

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|--|-----|--|-----|---|--|--|---|--|-----|---|-----------------------|--|---|------------|-----|---|---------------------------|-----|---|--|--|---|--|--|---|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|----|--|--|-----|
| 429 | <p style="text-align: center;">THE ALBERTA ENERGY REGULATOR PROCEEDING ID NO. 444</p> <p>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</p> <hr/> <p style="text-align: center;">AER PROCEEDING VOLUME 3</p> <hr/> <p style="text-align: center;">Calgary, Alberta January 14, 2025</p> | 430 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 431 | <table border="0"> <tr><td>1</td><td>Alberta Energy Regulator Staff Questions</td><td style="text-align: right;">588</td></tr> <tr><td>2</td><td>Northback Holdings Corporation Witnesses</td><td></td></tr> <tr><td>3</td><td>The Panel Questions Northback Holdings</td><td style="text-align: right;">612</td></tr> <tr><td>4</td><td>Corporation Witnesses</td><td></td></tr> <tr><td>5</td><td>Discussion</td><td style="text-align: right;">630</td></tr> <tr><td>6</td><td>Certificate of Transcript</td><td style="text-align: right;">634</td></tr> <tr><td>7</td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td></tr> <tr><td>26</td><td></td><td></td></tr> </table> | 1 | Alberta Energy Regulator Staff Questions | 588 | 2 | Northback Holdings Corporation Witnesses | | 3 | The Panel Questions Northback Holdings | 612 | 4 | Corporation Witnesses | | 5 | Discussion | 630 | 6 | Certificate of Transcript | 634 | 7 | | | 8 | | | 9 | | | 10 | | | 11 | | | 12 | | | 13 | | | 14 | | | 15 | | | 16 | | | 17 | | | 18 | | | 19 | | | 20 | | | 21 | | | 22 | | | 23 | | | 24 | | | 25 | | | 26 | | | 432 |
| 1 | Alberta Energy Regulator Staff Questions | 588 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | Northback Holdings Corporation Witnesses | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | The Panel Questions Northback Holdings | 612 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | Corporation Witnesses | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | Discussion | 630 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | Certificate of Transcript | 634 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 18 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | |
|----|---|------|
| 1 | TABLE OF CONTENTS | |
| 2 | | |
| 3 | Description | Page |
| 4 | | |
| 5 | January 14, 2025 Morning Session | 434 |
| 6 | Opening Remarks | 435 |
| 7 | Opening by J. Eadie | 445 |
| 8 | TYLER RIEWE, KYLE TRUMPOUR, ANGELA BEATTIE, | 447 |
| 9 | JACQUELINE REDBURN, STACEY BROWN, DAN BEWLEY, | |
| 10 | COREY DE LA MARE, STEPHEN WIPF, Affirmed | |
| 11 | Direct Evidence of Northback Holdings | 447 |
| 12 | Corporation | |
| 13 | M. Niven Cross-examines the Northback | 489 |
| 14 | Holdings Corporation Witnesses | |
| 15 | G. Fitch Cross-examines the Northback | 529 |
| 16 | Holdings Corporation Witnesses | |
| 17 | | |
| 18 | January 14, 2025 Afternoon Session | 542 |
| 19 | TYLER RIEWE, KYLE TRUMPOUR, ANGELA BEATTIE, | 543 |
| 20 | JACQUELINE REDBURN, STACEY BROWN, DAN BEWLEY, | |
| 21 | COREY DE LA MARE, STEPHEN WIPF, Previously | |
| 22 | Affirmed | |
| 23 | Discussion | 544 |
| 24 | G. Fitch Cross-examines Northback Holdings | 546 |
| 25 | Corporation Witnesses | |
| 26 | Discussion | 587 |

| | | |
|----|--|------|
| 1 | EXHIBITS | |
| 2 | Description | Page |
| 3 | | |
| 4 | EXHIBIT 118 - Northback Response to | 544 |
| 5 | Undertaking | |
| 6 | | |
| 7 | EXHIBIT 119 - Screenshot From the Government | 546 |
| 8 | of Alberta Document | |
| 9 | | |
| 10 | EXHIBIT 120 - CIAR Number 42 Riversdale | 546 |
| 11 | Document | |
| 12 | | |
| 13 | EXHIBIT 121 - Article titled "Legacy Coal | 584 |
| 14 | Mining Impacts Downstream Ecosystem for | |
| 15 | Decades in the Canadian Rockies" | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |

| 433 | 434 |
|---|---|
| <p>1 UNDERTAKINGS</p> <p>2 Description Page</p> <p>3</p> <p>4 UNDERTAKING 1 - To provide the number of 505</p> <p>5 boreholes that Riversdale and/or Benga and/or</p> <p>6 Northback drilled in 2019 and 2021 and 2022</p> <p>7</p> <p>8 UNDERTAKING 2 - To advise how many of the 199 560</p> <p>9 wells have been functionally reclaimed</p> <p>10</p> <p>11 UNDERTAKING 3 - To produce a map in Northback 591</p> <p>12 Holdings Corporation documents and any</p> <p>13 exhibit that shows the final placement of the</p> <p>14 final drill holes</p> <p>15</p> <p>16 UNDERTAKING 4 - To provide a map that 602</p> <p>17 clarifies the wildlife zones, including, with</p> <p>18 the map with the wildlife sensitivity areas,</p> <p>19 where cameras are located or how many are</p> <p>20 included (Amended on Page 604)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> | <p>1 Proceedings taken at Govier Hall, Calgary,</p> <p>2 Alberta</p> <p>3</p> <hr/> <p>4 January 14, 2025 Morning Session</p> <p>5</p> <p>6 P. Meysami The Chair</p> <p>7 S.F. Mackenzie Hearing Commissioner</p> <p>8 M.A. Barker Hearing Commissioner</p> <p>9</p> <p>10 M.G. LaCasse AER Counsel</p> <p>11 S. Gibbons AER Counsel</p> <p>12</p> <p>13 T. Wheaton AER Staff</p> <p>14 E. Arruda AER Staff</p> <p>15 D. Parsons AER Staff</p> <p>16 A. Stanislavski AER Staff</p> <p>17 N. Hymers AER Staff</p> <p>18 A. Lung AER Staff</p> <p>19</p> <p>20 M.K. Ignasiak, KC For Northback</p> <p>21 Holdings Corporation</p> <p>22 J.D. Eadie For Northback</p> <p>23 Holdings Corporation</p> <p>24</p> <p>25 G.S. Fitch, KC For Livingstone</p> <p>26 Landowners Group</p> |
| 435 | 436 |
| <p>1 K. Wegscheidler, For Livingstone</p> <p>2 (Student-At-Law) Landowners Group</p> <p>3</p> <p>4 C.E. Hanert For Piikani Nation</p> <p>5</p> <p>6 B. Barrett For Stoney Nakoda</p> <p>7 Nation</p> <p>8</p> <p>9 M.B. Niven, KC For MD of Ranchland</p> <p>10 No. 66</p> <p>11 M.A. Custer For MD of Ranchland</p> <p>12 No. 66</p> <p>13</p> <p>14 A. Gulamhusein For Municipality of</p> <p>15 Crownsnest Pass</p> <p>16</p> <p>17 D. DiPaolo, CSR(A) Official Court</p> <p>18 S. Murphy, CSR(A) Reporters</p> <p>19</p> <hr/> <p>20 (PROCEEDINGS COMMENCED AT 9:03 AM)</p> <p>21 Opening Remarks</p> <p>22 THE CHAIR: Please be seated.</p> <p>23 Good morning, everyone. And welcome to Govier</p> <p>24 Hall. Thank you for taking the time to</p> <p>25 participate in this part of the hearing.</p> <p>26 My name is Parand Meysami, and I am</p> | <p>1 chairing this hearing. The other members of</p> <p>2 the Panel in this proceeding: On my right,</p> <p>3 Commissioner Meg Barker, and on my left,</p> <p>4 Commissioner Shona Mackenzie.</p> <p>5 My colleagues and I respectfully</p> <p>6 acknowledge that we are holding this part of</p> <p>7 the proceeding in the city of Calgary, and the</p> <p>8 city of Calgary is located at the confluence of</p> <p>9 the Bow River and Elbow River and on the</p> <p>10 traditional and ancestral territories of people</p> <p>11 of Treaty 7.</p> <p>12 This territory is shared, traditional, and</p> <p>13 ancestral home of Blackfoot Confederacy</p> <p>14 consisting of Kainai, Piikani, and Siksika</p> <p>15 Nations, as well as Tsuut'ina and Stoney Nakoda</p> <p>16 Nations, which include the Chiniki, Bearspaw,</p> <p>17 and Goodstoney First Nations. City of Calgary</p> <p>18 is also home to Métis Nation of Alberta</p> <p>19 Districts 5 and 6.</p> <p>20 We are holding this hearing in two parts.</p> <p>21 The first part of the hearing was held in</p> <p>22 Pincher Creek on December 3rd and 4th, 2024,</p> <p>23 when we heard from limited participants and</p> <p>24 community members.</p> <p>25 The second part starts today, and we will</p> <p>26 hear from full participants.</p> |

