
10 Pincher Creek. It's about an hour east of the
11 Crowsnest Pass. The Oldman comes through. I
12 have property with -- the river comes at the
13 back of my property currently. I have two
14 young children, so obviously the environment
15 and the future is an utmost concern of mine.

16 But I truly feel like what Northback is
17 committed to and what they're willing to do, I
18 think they can have a drilling project, and
19 they can do it while making sure that they have
20 our environment's best interest at the end of
21 the day.

22 I think that this project will create a lot
23 of infrastructure economy to a much-needed area
24 that we -- that we just lack that in currently.
25 If we look at where our industries are, if we
26 look at the state of our country currently, we

1 need an economic boost, and you've heard a few
2 people say coal isn't the answer, and I feel
3 like it truly is. And I feel like there can be
4 a balance between drilling operation and,
5 again, making sure that our waterways, the
6 future for your children, and all those things
7 are considered when doing so.

8 I -- I started doing business with
9 Northback or Riversdale ten years ago when they
10 first came in. I would tell you that we have a
11 strong relationship. They've always held their
12 word. They're committed to the community that
13 they're in in the Crowsnest Pass but also the
14 surrounding communities well.

15 And, again -- it's -- just from my
16 experience and what it's brought to my life
17 and, you know, being from an immigrant family,
18 and, you know, my dad used to talk about coming
19 to this country, and they didn't know how to
20 speak English; they couldn't afford to live
21 anywhere. An industry that put food on our
22 table and an industry that gave opportunity to
23 my family, to families around us, and gave us a
24 place to call home is -- is absolutely -- you
25 know, I can't thank the industry enough.

26 So at this point in time, obviously I'm pro

1 Northback moving forward with the drilling
2 project.

3 THE CHAIR: Thank you. We don't
4 have questions for you. Thank you very much,
5 Mr. Sharma.

6 Next I have Troy Linderman, CNP EMS
7 Industrial Safety Services. Thank you.

8 TROY LINDERMAN, Previously Affirmed
9 Direct Evidence of Troy Linderman

10 T. LINDERMAN: Good afternoon.
11 Thank you. I was sworn in yesterday.

12 So thank you for the opportunity to speak
13 today. I was prepared to solely talk about the
14 impact of this project and -- on my company.
15 Given the proceedings and some of the pieces
16 that have gone on, I've kind of thrown that out
17 the window. So I'm winging it a little bit, so
18 please bear with me.

19 I want to thank you and the Panel for the
20 opportunity to participate in this public
21 hearing regarding Northback's drilling program,
22 coal exploration program, and deep drill
23 permit.

24 I appreciate the decision you have to make.
25 There's been a lot of opinions and views and
26 information being gathered over the last two

1 days, and some of it is very informative.
2 However, we are supposed to be at a hearing,
3 and it's throwing me off a little bit here, a
4 formal hearing, and to listen to all the
5 clapping and the cheering, and yesterday when I
6 was pushing my wife down the hallway in her
7 wheelchair, comments were being made, couldn't
8 hear most of them, we were being called green
9 washers, and it made us feel very
10 uncomfortable. So right now I'm uncomfortable
11 doing this presentation, and that's not fair.

12 So I was hoping that could stop 'cause it
13 is a formal hearing, not a town hall meeting.
14 I just want to put that out there.

15 My name's Troy Linderman. I'm owner,
16 operator, and director of CNP EMS Industrial
17 Safety Services Limited. I'm a
18 fourth-generation Crowsnest Passer. My large
19 family -- the vast majority of the family
20 worked in the coal mining industry. I, myself,
21 came up through the coal mining. And I want to
22 talk about my -- my journey with that.

23 Graduated from high school, went into Mount
24 Royal College, went to University of
25 Lethbridge. Graduated at a time when the
26 economy was not awesome. So made my way to the

1 coal mines and started working there. Worked
2 at Line Creek Resources for close to a decade.

3 During that time I learned a lot about coal
4 mining, equipment operator, pit utility, became
5 a junior foreman, but, most importantly, I got
6 heavily involved in mine rescue. I was
7 provided training. I was provided opportunity.
8 And during that time I educated myself outside
9 of the mine operations while still working and
10 became an emergency medical technician.

11 And in time, I was able to leave the mine
12 and go and get my paramedic certificate, went
13 back to school, came back to the
14 Crowsnest Pass, and started managing and
15 working as a paramedic in the Crowsnest Pass
16 for quite a few years.

17 Met my wife there. I have two children,
18 have two grandchildren, love the
19 Crowsnest Pass. Love the environment there,
20 love the beauty, love all the rest of it. I
21 keep coming -- I kept trying to leave, but I
22 keep coming back.

23 Eventually we own the ambulance service. I
24 bought it outright. So I started using the
25 education that I received as an entrepreneur.
26 Became heavily involved in provincial emergency

1 medical services as well through the -- as you
2 know, through the change where Alberta Health
3 Services took governance over emergency medical
4 services in the province.

5 Prior to that happening, we had an
6 opportunity to build a company. So colleagues
7 of mine reached out that were heavily involved
8 in the industrial aspect of safety services,
9 and I had -- did some consulting; I did some
10 work; and eventually my business partner, who
11 was my best friend, my wife, and I started a
12 company.