| | |
|---|--|
| <p style="text-align: right;">437</p> <p>1 The legal counsel assisting the Panel today 2 are Meighan LaCasse and Shauna Gibbons from AER 3 law branch. We have Tara Wheaton as our 4 hearing coordinator and Elaine Arruda in the 5 background. We have Anastasia Stanislavski, 6 Andrew Lung, Denise Parsons, Fahad Hamdan, and 7 Nerissa Hymers of AER's hearing services. 8 Technical staff assisting the Panel are 9 Agnes Wajda-Plytta, Chris Teichreb, Ernst 10 Kerkhoven, Jennifer Filax, John Xu, and 11 Nellshah Khakoo. 12 Lastly, we have Graham White from AER 13 communications for any media-related questions. 14 All the AER staff in the hearing room are 15 wearing name tags, whether they're assisting 16 the Panel in the proceeding or observing. If 17 you have any questions about this proceeding, 18 please ask the staff supporting the Panel. 19 Please note that any communication with the 20 Hearing Panel must be on the record; therefore, 21 please don't speak to the Panel Members unless 22 it is part of the hearing. We are not trying 23 to be unfriendly, but in our role as 24 quasi-judicial decision-makers, any 25 communications we have with the hearing 26 participants must be conducted openly,</p> | <p style="text-align: right;">438</p> <p>1 transparently, and we appreciate everyone's 2 understanding and observance of this request. 3 Also we may take notes from time to time. 4 That doesn't mean we are not listening. 5 In addition to AER staff, we have court 6 reporters to transcribe the proceeding. We ask 7 the hearing participants to speak slowly and 8 not interrupt or talk over each other for the 9 court reporter's benefit. 10 Because of technical limitations in this 11 room, only five microphones can be live at any 12 one time, so we have a few of them, you can 13 see, in the room. When you are finished 14 speaking, please turn your microphone off. 15 Video of the hearing is being livestreamed 16 through a link on the AER website. We do not 17 keep a record of videocast, and the video is 18 not an official transcript. The court 19 reporters will prepare the only official 20 transcript for the hearing. 21 To maintain the integrity of our 22 proceeding, the AER does not allow recording 23 and rebroadcasting of this hearing, so any 24 viewers of the hearing, whether you're 25 observing in the hearing room or through the 26 videocast, please do not record or rebroadcast</p> |
| <p style="text-align: right;">439</p> <p>1 the hearing. 2 So please no photography, no video 3 recording or audio recording. 4 As well for those of you in the Govier Hall 5 this morning, there is a possibility that you 6 may appear on videocasting, and there are 7 cameras in the room. If that presents a 8 concern for you, you may observe the hearing 9 from the overflow room down the hall or speak 10 to one of our hearing staff about your 11 concerns. 12 Ms. Wheaton, please tell us the safety 13 procedures as well as the particulars of this 14 proceeding and the publication of the notice of 15 hearing. 16 T. WHEATON: Good morning. 17 In the event of building emergency, 18 announcements will be made through an audible 19 and visual alarm system. Follow the directions 20 announced in those of an AER employee. 21 If you're asked to evacuate and you're in 22 Govier Hall, turn left as you exit Govier Hall 23 and proceed down the stairs. If you're asked 24 to evacuate and you are in the Bow River/Bow 25 Glacier room, go right as you exit the Bow 26 River/Bow Glacier room and then proceed to the</p> | <p style="text-align: right;">440</p> <p>1 door marked "exit". Once inside, follow the 2 signs for "exit ground floor". 3 The muster point is in the lobby of Eau 4 Claire tower, which is across the street to the 5 west of us. 6 In the event of a medical emergency, call 7 911 immediately, then alert me, Ms. Arruda, or 8 another AER employee who will notify building 9 security. The first aid kit, defibrillator, 10 and fire extinguisher can be found by the sink 11 in the foyer area of Govier Hall. There's also 12 another first aid kit, defibrillator, and fire 13 extinguisher found in the kitchen area located 14 at the end of the hallway on the right when you 15 exit the Bow River/Bow Glacier Room. 16 On this floor, the fire phone is located on 17 the wall adjacent to the elevators, and an AER 18 employee will be present to assist anyone who 19 requires support to evacuate should there be a 20 need to do so. 21 The subject of today's proceeding are 22 applications filed under the Public Lands Act, 23 Coal Conservation Act, and the Water Act for a 24 coal exploration program, A10123772, and a deep 25 drill permit, 1948547, and a temporary 26 diversion licence, 00497386, submitted by</p> |

| | | | |
|-----|---|-----|--|
| 441 | <p>1 Northback Holdings Corporation. For the 2 purposes of the hearing record, the notice of 3 hearing and the notice of scheduling of hearing 4 have been marked as Exhibits 6.01 and 94.0. 5 The notice of scheduling of hearing was 6 distributed directly to all parties, and the 7 notice of hearing was advertised in the 8 Crowsnest Pass Herald, the Pincher Creek 9 publication Shooting the Breeze. 10 This summarizes the details of giving of 11 notice for this hearing, Madam Chair. I would 12 like to remind participants that the materials 13 filed in the proceeding have been marked as 14 exhibits prior to the hearing. 15 THE CHAIR: Thank you, 16 Ms. Wheaton. 17 We will now register the participants. 18 Please come forward, say your name for the 19 record, spell your surname, and confirm the 20 party you're representing. 21 Who is representing Northback Holdings 22 Corporation? 23 M. IGNASIAK: Good morning, Madam 24 Chair. Martin Ignasiak from Bennett Jones. 25 With me -- sorry -- I-G-N-A-S-I-A-K. With me 26 is Mr. Jayce Eadie, E-A-D-I-E, and</p> | 442 | <p>1 Ms. Sarah Nossiter of Northback, 2 N-O-S-S-I-T-E-R. Thank you. 3 THE CHAIR: Thank you, 4 Mr. Ignasiak. 5 Who's representing Piikani Nations? 6 C. HANERT: Good morning, Panel. 7 My name is Caireen Hanert, H-A-N-E-R-T. I'm 8 here on behalf of Piikani Nation. 9 THE CHAIR: Thank you very much. 10 Who's representing Stoney Nakoda Nations? 11 B. BARRETT: Good morning, it's 12 Brooke Barrett with Rae and Company. I'm 13 representing three Stoney Nakoda First Nations 14 of Goodstoney, Chiniki, and Bearspaw. 15 THE CHAIR: Could you spell your 16 name? 17 B. BARRETT: Yeah, it's 18 B-A-R-R-E-T-T. 19 THE CHAIR: Thank you. 20 Who's representing MD of Ranchlands No. 66? 21 M. NIVEN: Good morning, Panel. 22 Michael Niven for the MD of Ranchlands. I'm 23 here with my colleague Michael Custer, and also 24 with us is Ron Davis, who's the reeve of the MD 25 of Ranchland, Mr. Sheldon Stanke, who is an 26 administrative officer with the MD. Thank you.</p> |
| 443 | <p>1 THE CHAIR: Thank you. 2 Who's representing Livingstone Landowners 3 Group? 4 G. FITCH: Good morning, 5 Madam Chair. My name is Gavin Fitch, 6 F-I-T-C-H, with McLennan Ross, and with me 7 today is Kate Wegscheidler, that's 8 W-E-G-S-C-H-E-I-D-L-E-R, student-at-law at 9 McLennan Ross, and also our client, Mr. Bill 10 Trafford, who is the president of the 11 Livingstone Landowners Group. 12 And if I may say, Madam Chair, at times I 13 had a little bit of trouble hearing back where 14 I'm sitting, so if you could just make sure if 15 you try to talk a little loud, that would be 16 appreciated. Thank you. 17 THE CHAIR: Thank you. I'll do 18 my best, and remind me if you can't hear me 19 because I may forget. 20 Mr. Emard, I believe you're representing 21 yourself with some assistance. 22 V. EMARD: Yes. My name is 23 Vern Emard, E-M-A-R-D, and Kevin Turner from 24 The Crowsnest Journal will be helping me on 25 Thursday during my presentation. 26 THE CHAIR: Thank you very much,</p> | 444 | <p>1 Mr. Emard. 2 Now I would like to briefly explain the 3 procedures we will use at this hearing. 4 According to Section 21 of Alberta Energy 5 Regulator's Rules of Practice, all witnesses 6 must give evidence under oath or affirmation. 7 The court reporters will provide for this at 8 the time that witnesses come forward to give 9 evidence. 10 On December 19, 2024, the Panel issued a 11 schedule for this part of the proceeding, 12 Exhibit 113.1, which we will follow in the next 13 three days. We will begin by hearing direct 14 evidence from Northback, and then we will 15 follow the order in that schedule. 16 Once we have heard from all participants, 17 we will provide an opportunity to Northback 18 for -- to present any rebuttal evidence if 19 Northback wishes to do so. If rebuttal 20 evidence is presented, it will be subject to 21 cross-examination from full participants who 22 are adverse in interest to Northback and 23 questions from AER staff and the Panel. 24 When this part of the hearing is concluded, 25 we will adjourn the proceeding. Once we have 26 received advice from Aboriginal consultation</p> |

| | | | |
|-----|--|-----|--|
| 445 | <p>1 office, we will schedule the closing argument 2 from Northback and other participants. 3 As for today's schedule, the Panel proposes 4 to break for lunch at 12:30. We will also take 5 breaks mid-morning and midafternoon, of course, 6 this depends on various developments that can 7 alter the schedule. We'll try to be as 8 flexible as possible to accommodate different 9 needs. 10 Lastly, because of technological 11 limitations in Govier Hall, we cannot accept 12 memory sticks. If a party would like to 13 utilize a document which is not already an 14 exhibit in the proceeding, email an electronic 15 copy to Ms. Arruda or Ms. Wheaton using the 16 hearing services email address. 17 Are there any questions about the process 18 we intend to follow? 19 If there are no questions, do parties have 20 any preliminary matters they want to raise at 21 this point? Hearing none, now I'll ask counsel 22 for Northback to sit their witness panel who 23 are seated and have them sworn and proceed with 24 your direct evidence. Thank you. 25 Opening by J. Eadie 26 J. EADIE: Good morning, Madam</p> | 446 | <p>1 Chair and Panel Members. It is my pleasure to 2 introduce the witness panel for Northback. 3 Starting in the front row at the end 4 closest to you is Ms. Stacey Brown, chief 5 operating officer with Northback. Next to her 6 is Ms. Angela Beattie, vice president resource 7 development and regulatory approvals with 8 Northback. Next to Ms. Beattie is Mr. Tyler 9 Riewe, senior manager safety, health, and 10 environment with Northback. And, finally, 11 rounding out the front row is Mr. Kyle 12 Trumpour, senior manager Indigenous 13 partnerships with Northback. 14 Now, starting in the back row at the end 15 closest to you is Mr. Stephen Wipf, partner and 16 president with Good Earth Drilling Services. 17 Next to him is Mr. Corey De La Mare, senior 18 technical director for ecology with WSP. Next 19 to him is Ms. Jacqueline Redburn, team lead 20 natural sciences with Trace Associates. And 21 finally rounding out the back row is Mr. Dan 22 Bewley, technical lead, hydrology and climate, 23 with Hatfield Consultants. 24 The CVs for Ms. Beattie, Mr. Riewe, and 25 Mr. Trumpour are each located at Tab 1 of 26 Northback's written submission; that's</p> |
| 447 | <p>1 Exhibit 62.02. And the CVs for Ms. Redburn, 2 Dr. Bewley, Mr. Corey De La Mare, and Mr. Wipf 3 are located at Tab 1 of Northback's reply 4 submission. That's Exhibit 86.1. The CV for 5 Ms. Brown is located at Exhibit 114.1. 6 At this time, I might ask madam court 7 reporter to swear or affirm the witnesses as 8 they indicate. 9 THE CHAIR: Thank you. 10 TYLER RIEWE, KYLE TRUMPOUR, ANGELA BEATTIE, 11 JACQUELINE REDBURN, STACEY BROWN, DAN BEWLEY, 12 COREY DE LA MARE, STEPHEN WIPF, Affirmed 13 Direct Evidence of Northback Holdings 14 Corporation 15 THE CHAIR: You may proceed. 16 J. EADIE: Thank you, madam 17 court reporter, Madam Chair. 18 I will now ask each member of Northback's 19 witness panel to provide a brief description of 20 their background, position, and role with 21 respect to the subject matter of this 22 proceeding. 23 Ms. Brown, I'll begin with you. Can you 24 please describe your background, position, and 25 role with respect to this proceeding? 26 A S. BROWN: Good morning. My</p> | 448 | <p>1 name is Stacey Brown, and I am the Northback's 2 chief operating officer. I have extensive 3 experience in project delivery and studies, and 4 since 2019 have held senior management roles 5 and been responsible for the safe and 6 successful delivery of operational greenfield 7 and expansion projects. I have worked for over 8 12 years with various subsidiaries under parent 9 company Hancock Prospecting. 10 Since August of 2024, I have been the CEO 11 of Northback and have been leading the Grassy 12 Mountain project study. On behalf of Northback 13 and with the assistance of colleagues seated 14 with me today, I am here to answer relevant 15 questions regarding Northback and its parent 16 company. 17 Q Thank you, Ms. Brown. 18 Ms. Beattie, can you please describe your 19 background, position, and role with respect to 20 this proceeding? 21 A A. BEATTIE: Good morning. My 22 name is Angela Beattie. I have a bachelor of 23 science in engineering with a geoenvironmental 24 focus, as well as a master's of engineering 25 with a geotechnical specialty. I am a 26 registered professional engineer and</p> |

| | | | |
|-----|--|-----|--|
| 449 | <p>1 professional geologist with APEGA with over 2 20 years of experience in the coal mining 3 industry.</p> <p>4 I have extensive experience working for 5 operating and abandoned open-pit and 6 underground mines in Alberta as well as other 7 mines across North America.</p> <p>8 I currently hold a position of vice 9 president resource development and regulatory 10 approvals at Northback where my primary role 11 involves leading the mine planning; regulatory; 12 and safety, health, and environment teams, 13 focusing on advancing projects on the Grassy 14 Mountain site. This includes the applied-for 15 exploration program.</p> <p>16 I have been working with Northback since 17 June 2023. For the purposes of this 18 proceeding, my area of responsibility relates 19 to the exploration program design and 20 execution. Thank you.</p> <p>21 Q Thank you, Ms. Beattie.</p> <p>22 Mr. Riewe, can you please describe your 23 background, position, and role with respect to 24 this proceeding?</p> <p>25 A T. RIEWE: Good morning, Panel, 26 Madam Chair. My name is Tyler Riewe, and I</p> | 450 | <p>1 have a technical background in environmental 2 science with a major in land reclamation from 3 the University of Alberta. I am a professional 4 agrologist with the Alberta Institute of 5 Agrologists as well as an environmental 6 professional with ECO Canada.</p> <p>7 I also hold a diploma in occupational 8 health and safety from the University of 9 Calgary. I have experience working in roles 10 relating to environmental, remediation, land 11 reclamation, construction, and project 12 development on various projects across 13 North America, Asia, and Europe, but I've 14 always called southern Alberta home.</p> <p>15 I currently hold the position of senior 16 manager, safety, health, and environment at 17 Northback. I am based in the Crowsnest Pass 18 out of Northback's Blairmore office, and I've 19 been working on the Grassy Mountain project 20 with the safety, health, and environment team 21 since 2018. My role on this witness panel is 22 related to the environmental and safety aspects 23 of this application. Thank you.</p> <p>24 Q Thank you, Mr. Riewe.</p> <p>25 Mr. Trumpour, can you please describe your 26 background, position, and role with respect to</p> |
| 451 | <p>1 this proceeding?</p> <p>2 A K. TRUMPOUR: Thank you. 3 Good morning, Madam Chair and Panel 4 Members. My name is Kyle Trumpour. I hold an 5 MBA and MSc in environmental and life sciences 6 and have spent the past 14 years working for, 7 engaging, and consulting with Indigenous 8 communities and groups across Alberta and 9 British Columbia. I have spent -- I have 10 previously spent six years working for a 11 First Nation where I managed housing and 12 training initiatives while living on reserve. 13 I also work for the Government of Alberta 14 engaging with Indigenous groups across the 15 province.</p> <p>16 I currently hold the position of senior 17 manager Indigenous partnerships at Northback. 18 I have spent almost five years leading 19 Northback's Indigenous engagement, 20 consultation, and relationship-building 21 efforts.</p> <p>22 My role on this witness panel is related to 23 consultation and engagement with both 24 First Nations on non-Indigenous stakeholders.</p> <p>25 Q Thank you, Mr. Trumpour. 26 J. EADIE: Madam Chair, Panel</p> | 452 | <p>1 Members, Northback is putting forward Mr. Wipf, 2 Mr. De La Mare, Ms. Redburn, and Dr. Bewley 3 forward as experts in this proceeding in the 4 following areas:</p> <p>5 Mr. Wipf is being put forward as an expert 6 in exploration program drilling operations.</p> <p>7 Mr. De La Mare is being put forward as an 8 expert in the areas of wildlife and vegetation 9 ecology.</p> <p>10 Ms. Redburn is being put forward as an 11 expert in the areas of pre-disturbance site 12 assessment, or PDSAs, and the mitigation of 13 environmental impacts associated with 14 exploration programs.</p> <p>15 And, finally, Dr. Bewley is being put 16 forward as an expert in hydrology.</p> <p>17 In addition to describing their role on the 18 witness panel, I will ask each of these expert 19 witnesses to provide a brief summary of their 20 qualifications and experience in these areas.</p> <p>21 Q J. EADIE: Mr. Wipf, can you 22 please summarize your relevant qualifications 23 and expertise as it relates to exploration 24 program drilling operations?</p> <p>25 A S. WIPF: Good morning, Madam 26 Chair and Panel. My name is Stephen Wipf. I'm</p> |