13 For the last 20 years, we've been running
14 that company, providing medical standby, H2S
15 services, safety services across various
16 different industries.

17 It is -- been a pleasure to work with many
18 companies. Most of our operations are in
19 northern Alberta. We mostly do wellhead
20 drilling programs, we do construction
21 pipelines, and we work in some of the mining
22 industry across the border and recently have
23 been working with Northback over the last
24 number of years.

25 We've had the opportunity to work with a
26 lot of companies, and we do work with a lot of

1 companies. We employ about 20 people. Some
2 have been long-term employees; some come in to
3 get experience and get more education, more
4 training, get my name on a résumé and then move
5 on with their careers. And we're really proud
6 of that; we support that.

7 In working with Northback -- 'cause we have
8 a lot of experience working with other
9 companies -- we find that their moral compass
10 is really good. We find that they want to do
11 things right. We find that they want to
12 support the community and be stewards of the
13 community and support local companies. And
14 that's important. It's challenging when we're
15 running operations across northern Alberta,
16 Saskatchewan, BC because our employees are
17 travelling back and forth, so it was nice when
18 we did work with them. It's nice when we do
19 work in the Elk Valley, although limited, that
20 our employees can be closer to home or we can
21 provide residents for them to work.

22 I find it interesting through the last
23 couple days that there's so much comparison to
24 the Elk Valley. Myself, I did that yesterday.
25 But one of the things that I find very
26 interesting is is that we're spending a lot of

1 time on selenium and -- and other issues
2 dealing with legacy practices and all the rest
3 of it. But I couldn't help but think -- and
4 I'm a human, and I have a brain, and I like to
5 read, which is good, and I find myself thinking
6 we have mines in Alberta, and we have for
7 hundreds of years. We have had legacy mines
8 that have been shut down. We've had current
9 mines that are operating, whether it's coal or
10 other mineral extraction. And they run all the
11 way from Montana all the way to the Northwest
12 Territories. But what I don't find or have a
13 hard time finding data on is where is
14 Zombieland? Where is that at? Where are the
15 health issues?

16 I'm in health. I still work for
17 Alberta Health Services as well. I don't -- we
18 don't hear and -- hear the stories of people
19 getting sick, of animal life completely dying.
20 I'm sure there's examples. I am no expert, but
21 it's not prevalent. We keep comparing to this
22 area that's been mining for 120 years that's
23 almost five to ten times bigger than any
24 operations we have in Alberta. So I think we
25 need to weigh that a little bit.

26 I submitted the statement of concern to

1 present here today to talk about the impact to
2 my company. And, again, I -- we have about
3 20 employees. If the drilling program goes,
4 we'll be able to employ two to four people.
5 Yes, it's for a three- to four-month window.
6 However, the safety service business is based
7 on windows. It's based on projects that move
8 forward because they start, and then they
9 finish.

10 So we have projects that we work on, and we
11 bounce from project to project to project. So
12 this is one that I support, of course, but it's
13 just one of many that we try and do.

14 So we want this to go forward because it's
15 in our backyard, and we feel they can do it
16 responsibly, much like I talked about
17 yesterday. I don't want to regurgitate a bunch
18 of information I've already presented.

19 If we proxy this to a mine being approved,
20 which seems to be the flavour of the last
21 couple days, if construction starts with a
22 mine, then we're talking about my company
23 potentially employing 10 to 20 people or more
24 through that construction phase. It's based on
25 the information that we're receiving from
26 Northback on support for local companies.

1 Now, previously, before the -- I believe it
2 was the coal policy change, we've had
3 opportunities and were working for several
4 different companies that were doing
5 exploration. We had five to ten employees
6 working full-time for -- at various different
7 sites, and it looked good.

8 And so we made an investment. We invested
9 in some housing options. We invested in
10 equipment, trucks, training. We did all -- I
11 had a group of our employees do a drug testing
12 training, so there it was looking like there
13 was going to be good expansion, and that came
14 to a halt. It was disappointing, but, of
15 course, we pivoted. We had a net loss on
16 the -- on the housing piece, but we pivoted
17 with our equipment and employees, and we were
18 able to survive. But it was really
19 disappointing. We never thought that fighting
20 for resource development in Alberta would be
21 this hard. We just didn't think so.

22 I have -- I mentioned I have two -- two
23 children and -- and two grandchildren. My
24 son's 18. We want him to stay in the
25 Crowsnest Pass and continue our legacy. We
26 have a large family of -- of Lindermans in the

1 Crowsnest Pass, all of which, as I mentioned,
2 work -- have worked or are working in the -- in
3 the coal mines. We want to give him the
4 opportunity.

5 He wants to be a heavy-duty mechanic. Now,
6 yes, there's other options where he can go and
7 find that dream and all the rest of it, but
8 there's real opportunity here where he can do
9 that if we have industry in the Crowsnest Pass
10 for all those points I mentioned yesterday. So
11 we'd like to see that go through too.

12 I wanted to clarify something on -- I keep
13 hearing this information on the poll related to
14 the coal policy. So we keep hearing the number
15 of greater than 90 percent respondents felt
16 that there are areas of the province that are
17 not appropriate for coal exploration. Sorry.
18 I'm getting really dry.

19 THE CHAIR: Do you want some
20 water?

21 T. LINDERMAN: Yeah. Maybe I'm
22 going to grab some.

23 THE CHAIR: There you go.

24 T. LINDERMAN: Thank you. Thank
25 you so much.

26 So I found that interesting. So I read a

1 little about that. Again, I'm not an expert,
2 but I read a little bit about it. 24,752
3 respondents said 90 -- and 90 percent of those
4 respondents felt that there are areas of the
5 province that are not appropriate for coal
6 exploration and development. 24,000. There's
7 4.9 million people in Alberta. So I don't know
8 how that does reflect.

9 And the other piece that I found
10 interesting about that is that they don't --
11 felt that it's not appropriate for coal
12 exploration and development, but one can
13 interpret that the way it was worded, that
14 these are areas that everyone would agree on:
15 Banff, Jasper, other areas of the province.

16 The Livingstone Range was not part of that.
17 I didn't interpret that as an area that
18 would -- that would be. And the reason I
19 interpreted that is there's already an
20 abandoned coal mine on the site that's never
21 been reclaimed. I grew up there. I lived less
22 than a -- I grew up as a kid less than a
23 kilometre away from that site. We played at
24 it; we mountain biked; we hiked. And it was --
25 it wasn't exactly the safest place in the world
26 to go at that time.

1 So it would be nice to see that turned into
2 something that maybe my grandchildren can use,
3 but do it safely. I've had friends that have
4 been injured there. I've had a friend that
5 lost his sight playing up there when he was a
6 kid, so that's a real danger.

7 Again, working with Northback as a company
8 has been really good. Will our company survive
9 without this project? Probably. Will it be
10 more of a challenge to have employees get food
11 on their table? Probably, 'cause some will be
12 laid off, depending on the amount of work that
13 we have at the time. But it's an ebb-and-flow
14 business. It would just be really nice to do
15 it in our backyard.

16 I just want to see something that's broken
17 already. Even though we are going to mine it,
18 potentially, but it can be fixed, and the
19 Crowsnest Pass needs that. We need
20 geographical footprint. One of my friends
21 spoke earlier today that the Crowsnest Pass is
22 30 kilometres long and 1 kilometre wide with a
23 big pile of rocks in the middle of it. So to
24 attract other industry is really, really
25 challenging, and it's challenging because we
26 are exactly that. We are rock.

1 So any industry that comes to the
2 Crowsnest Pass will need to put the
3 infrastructure in to build a plant or build a
4 whatever you want to say that industry could be
5 on a site where it's going to cost way more
6 money to develop in the Crowsnest Pass than
7 anywhere else. And the reason is if this
8 wonderful community of Pincher Creek -- if they
9 have the land available, the company can buy
10 the land, they can dig a ditch, put the
11 infrastructure in, build a building, and run a
12 plant. 20 minutes down the road, you can't dig
13 a ditch. You have to blast a ditch, so you
14 could see the challenge we're having in
15 attracting business to that community.

16 So the companies that are going to come and
17 do business there are the ones that we have
18 something in the Crowsnest Pass that they need.
19 And we have coal. Our lumber industry has
20 moved to Cochrane; the sawmill plant is closed
21 down. The gas industry moved the gas plant
22 that was there for years when I was kid -- they
23 moved that north. The Arctic Spa had a
24 manufacturing plant there; they moved that. So
25 we're up against a little bit here.

26 And as a company I wholly support tourism,

1 but we just don't have the infrastructure yet
2 to support it. We've been waiting 50 years to
3 get that, and it's not coming yet. But maybe
4 with a good steward and a good industry to
5 bring families back, it'll attract more. So I
6 hope that's the case.

7 Again, I'm winging it a little bit here, so
8 I'm ...

9 I appreciate the decision that you need to
10 make, and I appreciate all the presenters here
11 today that have opinions and views and all the
12 rest of it, and I'm hoping you can decipher
13 truth from fiction. I'm hoping that you can
14 weigh the different science and the different
15 situations. We're in a time is this -- in a
16 time right now in life where there is a lot of
17 opinions, and there is a lot of science, and
18 there is lot of different problems.

19 But one of the individuals spoke today and
20 talked about finding a solution, and I'm hoping
21 this Panel can find that solution and work with
22 Northback, work with the different groups that
23 are presenting, and do something that makes
24 Alberta strong.

25 Thank you.

26 THE CHAIR: Thank you very much.

1 T. LINDERMAN: Any questions?

2 THE CHAIR: Questions?

3 No questions. Thank you very much.

4 So next I have Shar and Randy Cartwright.

5 RANDY CARTWRIGHT, Affirmed

6 SHAR CARTWRIGHT, Affirmed

7 Direct Evidence of Randy Cartwright and Shar
8 Cartwright

9 R. CARTWRIGHT: Madam Chair,
10 Commissioners, ladies and gentlemen, my name is
11 Randy Cartwright, and this is my wife, Shar
12 Cartwright. We want to thank you for the
13 opportunity to be limited participants in this
14 hearing.

15 We are strongly in support of the
16 exploration and drilling and temporary water
17 division licence application as proposed by
18 Northback and ultimately on the future of
19 reopening the Grassy Mountain mine.

20 We are both longtime -- lifetime, longtime
21 residents of the Crowsnest Pass and have deep
22 family roots in the mining industry. We're not
23 lawyers or technical people by any means.
24 We're just residents that strongly support
25 Northback's application.