| | | | |
|-----|--|-----|---|
| 453 | <p>1 a certified Alberta journeyman water well 2 driller, earth loop technician, and a 3 geothermal designer accredited by the 4 now-defunct Canadian GeoExchange Coalition. 5 I have over 34 years of experience working 6 in the exploration drilling industry in 7 northern Alberta oil sands, south 8 Central America, and the Caribbean, and mineral 9 exploration throughout western Canada, 10 northwest USA. 11 I have previously worked on the Grassy 12 Mountain site, and I'm here to answer any 13 questions on how these exploration programs are 14 executed. 15 Q Thank you, Mr. Wipf. 16 And are you willing and able to fulfill the 17 duty of an independent expert by providing 18 fair, objective, and nonpartisan evidence in 19 this proceeding? 20 A Yes. 21 Q Thank you. 22 J. EADIE: Mr. De La Mare, can 23 you please summarize your relevant 24 qualifications and expertise as it relates to 25 the areas of wildlife and vegetation ecology? 26 A C. DE LA MARE: Good morning. My</p> | 454 | <p>1 name is Corey De La Mare, and I'm a senior 2 technical director for ecology at WSP Canada, 3 and I'm based out of Edmonton within our 4 prairie and -- and north business unit. I hold 5 a bachelor of science with a specialization in 6 zoology from the University of Alberta. I'm in 7 my 30th year of environmental consulting, and 8 I've been a professional biologist with the 9 Alberta Society of Professional Biologists for 10 the last 28 years. 11 My technical expertise is in wildlife and 12 forest ecology with experience completing 13 inventory work, environmental assessments, and 14 designing and implementing monitoring programs. 15 I have worked on mining projects throughout 16 Canada, South America, and Africa, but with a 17 particular focus on western and northern 18 Canada. I have previous experience as an 19 expert witness. 20 I helped prepare the response known as the 21 "Trace Rebuttal" related to Mr. Lorne Fitch's 22 comments on the Trace PDSA specifically with 23 comments related to wildlife. 24 I will support Ms. Redburn of Trace 25 Associates in any questions related to 26 terrestrial ecology relative to this</p> |
| 455 | <p>1 application. 2 Q And are you willing and able to fulfill the 3 duty of an independent expert by providing 4 fair, objective, and nonpartisan evidence in 5 this proceeding? 6 A Yes. 7 Q Thank you. 8 Ms. Redburn, can you please summarize your 9 relevant qualifications and expertise as it 10 relates to the areas of PDSAs and the 11 mitigation of environmental impacts associated 12 with exploration programs? 13 A J. REDBURN: Good morning. My 14 name is Jacqueline Redburn, and I am team lead 15 of the natural sciences team at Trace 16 Associates. I hold a bachelor of science in 17 botany and a master's of environmental design 18 in environmental science. I have 16 years of 19 experience working as a professional biologist 20 with technical expertise in vegetation and 21 wetland ecology and experience conducting 22 biophysical assessments and supporting 23 regulatory applications. I have previous 24 experience as an expert witness. 25 Trace prepared the original Crown land PDSA 26 dated June 9th, 2023, and the updated Crown</p> | 456 | <p>1 land PDSA dated October 18th, 2024. Trace also 2 assisted in preparing the rebuttal within 3 Northback's reply submission to the report 4 prepared by Mr. Lorne Fitch dated 5 September 2024. 6 Trace has identified and assessed 7 environmental considerations for the proposed 8 exploration program on both Crown land and 9 Northback's private land and has developed and 10 recommended environmental projection measures 11 since the preapplication phase. 12 Q And are you willing and able to fulfill the 13 duty of an independent expert by providing 14 fair, objective, and nonpartisan evidence in 15 this proceeding? 16 A Yes. 17 Q Thank you, Ms. Redburn. 18 And, finally, Dr. Bewley, can you please 19 summarize your relevant qualifications and 20 expertise as it relates to hydrology? 21 A D. BEWLEY: Morning, Madam Chair 22 and Panel. My name is Dan Bewley, and I am 23 technical lead in Hatfield's water resources 24 group. I hold a master's in climatology and a 25 doctorate researching a cold-regions 26 hydrological topic.</p> |

| | |
|--|--|
| <p style="text-align: right;">457</p> <p>1 In 2009, I began working in consultancy 2 with Hatfield. In earlier years with them, I 3 conducted many field programs across BC and 4 Alberta related to climate and snowpack stream 5 and lake monitoring programs. More recently, I 6 have shifted to providing senior oversight of 7 monitoring programs as well as authoring 8 sections of baseline or effects assessments. 9 I have previous experience as an expert 10 witness, including in the joint review panel 11 for Grassy Mountain back in late 2020. 12 Hatfield prepared a memorandum dated 13 October 17th, 2024, regarding a physical, 14 chemical, and biological assessment of Pit 15 Lake 2, of which I reviewed the physical 16 aspects of this assessment. Hatfield also 17 assisted in preparing the rebuttal to the 18 report prepared by Mr. Lorne Fitch dated 19 September '24. 20 I also provided hydrology-related support 21 to Northback for approximately a decade. Thank 22 you. 23 Q And are you willing and able to fulfill the 24 duty of an independent expert by providing 25 fair, objective, and nonpartisan evidence in 26 this proceeding?</p> | <p style="text-align: right;">458</p> <p>1 A Yes. 2 Q Thank you, Dr. Bewley. 3 J. EADIE: Madam Chair, 4 Commissioners, if you'll bear with me, I'll now 5 have the members of the panel adopt the 6 evidence as its been filed on the record of 7 this proceeding. 8 Q J. EADIE: Ms. Brown, 9 Northback's written evidence in this proceeding 10 consists of Northback's coal exploration 11 program or CEP application dated August 31st, 12 2023, which is located at PDF pages 7 through 13 135 of Exhibit 4.01. 14 Northback's response to the AER's 15 supplemental information request or, SIR 1, 16 dated November 21st, 2023, which is located at 17 PDF pages 141 through 178 of Exhibit 4.01. 18 Northback's response to the AER's 19 SIR Number 2, dated January 19, 2024, which is 20 located at PDF pages 181 through 197 of 21 Exhibit 4.01. 22 Northback's Historical Resources Act 23 approval dated October 3rd, 2023, which is 24 located at PDF pages 205 through 214 of 25 Exhibit 4.01. 26 The Aboriginal consultation office reports</p> |
| <p style="text-align: right;">459</p> <p>1 dated January 11, 2024, which are located at 2 PDF pages 218 through 231 of Exhibit 4.01. 3 Northback's deep drilling program or DDP 4 application dated September 5, 2023, which is 5 located at PDF pages 2 through 49 of 6 Exhibit 4.02. 7 Northback's response to the AER's SIR 8 Number 1 dated November 22nd, 2023, which is 9 located at PDF pages 53 through 96 of 10 Exhibit 4.02. 11 Northback's response to the AER's 12 SIR Number 2, dated January 19, 2024, which is 13 located at PDF pages 98 through 140 of 14 Exhibit 4.02. 15 Northback's temporary diversion licence or 16 TDL application dated September 5, 2023, which 17 is located at PDF pages 2 through 3 of 18 Exhibit 4.03. 19 Northback's response to the AER's SIR 20 Number 1 dated September 21, 2023, which is 21 located at PDF pages 6 through 9 of 22 Exhibit 4.03. 23 Northback's responses to the statements of 24 concern or SOCs filed in respect of the 25 applications which are located at Exhibit 4.05. 26 Northback's written submission dated</p> | <p style="text-align: right;">460</p> <p>1 September 4th, 2024, which is located at 2 Exhibits 62.01 through 62.02. 3 Northback's reply submission dated 4 October 23, 2024, which is located at 5 Exhibits 86.0 through 86.1. 6 Northback's reply to the limited 7 participants dated November 18, 2024, which is 8 located at Exhibit 93.0. 9 Northback's reply to the Pekisko Group 10 request letter dated December 10, 2024, which 11 is located at Exhibit 104.0. 12 And, finally, all correspondence and 13 submissions filed by Bennett Jones LLP on 14 behalf of Northback on the record in this 15 proceeding. 16 Ms. Brown, have you reviewed these 17 materials? 18 A S. BROWN: Yes. 19 Q Are there any corrections that you would like 20 to make at this time? 21 A No, there's not. 22 Q And are these materials accurate to the best of 23 your knowledge and belief? 24 A Yes. 25 Q Do you adopt these materials as the written 26 evidence of Northback in this proceeding?</p> |