26 I was born and raised and still reside in

1 Blairmore. I've spent my entire career,
2 41 years, in the mining industry, working at
3 various mines across the border in BC with a
4 short stint up at Suncor in Fort McMurray.

5 Shar has been in the Crowsnest Pass for
6 45 years, having worked at a mine in BC for
7 10 years and then 32 years at Community
8 Futures, as a community -- pardon me -- a
9 community economic development agency. She
10 spent one term as a municipal councillor and
11 has been a board member of many organizations
12 in the past.

13 Both of us have a long list of ancestors,
14 great-grandfathers, grandfathers, uncles, and
15 now adult children and grandchildren who
16 proudly relied and still rely on the mining
17 industry in the Crowsnest Pass and BC for
18 employment.

19 S. CARTWRIGHT: Historically, the
20 Crowsnest Pass had a number of operating coal
21 mines which attracted many of European descent
22 to relocate here from their homelands. In
23 fact, the Crowsnest Pass was recognized as one
24 of the most culturally diverse communities in
25 Canada. We're extremely proud of our mining
26 heritage and have made extraordinary efforts to

1 preserve, restore, or interpret our mining
2 legacies for years to come.

3 In the late 1970s into the late 1980s with
4 the closure of the last operating mine in
5 Coleman, along with some mining labour disputes
6 in BC mine operations and as well as them
7 changing ownership, and the price of coal in a
8 decline, our once thriving communities took a
9 nose dive. Our population dropped from 9,000
10 in 1951 to 7,286 at the time of amalgamation in
11 1979. It steadily decreased to 5,565 in 2011.
12 In 2021 the population of the Crowsnest Pass
13 was 5,695, which was the first increase in our
14 population since 1979.

15 Workers and their families went elsewhere
16 for employment. Until the '90s and early
17 2000s, the community still had the Devon gas
18 plant operating as well as the Atlas lumber
19 mill and logging operations which employed many
20 workers. Due to many factors beyond our
21 control, both of these operations have since
22 been closed and removed and with them, not only
23 loss of good-paying jobs but also a loss of
24 industrial tax base for the community.

25 While most of the province of Alberta was
26 basking in the Alberta advantage due to the

1 activity in the oil and gas industries, the
2 Crowsnest Pass was struggling to survive due to
3 the losses of our limited resource-based
4 industries. The focus then became on the
5 tourism industry, and through many volunteers
6 and many, many hours of volunteer work, very
7 diverse and successful tourism initiatives
8 developed: snowmobile, ATV, and mountain bike
9 trail development; heritage tourism; extreme
10 sporting events such as Sinister 7 and the
11 Minotaur; and some specific events: One was
12 the former Thunder in the Valley, the Heritage
13 Festival, and the Kananaskis Pro Rodeo were
14 helpful in creating exposure to the
15 Crowsnest Pass. The redesigned golf course and
16 clubhouse sponsored by Northback is a fantastic
17 addition to our local recreational repertoire.

18 Many of these initiatives would not have
19 been possible without the significant financial
20 support of Teck coal and Northback, the
21 Province of Alberta, and the Federal
22 Government. This is noted as one of the issues
23 surrounding the mine development, is whether or
24 not mining and tourism can exist together in
25 the community, and we strongly believe it can
26 exist as most of the tourism activities occur

1 far enough away from the Grassy Mountain mine
2 to create conflicts.

3 Further, with the proposed Highway 3
4 expansion, we may even see a decrease in our
5 tourism traffic as the highway will be
6 bypassing our existing communities and
7 amenities.

8 Personally, I would rather have a highly
9 regulated mine than the onslaught of
10 unregulated tourists.

11 The Crowsnest Pass area continues to rely
12 on the mining industry, and we are extremely
13 fortunate to have residents, approximately 900,
14 employed by the BC mines, either directly or
15 indirect, which provides millions of dollars in
16 wages to our community.

17 Tourism alone cannot sustain our community
18 on an economic basis. The average wages in
19 Crowsnest Pass is below the provincial average,
20 the provincial average being \$39.01 per hour.
21 The Crowsnest Pass comes in at 35.

22 Ask any small business owner in the food
23 services, retail, or other business sectors if
24 they are receiving this or paying their staff
25 this, and we bet it's not even close.

26 The Northback mine will have a significant

1 impact -- pardon me -- significant economic
2 impact on the Crowsnest Pass and surrounding
3 communities, including the Piikani Nation by
4 providing employment opportunities, good-paying
5 jobs as well as opportunities for contractors
6 and mine services.

7 We need an industry with good-paying jobs
8 to attract and retain youth in our communities
9 to build a strong future for themselves.

10 The municipalities of Crowsnest Pass's
11 government struggles with property taxes every
12 year with at least 80 percent of our taxes
13 coming from residential properties. We are all
14 aware that the majority of the mine site is in
15 the MD of Ranchlands and most of the tax
16 revenue will go to them, a population of 103.

17 However, there will be tax benefits to the
18 Crowsnest Pass with the load-out and rail
19 facilities within our municipal boundary. It
20 is also anticipated there will be growth in the
21 regional service industries that support the
22 mine and our tax base such as local and
23 regional welders, mechanics, dealerships,
24 electrical, general and construction
25 contractors, tire shops, just to name a few.