| | |
|---|--|
| <p style="text-align: right;">461</p> <p>1 A Yes, I do.</p> <p>2 Q Thank you, Ms. Brown.</p> <p>3 Ms. Redburn, the written evidence of Trace</p> <p>4 in this proceeding consists of Trace's original</p> <p>5 Crown land PDSA dated June 9, 2023, which is</p> <p>6 located at PDF pages 91 through 135 of</p> <p>7 Exhibit 4.01; Trace's updated Crown land PDSA</p> <p>8 dated October 18, 2024, which is located at PDF</p> <p>9 pages 68 through 109 of Exhibit 86.1; and the</p> <p>10 rebuttal to the report prepared by Mr. Lorne</p> <p>11 Fitch dated September 2024, which is located at</p> <p>12 PDF pages 51 through 59 of Exhibit 4.01.</p> <p>13 Ms. Redburn, have you reviewed these</p> <p>14 materials, or were these materials prepared by</p> <p>15 you or under your direction?</p> <p>16 A J. REDBURN: Yes.</p> <p>17 Q Are there any corrections you would like to</p> <p>18 make at this time?</p> <p>19 A No.</p> <p>20 Q Are these materials accurate to the best of</p> <p>21 your knowledge and belief?</p> <p>22 A Yes.</p> <p>23 Q And do you adopt these materials as your</p> <p>24 evidence in this proceeding?</p> <p>25 A Yes.</p> <p>26 Q Thank you, Ms. Redburn.</p> | <p style="text-align: right;">462</p> <p>1 Dr. Bewley, the written evidence of</p> <p>2 Hatfield in this proceeding consists of</p> <p>3 Hatfield's memorandum dated October 17, 2024,</p> <p>4 which is located at PDF pages 110 through 149</p> <p>5 of Exhibit 86.1; and the rebuttal to the report</p> <p>6 prepared by Mr. Lorne Fitch dated</p> <p>7 September 2024, which is located at PDF</p> <p>8 pages 51 through 59 of Exhibit 4.01.</p> <p>9 Were these materials prepared by you or</p> <p>10 under your direction?</p> <p>11 A D. BEWLEY: Yes.</p> <p>12 Q Are there any corrections that you would like</p> <p>13 to make at this time?</p> <p>14 A No.</p> <p>15 Q Are these materials accurate to the best of</p> <p>16 your knowledge and belief?</p> <p>17 A Yes.</p> <p>18 Q And do you adopt these materials as your</p> <p>19 evidence in this proceeding?</p> <p>20 A Yes.</p> <p>21 Q Thank you, Dr. Bewley.</p> <p>22 And, Mr. De La Mare, the written evidence</p> <p>23 of WSP in this proceeding consists of their</p> <p>24 rebuttal to the report prepared by Mr. Lorne</p> <p>25 Fitch dated September 2024, which is located at</p> <p>26 PDF pages 51 through 59 of Exhibit 86.1.</p> |
| <p style="text-align: right;">463</p> <p>1 Were these materials prepared by you or</p> <p>2 under your direction?</p> <p>3 A C. DE LA MARE: Yes.</p> <p>4 Q Are there any corrections you would like to</p> <p>5 make at this time?</p> <p>6 A No.</p> <p>7 Q Are these materials accurate to the best of</p> <p>8 your knowledge and belief?</p> <p>9 A Yes.</p> <p>10 Q And do you adopt these materials as your</p> <p>11 evidence in this proceeding?</p> <p>12 A Yes, I do.</p> <p>13 Q Thank you, Mr. De La Mare.</p> <p>14 Ms. Brown, I understand that Northback's</p> <p>15 front row witnesses have prepared a brief</p> <p>16 opening statement on behalf of Northback, which</p> <p>17 I've asked to be read aloud now.</p> <p>18 A S. BROWN: Good morning. My</p> <p>19 name is Stacey Brown, and I'm the chief</p> <p>20 operating officer of Northback Holdings</p> <p>21 Corporation. I've been with Northback since</p> <p>22 August of 2024 and have worked in a variety of</p> <p>23 roles within the mining industry throughout my</p> <p>24 career. Before Northback, I held senior</p> <p>25 management positions with several significant</p> <p>26 Australian mining companies covering the</p> | <p style="text-align: right;">464</p> <p>1 operation and development of various</p> <p>2 large-scale iron ore projects. I bring this</p> <p>3 extensive prior mining experience to my role at</p> <p>4 Northback.</p> <p>5 Northback is a wholly-owned subsidiary of</p> <p>6 Hancock Prospecting and is headquartered in</p> <p>7 Calgary. Northback also has a local office in</p> <p>8 Blairmore. Northback is focused on the</p> <p>9 development of the Grassy Mountain steelmaking</p> <p>10 coal project 7 kilometres north of Blairmore.</p> <p>11 While Northback is ultimately interested in</p> <p>12 developing the Grassy Mountain project as a</p> <p>13 commercial mining operation, the applications</p> <p>14 before the AER in this proceeding relate only</p> <p>15 to the exploration activities which are limited</p> <p>16 in scope and will result in minimal impacts to</p> <p>17 the environment and stakeholders in the</p> <p>18 Crowsnest Pass.</p> <p>19 Northback's applications in this proceeding</p> <p>20 relate to three specific things:</p> <p>21 Firstly, the approval of a coal exploration</p> <p>22 program to allow Northback to explore for coal</p> <p>23 resources on Crown lands.</p> <p>24 Number 2, a deep drilling permit to allow</p> <p>25 Northback to develop exploration drill holes to</p> <p>26 a depth of more than 150 metres.</p> |

| | |
|--|---|
| <p style="text-align: right;">465</p> <p>1 And, thirdly, a temporary diversion licence 2 to allow Northback to use a small amount of 3 water from a man-made and isolated pit lake to 4 facilitate its exploration activities. 5 In order to provide the Panel and all other 6 hearing participants with a better 7 understanding of what Northback has applied for 8 in this proceeding, I would like to provide a 9 brief overview of the activities contemplated 10 in Northback's applications. 11 Northback proposes to drill a total of 14 12 drill holes from 11 separate drill pads located 13 on Crown land. These drill pads will be 14 constructed on previously disturbed areas and 15 accessed through existing trails. 16 Accordingly, the exploration program will 17 not create any new disturbances on Crown land. 18 While Northback has made every reasonable 19 effort to minimize the impacts associated with 20 the applications, Northback understands that 21 stakeholders have concerns with respect to 22 environmental matters, conflicts with other 23 land uses, and Northback's consultation 24 program. 25 In addition, some have questioned the need 26 for the exploration program, including whether</p> | <p style="text-align: right;">466</p> <p>1 there will be global demand for steelmaking 2 coal in the future. We will briefly address 3 each of those categories of concern. 4 Madam Chair, Northback has already made 5 significant investments to advance the Grassy 6 Mountain project, having spent approximately 7 \$1 billion since becoming involved with the 8 project. 9 Before becoming involved with Grassy 10 Mountain and throughout its involvement with 11 the project and as part of its decision to 12 pursue these approvals required to conduct 13 further exploration programs on-site, Northback 14 has carefully assessed the economic viability 15 of the project. 16 We have concluded that the project is 17 economically viable for decades to come and 18 because of the high quality of the Grassy 19 Mountain hard coking coal product and the 20 robust global demand for metallurgical coal 21 that we believe will persist into the future. 22 Key influences that include the relative lack 23 of new high coking coal supply and continuing 24 steady growth in demand for seaborne hard 25 coking coal. 26 In addition, Northback's views regarding</p> |
| <p style="text-align: right;">467</p> <p>1 the future for global demand for C1 2 metallurgical coal are reinforced by the 3 experience of our parent company Hancock 4 Prospecting. As a large iron ore mining 5 company with extensive involvement in the 6 global iron ore trade and long-term 7 relationships with steelmaking firms, Hancock 8 is in the unique position to anticipate future 9 metallurgical coal demand. Hancock's 10 significant investments in Grassy Mountain 11 illustrate its confidence in that demand. 12 Madam Chair, we recognize that alternative 13 steelmaking technologies are under development 14 with some pilot projects underway, particularly 15 in Europe. 16 This includes direct reduced iron fuelled 17 by either gas or hydrogen in combination with 18 electric smelting furnace; however, the 19 evolution of these technologies typically takes 20 decades to be scaled up and become fully 21 commercialized, and the market uptake varies 22 considerably across the globe. 23 Further, these technologies often rely on 24 supply of scrap steel, and challenges with 25 large-scale efficient recycling will limit this 26 growth.</p> | <p style="text-align: right;">468</p> <p>1 In sum, based on our own internal 2 assessment based in part on our parent 3 company's significant involvement in the iron 4 ore trade, we are confident that the global 5 demand for seaborne metallurgical coal will 6 remain robust for decades. 7 Our confidence is supported by the recent 8 acquisition of Teck's coal assets by Glencore 9 and Nippon Steel at an enterprise value of US 10 \$9 billion. Conuma's acquisition and reopening 11 of the Quintette Mine in BC and the advancement 12 of Mine 14 in Grande Cache. We refer to these 13 in our hearing submission. 14 More over, the South Saskatchewan Regional 15 Plan, or the SSRP for short, specifically 16 recognizes the need for metallurgical coal 17 production. In particular, the SSRP states: 18 (as read) 19 Given the anticipated future global 20 demand for coal, particularly from 21 Asian markets, maintaining 22 opportunities for reasonable 23 development of coal resources is 24 important to the region and the 25 province. 26 The SSRP further states that the -- sorry --</p> |