26 The former mine on Grassy Mountain was

1 abandoned and an environmental mess was left.
2 There were no reclamation requirements at the
3 time of its closure. There has likely been
4 leaching from this site for years with no
5 reports of health effects further downstream.

6 While this is definitely concerning, I
7 believe there are worse things contaminating
8 our waters downstream, including opioids and
9 pesticides. Mining operations have improved
10 exponentially over the years and technological
11 advancements for managing water, coal dust
12 sprays, and many other processes such as
13 recycling water, water treatment facilities,
14 which mitigate mining and environmental issues.

15 None of us want to poison any water,
16 including Northback. They must adhere to
17 extremely stringent government regulations,
18 testing, documenting, and reporting
19 requirements to ensure the health and safety of
20 employees, safety of wildlife, safety of water,
21 safety of land, safety of our communities.

22 Also, anyone who's worked at the Teck mines
23 can certainly attest to the amount and types of
24 wildlife that frequent those properties:
25 mostly elk, bear, sheep, coyotes, and many
26 birds. They have taken up residence as the

1 mines are safe havens.

2 As for the noise factor of the train
3 load-out, it would be practically nonexistent
4 as the train would be moving so very slowly
5 while being loaded. Far less noise than the
6 train horns blasting through the community of
7 Blairmore a minimum of four times at each of
8 four crossings two blocks apart at various
9 hours of the day and night due to the high
10 volume of train traffic that goes through.

11 We believe that providing Northback the
12 approvals to operate also provides the
13 opportunity to have the property reclaimed to
14 the increasingly high standards of reclamation
15 required today and in the future.

16 Alternatively, not providing Northback with
17 approvals requires them to only reclaim the
18 land they have disturbed, and the former
19 unreclaimed mine will be left as it exists
20 today.

21 The Crowsnest Pass has had their fair share
22 of empty promises by big businesses coming in,
23 making a mess, and disappearing. Northback has
24 been here for over ten years and continue to
25 invest in us. Besides the significant
26 investment in the Crowsnest golf course,

1 \$30 million, they have invested close to a
2 million dollars of support to our region,
3 including the much-needed regional breakfast
4 program for kids, along with significant
5 donations to nonprofits and many, many events
6 and organizations throughout the region.

7 Even though this might seem like a drop in
8 the bucket to some people, the dollars have had
9 a significant impact on the recipients and
10 their organizations, and they have been
11 extremely grateful.

12 The Northback staff have been visible in
13 each of the communities and make themselves
14 available at any time for questions or
15 discussions. We believe they have worked hard
16 and earned the trust of most people in the
17 Crowsnest Pass. They certainly have earned
18 ours.

19 It would be a great loss to the entire
20 region and province of Alberta if Northback's
21 exploration, drilling, and water diversion
22 applications were denied as it would mean the
23 end of the mine, period, and the Crowsnest Pass
24 will once again be lost with lost
25 opportunities. We believe this could be a
26 world-class mining operation, and it has to

1 start with the drilling and exploration and
2 water diversion approvals to ensure the mine
3 plant can be developed to the highest standards
4 that will make it that.

5 Thank you very much.

6 THE CHAIR: Thank you. Thank
7 you very much. No questions from us. Thank
8 you.

9 S. CARTWRIGHT: Okay. Thank you.

10 THE CHAIR: So next -- no?

11 So the next presenters aren't here, appears
12 to be, which is Mr. Barry Campbell from
13 Gold Creek Grazing Co-operative. I would
14 suggest we take a 15-minute break and come back
15 to see if there is any final matter before we
16 close for the day. Thank you.

17 So perhaps 10 past 3.

18 (ADJOURNMENT)

19 THE CHAIR: Please be seated.

20 So our last presenter, I don't think they
21 will be attending, Mr. Barry Campbell from
22 Gold Creek Grazing Co-operative. However, we
23 have a couple of people who mentioned they are
24 interested in coming forward and saying a few
25 words.

26 We have Mr. Bruce Mowat and Ms. Glecyc

1 Gamelin. They didn't file any submissions or
2 request to participate, so I will -- in the
3 interest of time, I would like you to come
4 forward, please. Just -- let's begin with
5 Mr. Mowat.