| | |
|--|---|
| <p style="text-align: right;">469</p> <p>1 (as read)</p> <p>2 The metallurgical coal potential in</p> <p>3 the region is of significance in that</p> <p>4 coal can be used in the steelmaking</p> <p>5 process. For many developing or</p> <p>6 expanding countries, steel will be an</p> <p>7 essential component for</p> <p>8 infrastructure, and Alberta's</p> <p>9 metallurgical coal could help to meet</p> <p>10 these demands.</p> <p>11 Similarly, in the Government of Alberta's</p> <p>12 December 20, 2024, announcement regarding the</p> <p>13 coal industry modernization initiative, it</p> <p>14 recognized the world needs Alberta's</p> <p>15 metallurgical coal to fuel economic growth and</p> <p>16 transition to renewable energy.</p> <p>17 For many developing or expanding countries,</p> <p>18 steel will be an essential global component for</p> <p>19 infrastructure, growth, and development,</p> <p>20 including building solar panel installations</p> <p>21 and wind farms.</p> <p>22 During that announcement, the minister of</p> <p>23 energy and minerals, the Honourable Brian Jean,</p> <p>24 also made it clear that Grassy Mountain project</p> <p>25 is exempt from the new general prohibition</p> <p>26 against open-pit coal mining in the eastern</p> | <p style="text-align: right;">470</p> <p>1 slopes.</p> <p>2 A number of stakeholders have questioned</p> <p>3 the need for the exploration program in light</p> <p>4 of the past mining activities and exploration</p> <p>5 programs that have taken place at Grassy</p> <p>6 Mountain. It is important to understand,</p> <p>7 however, that exploration is an iterative and</p> <p>8 ongoing process throughout the entire life of a</p> <p>9 mining asset. There is no threshold for the</p> <p>10 amount of data that is required before a mine</p> <p>11 can proceed and exploration is no longer</p> <p>12 needed.</p> <p>13 Rather, continued exploration is necessary</p> <p>14 to develop, verify, and update models before</p> <p>15 mining commences and throughout the duration of</p> <p>16 a mining operation. I will now ask Ms. Beattie</p> <p>17 to provide an overview of how the drilling</p> <p>18 program will be conducted if approved.</p> <p>19 A A. BEATTIE: Thank you,</p> <p>20 Ms. Brown.</p> <p>21 Exploration drilling will be completed</p> <p>22 using compact truck- and/or track-mounted</p> <p>23 drilling rigs. The proposed maximum size of</p> <p>24 Northback's drilling pads is approximately</p> <p>25 20 metres by 20 metres. Northback's drill pad</p> <p>26 locations have been sited to minimize any</p> |
| <p style="text-align: right;">471</p> <p>1 disturbances and all pads will be located on</p> <p>2 previously disturbed lands. All drill pad</p> <p>3 locations will be reclaimed to their</p> <p>4 preexisting condition once the drill hole has</p> <p>5 been completed and abandoned.</p> <p>6 Northback acknowledges the concerns raised</p> <p>7 at the limited participant hearing in Pincher</p> <p>8 Creek regarding fugitive dust arising from</p> <p>9 commercial mining operations. However, it is</p> <p>10 critical to recall that the size of the</p> <p>11 equipment required for the exploration program</p> <p>12 is far smaller than the equipment used in</p> <p>13 commercial mining operations.</p> <p>14 The exploration program will not require</p> <p>15 haul trucks, for example, and there will be no</p> <p>16 dust from hauling coal. Additionally, the</p> <p>17 frequency of road use is far less than in</p> <p>18 commercial mining operations. Accordingly,</p> <p>19 Northback does not believe that the amount of</p> <p>20 dust generated by vehicles and equipment in</p> <p>21 carrying out the exploration program will have</p> <p>22 any impacts on third parties located off-site.</p> <p>23 The drilling operations will use a</p> <p>24 combination of compressed air and a small</p> <p>25 amount of water. The water will be used to</p> <p>26 lubricate the drill bit and suppress dust,</p> | <p style="text-align: right;">472</p> <p>1 meaning that the drilling operations will not</p> <p>2 generate meaningful amounts of dust and any</p> <p>3 small amounts of dust generated will be</p> <p>4 localized.</p> <p>5 The water will be sourced from a pit lake</p> <p>6 located on the previously disturbed Grassy</p> <p>7 Mountain site. This pit lake is a historic</p> <p>8 mine pit that filled with water after previous</p> <p>9 mining activities ceased. It has no surface</p> <p>10 connectivity with any natural waterbodies. The</p> <p>11 pit lake has been a source of water for</p> <p>12 multiple previously approved exploration</p> <p>13 programs and associated TDL applications. The</p> <p>14 pit lake is the best source for water for this</p> <p>15 program because the water is easily and safely</p> <p>16 accessible.</p> <p>17 It's near the proposed work areas, and the</p> <p>18 use of the pit lake will not impact downstream</p> <p>19 users or compromise the integrity of nearby</p> <p>20 waterbodies. To put the maximum amount of</p> <p>21 water that would be withdrawn under the TDL</p> <p>22 into context, 1,500 cubic metres represents</p> <p>23 approximately 60 percent of a standard</p> <p>24 Olympic-sized swimming pool. The exploration</p> <p>25 program may ultimately require even less water</p> <p>26 than this amount.</p> |

| | | | |
|-----|---|-----|--|
| 473 | <p>1 I want to briefly address the issue of</p> <p>2 selenium which was raised repeatedly during the</p> <p>3 limited participants' hearing. It is</p> <p>4 well-known that selenium is an issue tied to</p> <p>5 legacy waste rock piles at certain mine sites.</p> <p>6 The exploration program, if approved, will not</p> <p>7 result in the creation of any new waste rock</p> <p>8 piles. Accordingly, selenium generation is not</p> <p>9 an issue in this proceeding, which is</p> <p>10 restricted to the potential impacts of the</p> <p>11 exploration program.</p> <p>12 Northback appreciates that if we proceed to</p> <p>13 file a application for commercial mine</p> <p>14 development, we will need to satisfy the AER</p> <p>15 that we have designed the project in a manner</p> <p>16 that appropriately addresses concerns regarding</p> <p>17 selenium. We are confident that we can do so.</p> <p>18 However, for present purposes, it must be</p> <p>19 emphasized that selenium generation has not</p> <p>20 been associated with exploration programs and</p> <p>21 it is therefore not a relevant issue in this</p> <p>22 proceeding.</p> <p>23 Finally, I want to comment on the topic of</p> <p>24 water use and downstream impacts of this</p> <p>25 proposed exploration program. Northback</p> <p>26 acknowledges the concerns raised at the limited</p> | 474 | <p>1 participants hearing in Pincher Creek, and we</p> <p>2 share similar values to those raising concerns,</p> <p>3 both as local residents and water users in the</p> <p>4 region. To be clear, however, Northback does</p> <p>5 not believe that the proposed drilling program</p> <p>6 or temporary diversion of water will have any</p> <p>7 impact to the water quality or quantity for</p> <p>8 downstream water users for the reasons I have</p> <p>9 previously discussed.</p> <p>10 I will now turn it over to my colleague,</p> <p>11 Mr. Riewe, to discuss a number of additional</p> <p>12 environmental matters. Thank you.</p> <p>13 A T. RIEWE: Thank you,</p> <p>14 Ms. Beattie.</p> <p>15 At the outset, it's critical to understand</p> <p>16 that Grassy Mountain is at present</p> <p>17 significantly disturbed due to unreclaimed</p> <p>18 legacy mining operations, legacy exploration</p> <p>19 activities, active cattle grazing, and logging</p> <p>20 activity in the area. Put simply, Grassy</p> <p>21 Mountain and the surrounding region is an</p> <p>22 active, working landscape. Contrary to the</p> <p>23 impressions left by many of the limited</p> <p>24 participants at the Pincher Creek hearing, it</p> <p>25 is not pristine wilderness.</p> <p>26 As my colleague, Ms. Brown, noted earlier,</p> |
| 475 | <p>1 the application for exploration program will</p> <p>2 comprise a temporary, short-term, and localized</p> <p>3 exploration that will take place entirely on</p> <p>4 predisturbed areas. Despite the brief duration</p> <p>5 of the proposed drill program and the fact that</p> <p>6 it will occur on previously disturbed lands,</p> <p>7 Northback acknowledges the importance of being</p> <p>8 a good neighbour and a steward of the land.</p> <p>9 This fundamentally guides how we design and</p> <p>10 execute safe exploration programs.</p> <p>11 Madam Chair, Northback takes the duty of</p> <p>12 land and water stewardship very seriously. We</p> <p>13 draw from our growing dataset and firsthand</p> <p>14 knowledge of the Grassy Mountain site to inform</p> <p>15 decisions on the scope and scale of exploration</p> <p>16 programs, including the ideal timing to conduct</p> <p>17 field activities. We also retain the services</p> <p>18 of technical professionals and experts to</p> <p>19 support applications like this CEP application</p> <p>20 to further inform how we plan and execute our</p> <p>21 work.</p> <p>22 While not required by AER Manual 8,</p> <p>23 Northback retained Trace Associates to prepare</p> <p>24 a PDSA, a pre-disturbance site assessment,</p> <p>25 which provides a comprehensive overview of</p> <p>26 existing environmental constraints and proposed</p> | 476 | <p>1 mitigations.</p> <p>2 The PDSA was appended to Northback's CEP</p> <p>3 application. A primary objective of the PDSA</p> <p>4 was to avoid wetlands, watercourses, erodible</p> <p>5 slopes, and other environmental features. The</p> <p>6 PDSA notes that, in designing Northback's CEP,</p> <p>7 best management practices were applied to shift</p> <p>8 access routes and drill pad locations to avoid</p> <p>9 environmentally sensitive areas and that Trace</p> <p>10 did not identify any major environmental</p> <p>11 constraints.</p> <p>12 The PDSA also contains a number of detailed</p> <p>13 mitigation measures that Northback will apply</p> <p>14 to minimize impacts to the surrounding</p> <p>15 environment, including cleaning equipment</p> <p>16 before it enters site or weed reduction and</p> <p>17 conducting drilling operations in dry or frozen</p> <p>18 ground conditions. Northback is committed to</p> <p>19 ensuring that its execution of the CEP is as</p> <p>20 minimally impactful as possible.</p> <p>21 With respect to Ranchland's concerns about</p> <p>22 weeds, as I just mentioned, equipment entering</p> <p>23 the site as part of the exploration program</p> <p>24 will be cleaned and inspected before being</p> <p>25 granted onto our site. This will prevent the</p> <p>26 spread of invasive weeds.</p> |