6 Mr. Mowat, would you come to the podium,
7 please.

8 B. MOWAT (UNAFFIRMED): Yes. Hello.

9 THE CHAIR: Hi. Is there a
10 reason that you didn't file any request to
11 participate or --

12 B. MOWAT: Yeah. It's because
13 of some information that came forward today. I
14 would like to follow up on that.

15 THE CHAIR: Okay. Are you
16 member of any -- any of the participant groups?

17 B. MOWAT: Today? Not last two
18 days, no.

19 THE CHAIR: No? Okay. Or any
20 participants who may come in future?

21 B. MOWAT: Yes. In the future,
22 yes.

23 THE CHAIR: Yes.

24 B. MOWAT: The Livingstone
25 Landowners Group, yes, in the future.

26 THE CHAIR: And is there a

1 reason you're not coming with the Livingstone
2 Landowner -- they have full participation.
3 They are coming in January, and --
4 B. MOWAT: Right.
5 THE CHAIR: -- they will have --
6 B. MOWAT: I'm coming as a
7 concerned citizen --
8 THE CHAIR: Okay.
9 B. MOWAT: -- of --
10 THE CHAIR: On your behalf.
11 B. MOWAT: On my behalf of the
12 family ranch in the Porcupine Hills.
13 THE CHAIR: Okay. So I'm going
14 to ask Mr. Ignasiak --
15 B. MOWAT: I have not been
16 sworn, and if I need to be --
17 THE CHAIR: Just allow me to see
18 if there is any submissions from counsel.
19 M. IGNASIAK: Thank you,
20 Madam Chair. I'm not sure whether the two
21 additional speakers are supportive or not of
22 the application, but, in any event, our view is
23 we should just stick to the list as we get to
24 the end of the day. We've made that point
25 before, and we'll leave it to you to decide
26 whether we proceed or not. Thank you.

1 THE CHAIR: I appreciate that.

2 We have had a somewhat rather fluid process,
3 community process, as it's appropriate for
4 community processes.

5 So, yes, I'll give you -- would five, ten
6 minutes be sufficient for you?

7 B. MOWAT: Yes, whatever
8 time you'll --

9 THE CHAIR: Yeah.

10 B. MOWAT: -- allow, we can
11 work with that. So --

12 THE CHAIR: So I'm going to ask
13 Madam Court Reporter to swear you in, please.

14 BRUCE MOWAT, Affirmed

15 Direct Evidence of Bruce Mowat

16 B. MOWAT: Yeah. My name is --
17 my name is Bruce Mowat. I ranched up in the
18 Porcupine Hills since -- last hundred years,
19 the family's been up there, and we have a lot
20 of concerns with water right now. And -- and
21 speaking -- am not in support of the -- the --
22 proceeding ahead with exploration.

23 And have been involved with the North Fork
24 Livestock Association and running cattle up in
25 the gap, which is adjacent to the area we've
26 been talking about. And cattle and water,

1 grass is my livelihood.

2 And being the last fellow wasn't able to
3 speak on grazing, I thought, well, I'd like to
4 speak for a couple minutes and find out more
5 about how the dust is going to affect our
6 cattle in these areas. And I would like to get
7 more information from Mandy Olsgard and get
8 more technical experience from her and would
9 like to call her up and speak on that.

10 THE CHAIR: Ms. Olsgard has been
11 given a chance and Pekisko have been given a
12 chance to write to us. We'll consider it after
13 we receive Northback.

14 So probably today, if you would speak on
15 your behalf. If you want to have a private
16 conversation with her, that's totally fine but
17 not on the record 'cause they had their chance
18 to speak.

19 B. MOWAT: Yes. But she was
20 cut off from being able to bring other people
21 in this morning. I thought that it would be
22 important to get the technical aspect on dust
23 that is coming out of this from -- we're
24 directly downwind, and there's a lot of concern
25 about the dust and how it's going to affect the
26 cattle and even people. So ...

1 THE CHAIR: Thank you very much.

2 So we will consider the submissions. She has
3 filed a comprehensive report on the record.
4 We'll consider that. We'll consider their
5 written letter that will come to us by Friday
6 and Northback's reply, and then we will get
7 back to you on that. How's that?

8 B. MOWAT: Okay.

9 THE CHAIR: Thank you.

10 B. MOWAT: If that's the best
11 you can do. Thank you for your time.

12 THE CHAIR: Thank you.

13 So next we have Ms. Gamelin.

14 G. GAMELIN: Hello.

15 THE CHAIR: Hello.

16 GLECY GAMELIN, Affirmed

17 Direct Evidence of Glecy Gamelin

18 THE CHAIR: So five to ten
19 minutes? Is that sufficient? Okay. Go ahead.

20 G. GAMELIN: Yeah. So my name is
21 Glecy Gamelin, and I currently live in the
22 Crowsnest Pass. I am a professional
23 geoscientist. I've worked in the coal industry
24 for the last seven years. I'm here today just
25 to speak on behalf of my experience and why I
26 think it would be beneficial for Northback to

1 have their drill program and possibly go
2 forward with building a mine in the community.

3 My first reason is the impacts to the
4 community. There's about 4,500 people that
5 live in the area, and they would significantly
6 benefit from this drill program. It allows
7 opportunities for local contractors, the small
8 businesses, and the professionals to contribute
9 to the project's development.

10 If mining is approved down the line, our
11 community could gain over 500 direct jobs,
12 reducing the need to send our resources to BC
13 coal fields. Additionally, numerous indirect
14 jobs would help our community thrive and grow.

15 As you heard throughout the day here, the
16 Crowsnest Pass hasn't had an opportunity of
17 economic growth for the last 50 years, and
18 Northback has presented this opportunity to --
19 to build our community again. There would --
20 the income that would come out of this mine
21 would greatly benefit the infrastructure that
22 is -- that is needed. There has been a lot of
23 desire for recreational centres for our kids
24 and even just having nice roads; it would -- it
25 would benefit our community.

26 Another reason is the -- the ambitions for

1 green targets. Steel is essential for the
2 green transition because it is a versatile and
3 durable material used extensively in renewable
4 energy, infrastructure, electric vehicles,
5 energy storage systems, et cetera.

6 This would help us shift towards
7 sustainability and reduce carbon emissions.
8 The high quality metallurgical coal on
9 Northback's property can help us achieve our --
10 our ambitions. Denying responsible development
11 through this program will delay our target
12 green achievements.

13 And, third, as you heard before, the
14 reclamation that's really needed on this area,
15 if Northback were allowed to mine, they can
16 reclaim this back to -- reclaim this area back
17 to a functional environment for both the people
18 and -- and nature.

19 And fourth reason I have here is the
20 environmental assessment. Northback's proposed
21 drilling program is essential for delineating
22 coal resources, gathering geotechnical data and
23 valuable hydrogeological data for the
24 environmental assessment. Denying this
25 drilling would impede a comprehensive
26 environmental assessment, which is crucial for

1 understanding and implementing effective
2 mitigation measures for mining impacts.

3 So throughout the day, we hear about the
4 drawbacks or the consequences of airborne
5 particulates and selenium in water. Well, we
6 have been collecting data, and this data is
7 something that we can use to open doors and
8 make solutions rather than closing the door for
9 economic growth here in the Crowsnest Pass.

10 So allowing Northback to do their drill
11 program, they can at least give a proper
12 environmental assessment of the area so that
13 they can be responsible in a -- in a potential
14 mine in the future.

15 Just want to thank you for your time.
16 That's all I wanted to say. And, again, thank
17 you for letting me speak last minute.

18 THE CHAIR: Thank you. Just
19 before you go. I have some questions for you.
20 The Panel Questions the Presenter

21 Q THE CHAIR: You mentioned you're
22 a geoscientist; is that correct?

23 A G. GAMELIN: Yeah. So I am a
24 geoscientist. I am registered with
25 Saskatchewan as a professional geoscientist,
26 and I currently work at Teck at the Elk

1 Valley -- at the Elk Valley mine. Elkview
2 mine -- sorry. I guess now they're known as
3 Elk Valley Resources. They've been bought by
4 Glencore.

5 And I had worked here in the area with
6 Atrum Coal doing exploration. So I helped with
7 their drill program there back in 2019 to 2020.

8 Q Okay. Thank you very much.

9 So you have worked on exploration programs
10 as well in that area?

11 A Oh, yeah. Yeah. Not only just in this --
12 like, I worked in exploration in northern
13 Saskatchewan as well, and in comparison, like,
14 the regulatory here is definitely pretty --
15 pretty comprehensive and -- as it should be.
16 Like, it should be a rigorous system. Like, we
17 have our due diligence as a professional. We
18 have a code of ethics that we -- that we
19 follow; we should follow. We all want to be
20 responsible of our exploration programs and
21 mining because we live in the area. This is
22 the area we live. I wouldn't be standing up
23 here today promoting something that's going to
24 destroy an area. So --

25 Q And you live in the Crowsnest Pass?

26 A That's right.

1 Q Yeah.

2 A I live in Bellevue.

3 Q Bellevue.

4 A To be exact.

5 Q Thank you very much.

6 A Thank you.

7 Q Thank you.

8 THE CHAIR: And it was brought
9 to my attention just one last presenter, a
10 Mr. Hugh -- and I apologize. I can't quite
11 decipher your last name.

12 H. LYNCH-STANTON (UNAFFIRMED): The last -- the
13 last name is hyphenated. It's Lynch-Staunton.

14 THE CHAIR: Lynch-Staunton.
15 Thank you.

16 And I hear you would like to speak?

17 H. LYNCH-STANTON: Yes, thank you. Do
18 I begin?

19 THE CHAIR: You haven't been
20 sworn in.

21 M. LACASSE: Yes. Madam Court
22 Reporter can help you with that.

23 HUGH LYNCH-STANTON, Affirmed

24 Direct Evidence of Hugh Lynch-Staunton

25 H. LYNCH-STANTON: Thank you for giving
26 me this opportunity. I apologize for being

1 either too stupid or too lazy to register
2 several months ago.

3 But in any event, I -- I'm a cattle
4 rancher. Our family's been in this area for a
5 long, long time. Some of our property is
6 directly what would be downwind of the Grassy
7 Mountain mine, except there's a mountain range
8 in between.

9 And what my ranching friends and colleagues
10 have said about the importance of clean air and
11 clean water, I quite agree with.

12 It's my opinion, however, that the fears
13 have been grossly exaggerated, and -- and if I
14 was as fearful, I'd be against the project.
15 I'm not as fearful, and let me explain why.

16 My grandfather's actually one of the first
17 original members of the North Fork Livestock
18 Association which has a permit, forestry
19 permit, that stops just north of the Grassy
20 Mountain mine. And I have looked for stray
21 cattle and ridden over it a number of times, so
22 I'm semi-familiar with -- with how it exists
23 over the last about 15 years.

24 I've also -- our family corporation, which
25 is run by my son, is also significant
26 shareholders of the Waldron Grazing Co-Op. But

1 the big reason why I'm not as afraid of the --
2 of the pollutants or potential pollutants is
3 that about 30 years ago we rented a place in
4 the Elk Valley just downstream of the Line
5 Creek mine. And as far as I know, the issue of
6 selenium in those days never came up or
7 pollution. Obviously dust and -- and muddy
8 streams would have caught our attention, and it
9 didn't.