| | |
|--|---|
| <p style="text-align: right;">477</p> <p>1 Also, it should be understood that any 2 vehicle or equipment entering the Grassy 3 Mountain site are doing so from the 4 municipality of Crowsnest Pass on the south 5 side of the site and are not traversing beyond 6 Grassy Mountain deeper into Ranchlands; 7 therefore, the spread of invasive weeds into 8 Ranchland as a result of this exploration 9 program is highly unlikely.</p> <p>10 Northback retained Trace Associates to 11 prepare an updated PDSA to reflect the reduced 12 scope of the exploration program. And this 13 updated PDSA dated October 18, 2024, is 14 attached as Tab 4 to our reply submission. 15 Again, Trace did not identify any major 16 environmental constraints.</p> <p>17 At the limited participants hearing in 18 Pincher Creek, the Alberta Wilderness 19 Association or AWA alleged that Northback did 20 not fulfill its reclamation obligations arising 21 from past drill programs.</p> <p>22 Madam Chair, that is not correct. 23 Northback has carried out previous drill 24 programs on the Grassy Mountain site. After 25 each of those programs, Northback has 26 diligently reclaimed the areas affected by its</p> | <p style="text-align: right;">478</p> <p>1 exploration activities. In particular, 2 Northback has completed reclamation fieldwork 3 at previous exploration drill sites, including 4 borehole abandonment, site recontouring, 5 revegetation, and ongoing site monitoring and 6 maintenance activities.</p> <p>7 Northback has engaged with technical 8 experts, including Trace Associates and Tannas 9 Conservation Services, to support our 10 reclamation efforts on these sites as well as 11 to assist our company with progressing 12 important reclamation research trials for rough 13 fescue or other rare and important plant 14 species.</p> <p>15 We have also engaged with members of the 16 public lands office and the AER inspectors and 17 mine reclamation professionals for site visits 18 to our reclamation sites. In addition, 19 Northback continues to monitor the Grassy 20 Mountain site and is actively managing our work 21 areas and collecting data regarding the 22 environmental features and attributes of our 23 site.</p> <p>24 However, it is also important to 25 understand -- is not the exclusive user of the 26 public lands within and around the Grassy</p> |
| <p style="text-align: right;">479</p> <p>1 Mountain site. Other regular users include 2 hikers, hunters, adjacent land owners, and 3 other individuals such as Mr. Emard, members of 4 Indigenous communities, ranchers such as the 5 Gold Creek Grazing Co-op, and other trail and 6 road users.</p> <p>7 While the AWA notes that trails or roads 8 continue to exist on public lands on which 9 Northback previously carried out exploration 10 programs, in most cases, those trails or roads 11 predate Northback's programs or involvement 12 with the site or continue to be used by parties 13 other than Northback.</p> <p>14 We have heard multiple firsthand accounts 15 from members of the community of how Grassy 16 Mountain has been used for various activities 17 for decades. Although Northback has the legal 18 right to exclude others from its private lands, 19 it cannot prevent others from using public 20 lands.</p> <p>21 Therefore, while Northback has carried out 22 reclamation activities in connection with its 23 past exploration programs, in most cases, the 24 trails and roads on public land continue to be 25 used by other parties. As was the case before 26 Northback began carrying out exploration</p> | <p style="text-align: right;">480</p> <p>1 fieldwork beginning in 2014.</p> <p>2 To be clear, Madam Chair, Northback remains 3 committed to conducting appropriate reclamation 4 activities on the Grassy Mountain site as part 5 of this applied-for exploration program.</p> <p>6 My colleague Ms. Brown will now address the 7 issues of land use conflicts. Thank you.</p> <p>8 A S. BROWN: Thank you, 9 Mr. Riewe.</p> <p>10 Madam Chair, Northback also understands 11 that stakeholders are concerned about the 12 interface with other activities on Crown land 13 as well as the broader impacts such as noise, 14 light, pollution, and dust pollution; however, 15 due to the small scale of the exploration 16 program, a small drill rig operating on 17 20-by-20 metre drill pads, land use conflicts 18 are negligible, and the exploration program is 19 unlikely -- result in any material, noise, 20 light, or dust pollution.</p> <p>21 It needs to be understood that the Grassy 22 Mountain site is a previously disturbed site 23 with existing old mining infrastructure and 24 other major industrial infrastructure such as a 25 major transmission line already on-site. 26 Grassy Mountain is also surrounded by other</p> |