10 The Elk Valley was on the east side of this
11 property, and we had cattle going back and
12 forth all the time.

13 My recollection of the water was that it
14 was clear, and you could clearly see fish in
15 it. So there were no false -- there was
16 nothing that would be alarming for that.

17 As recently as five years ago, we also
18 rented grass near Grasmere near the American
19 border, and part of the grass we had rented was
20 against Lake Koochanusa. And, again, the Elk
21 River going in -- as it went into it, and,
22 again, a similar story: There was nothing
23 obvious in the water that would cause us
24 concern. And where the streams came through,
25 you could certainly see fish.

26 So -- and also we've spent a bit of time in

1 northern Montana, and -- and as far as I know,
2 although certain elements are very concerned
3 about pollution in the Kootenay and Elk River,
4 there's nothing that I'm aware of that has been
5 definitive of anything approaching guidelines.
6 The last information I have is that -- that the
7 levels in the Elk were lower than -- and I
8 can't remember whether it was the state
9 guidelines or the federal guidelines, but they
10 were lower than one and higher on the other.

11 The other thing, though, which -- which,
12 again, as I -- I do fear that, especially --
13 well, in my elder years, which are getting up
14 there, that we tend to exaggerate our fears
15 and -- and the outcomes to the worst possible
16 thing, and I just think that there's been a lot
17 of rhetoric that probably is louder than it
18 should be.

19 And this is just an interesting aside, but
20 I haven't done any analysis on river water.
21 But in the course of my lifetime, we've done
22 extensive analysis on the feed and water that's
23 gone into our livestock. And it might interest
24 you to notice that the parts of our property
25 that are closest to the Grassy Mountain mine
26 are deficient in selenium. And we used to have

1 some very serious health effects in our calves,
2 which manifests itself as white muscle disease,
3 and we had to actually inject selenium in these
4 calves at birth. And then we -- we had more
5 analysis done with our -- with our feed and
6 soil, et cetera, and now we -- we add selenium
7 to our mineral supplement.

8 So maybe if -- if we can just get the right
9 amount of selenium going over the mountain,
10 it'll save us some money.

11 Anyway, thank you for the opportunity to
12 talk to you. Certainly be happy to answer
13 questions. I'm not a scientist, but I have
14 been an observer of public lands and -- and
15 I'm -- oh, I should also add that I'm also old
16 enough to remember the coke ovens going in
17 Coleman, and when I was a kid playing little
18 league baseball, my mother was always upset
19 because we'd come back from Michel or Natal,
20 which is close to Sparwood -- or Sparwood
21 replaced, and she'd have to put our baseball
22 uniforms through two or three washings 'cause
23 the coal dust was that deep, so ...

24 As far as I know, most people survived
25 those kind of conditions, and certainly what I
26 see in the Elk Valley personally doesn't

1 approach that at all. And thank you for your
2 time.

3 THE CHAIR: Thank you very much.
4 Before you go, we may have some questions for
5 you. I have a question for you.

6 The Panel Questions the Presenter

7 Q THE CHAIR: Where is your ranch
8 located, approximately, to the mine?

9 A H. LYNCH-STAUNTON: I'm sorry. My
10 hearing's not so good.

11 Q Where is your land -- wow.

12 A Our -- our buildings are 10 miles north of
13 Lundbreck.

14 Q Okay.

15 A Towards Willow Valley, and our property goes
16 north and south and east of there, and then we
17 do have land rented in Willow Valley and just
18 up from Lundbreck Falls and -- where else?
19 That's probably most of it, but the -- and we
20 do have significant shares in the Waldron
21 Grazing Co-Op. And so I'm familiar with that
22 as well.

23 Q Thank you very much.

24 A Okay.

25 Q Thank you.

26 THE CHAIR: So if there is no

1 other last-minute participants, requestors to
2 speak, I guess that brings us to the end of
3 today.

4 My colleagues and I tremendously appreciate
5 the last two days, the submissions of all the
6 members of the community which made for a very
7 rich and informative two days for us. Public
8 participation is a key element of our
9 democracy, and for that we thank you for taking
10 time out of your very busy schedules, your work
11 to come and talk to us here.

12 The hearing transcript will be ready, I'm
13 guessing, tomorrow, so that's the official
14 record of these last two days. And you can get
15 in touch with my colleagues to get a copy.

16 And this portion of the hearing, which is
17 limited participants, is concluded now. Thank
18 you very much, everyone.

19 _____
20 PROCEEDINGS ADJOURNED UNTIL JANUARY 14, 2025


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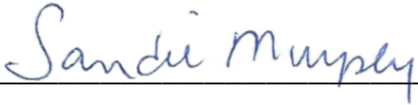
CERTIFICATE OF TRANSCRIPT:

We, D. DiPaolo and S. Murphy, certify that the foregoing pages are a complete and accurate transcript of the proceedings taken down by us in shorthand and transcribed from our shorthand notes to the best of our skill and ability.

Dated at the City of Pincher Creek, Province of Alberta, this 4th day of December 2024.



D. DiPaolo, CSR(A)
Official Court Reporter
Commissioner for Oaths Appointee No. 0751145
ASRA Membership No. 386
NCRA Membership No. 1003835



S. Murphy, CSR(A)
Official Court Reporter
Commissioner for Oaths Appointee No. 0703370
ASRA Membership No. 170

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