| | |
|--|--|
| <p style="text-align: right;">481</p> <p>1 ongoing activities. There is a recent 2 commercial forestry activity immediately to the 3 west of Grassy Mountain with previous logging 4 having occurred to the east and north of the 5 site as well. The Livingstone range is to the 6 east, and beyond that is Highway 22. To the 7 south are the communities of Blairmore and 8 Frank and Highway 3.</p> <p>9 According to Alberta Transportation, the 10 weighted average -- annual average daily 11 traffic on Highway 3 at Blairmore is 12 approximately 9,000 vehicles per day, and 13 Alberta is beginning the work, including 14 geotechnical drilling, required to twin 15 Highway 3.</p> <p>16 For those who have travelled along 17 Highway 3 recently, they will recall seeing 18 kilometres of wildlife fencing being installed 19 and a major wildlife crossing project underway 20 near Rock Creek. Accordingly, these activities 21 to be undertaken by Northback, should the 22 exploration program be approved, are unlikely 23 to result in any material additional noise, 24 light, or dust pollution beyond what already 25 exists in the area.</p> <p>26 During the limited participants hearing in</p> | <p style="text-align: right;">482</p> <p>1 Pincher Creek, many referred to the 1976 coal 2 development policy for Alberta. Madam Chair, 3 while we understand that the Alberta Government 4 announcements regarding this policy have 5 resulted in community members having concerns, 6 it is important to understand that under the 7 1976 coal development policy, the Grassy 8 Mountain lands were always designated as 9 Category 4 lands, which are lands that were, 10 since 1976, deemed suitable for coal 11 exploration and development.</p> <p>12 Accordingly, as it pertains to land use 13 conflicts, they are virtually nonexistent. The 14 exploration program will not permanently 15 interfere with anyone's ability to undertake 16 activities on Crown land that have been used 17 for the exploration program.</p> <p>18 Lastly, certain stakeholders have commented 19 on their perceived lack of opportunity to 20 engage or be consulted by Northback in 21 connection with the applications.</p> <p>22 I'll ask Mr. Trumpour to speak to this.</p> <p>23 A K. TRUMPOUR: Thank you, 24 Ms. Brown.</p> <p>25 Northback received and provided detailed 26 responses to well over 100 statements of</p> |
| <p style="text-align: right;">483</p> <p>1 concern submitted in connection with the 2 applications. Additionally, Northback's CEO, 3 Mike Young, offered to meet with all SOC filers 4 to discuss their concerns. Only seven SOC 5 filers did so.</p> <p>6 Furthermore, Northback planned and executed 7 a robust and significant public engagement plan 8 in order to provide information relating to the 9 exploration program, Grassy Mountain, and 10 Northback.</p> <p>11 In particular, Northback's community 12 engagement included the following activities: 13 Northback has attended roughly 34 community 14 weekly markets where we have had information on 15 the CEP, videos of the site, a 4-foot long 3D 16 model of the site, and the ability for the 17 public to sign up for site tours.</p> <p>18 Northback has conducted public site tours 19 with over 300 people which does not include 20 Indigenous site tours and fieldwork. Northback 21 held four open houses across southern Alberta 22 which were hosted in Claresholm, Fort Macleod, 23 Pincher Creek, and Crowsnest Pass. Northback 24 knocked on roughly 2,800 doors within the 25 Crowsnest Pass to answer questions about our 26 activities.</p> | <p style="text-align: right;">484</p> <p>1 Northback has hosted various engagement 2 events within the Crowsnest Pass, including 3 late office hours, pub nights, and coffee shop 4 chats, where various members of our team, 5 including executives, have been in attendance 6 to answer questions and address concerns.</p> <p>7 Prior to the submission of the 8 applications, Northback consulted and engaged 9 with all overlapping surface rights holders on 10 public land and obtained their consents as 11 required under Section 2.1.2.3 of Manual 8. 12 The overlapping surface rights holders 13 Northback obtained consents from are Gold Creek 14 Grazing Co-op, Crowsnest Forest Products 15 Limited, TAQA North Limited, Terry Michalsky, 16 North Fork Stock Association.</p> <p>17 With respect to Indigenous engagement, 18 Northback planned and budgeted for robust 19 efforts to work with the Treaty 7 Nations. 20 Northback commenced the Aboriginal consultation 21 office's Level 1 streamline consultation 22 requirements in June of 2023. Northback 23 provided the Treaty 7 Nations with 24 opportunities to understand potential impacts 25 to their treaty rights and traditional ways of 26 life resulting from the CEP to better</p> |

| | |
|--|--|
| <p style="text-align: right;">485</p> <p>1 understand Grassy Mountain and to better 2 understand Northback. 3 These efforts have included site tours for 4 Piikani Nation community members; Piikani 5 Nation school field trips to the Grassy 6 Mountain site; accommodating and paying for 7 fieldwork requested by Kainai and Siksika 8 Nations; community open houses in Piikani 9 Nation; Piikani Nation radio interviews; elders 10 meetings with Piikani Nation; the establishment 11 of a joint working group comprised of Northback 12 and Piikani Nation staff; and meetings with the 13 CEO's consultation departments and chief and 14 councils of various Treaty 7 Nations. 15 Northback's public site tours were likely 16 the most impactful engagement tool we employed. 17 We provided tours to people from the 18 Crowsnest Pass and beyond with many people 19 travelling from Calgary to attend a tour to get 20 the facts about the CEP and the Grassy Mountain 21 project. 22 The effectiveness of the public site tours 23 was measured through an anonymous participant 24 survey conducted after the site tours. 25 Highlights of the survey results include: 26 After completing the tour, 100 percent of</p> | <p style="text-align: right;">486</p> <p>1 participants indicated they had a better 2 understanding of the Grassy Mountain project. 3 After completing the tour, 87 percent of 4 participants left supporting the project. 5 And after the tour, we saw a reduction in 6 those who were opposed or are neutral about the 7 project. 8 What was clear from our site tour 9 initiative is that when stakeholders who have 10 concerns or are interested in our activities 11 take the time to meaningfully engage with 12 Northback rather than simply being opposed and 13 not engaging with Northback in a manner to 14 address, avoid, or mitigate their concerns, 15 Northback has demonstrated it will address 16 stakeholders' concerns and provide them with 17 the majority of the information they are 18 seeking. 19 Finally, in developing its applications, 20 Northback endeavoured to design its CEP in a 21 manner that minimizes any potential impacts. 22 Throughout this process, Northback has remained 23 ready, willing, and able to engage with 24 stakeholders with a view to further minimizing, 25 mitigating, or avoiding potential impacts. 26 A S. BROWN: Thank you,</p> |
| <p style="text-align: right;">487</p> <p>1 Mr. Trumpour. 2 Madam Chair, to summarize, Northback has 3 applied for regulatory approvals necessary to 4 conduct further exploration drilling at the 5 previously disturbed Grassy Mountain site. 6 These activities will have minimal impact 7 on the surrounding environment and will be 8 conducted in a safe and responsible manner in 9 accordance with all applicable legal 10 requirements and regulatory standards. 11 Northback has the expertise and experience 12 to perform this exploration program safely, 13 having successfully completed multiple similar 14 programs on Grassy Mountain. As a responsible 15 proponent and land steward, we continually 16 strive to improve our operations and leverage 17 the experience and firsthand knowledge of our 18 technical experts where necessary. 19 In closing, Madam Chair and Panel Members, 20 Northback believes it has been receptive and 21 responsive to and has appropriately considered 22 the concerns and interests of all stakeholders 23 to the applications. 24 Northback looks forward to the opportunity 25 to elaborate on the positions I have just 26 discussed and to respond to any questions the</p> | <p style="text-align: right;">488</p> <p>1 Panel may have during this hearing. Thank you. 2 J. EADIE: Thank you, 3 Ms. Brown, Ms. Beattie, Mr. Riewe, and 4 Mr. Trumpour. 5 Madam Chair, Commissioners, that concludes 6 Northback's direct examination. Northback's 7 witness panel is now available for questioning. 8 Thank you. 9 THE CHAIR: Thank you very much, 10 counsel. 11 So we had -- on our schedule this morning, 12 we have scheduled a break at 10:45. We can 13 take the break now and then switch to cross, 14 which may give the witnesses a chance to 15 stretch their legs, grab some water, okay. And 16 then we will be back at 10:30 for 17 cross-examination. Thank you. 18 (ADJOURNMENT) 19 THE CHAIR: Please be seated. 20 I'm going to apologize, Mr. Niven. I have 21 one matter that came to my attention before you 22 proceed. 23 My understanding is counsel to MD of 24 Crowsnest Pass is here and would like to get 25 registered. I'm sorry we missed you this 26 morning.</p> |

| | | | |
|-----|---|-----|--|
| 489 | <p>1 A. GULAMHUSEIN: Sorry. Good 2 morning, Madam Chair and Panel. I would just 3 like to register for the record. My name is 4 Alifeyah Gulamhusein. Last name is 5 G-U-L-A-M-H-U-S-E-I-N. We're counsel -- I'm 6 counsel for the Municipality of Crowsnest Pass. 7 And we will be in attendance for the three days 8 of the hearing. So thank you very much. 9 THE CHAIR: Thank you. 10 Mr. Niven, all yours. 11 M. Niven Cross-examines the Northback Holdings 12 Corporation Witnesses 13 M. NIVEN: Madam Chair, Panel 14 Members. 15 Q M. NIVEN: Good morning, 16 Ms. Brown, Northback witnesses. Nice to meet 17 you. You understand I act for the MD of 18 Ranchlands; correct? 19 A S. BROWN: Correct. 20 Q Right. And during our conversation this 21 morning, I'll be referring to the three 22 applications that have been filed being the 23 Drilling Application 1948547 as "the drilling 24 application". 25 A Yes. 26 Q And A10123772 as "the exploration program</p> | 490 | <p>1 application"; correct? 2 A Correct. 3 Q And 00497385 [sic] as "the water diversion 4 application", okay? 5 A Correct. 6 Q And I'll refer to those collectively as "the 7 coal exploration applications" or "CEP 8 applications", okay? 9 A Okay. Yes. 10 Q All right. Northback Holdings is the applicant 11 for each of the coal exploration applications; 12 correct? 13 A Yes, that's correct. 14 Q And Northback Holdings Corporation was 15 previously known as Benga Mining Limited; 16 correct? 17 A Yes. That's correct. 18 Q It changed its name from Benga to Northback in 19 July 2023; right? 20 A Yes, that's correct. 21 Q But they're the same company, just the name 22 changed; right? 23 A Yes. 24 Q And that name change occurred a couple of 25 months -- one or two months before the coal 26 exploration applications were filed; right?</p> |
| 491 | <p>1 A Yes, that's correct. 2 Q Okay. So originally the drilling applications 3 contemplated 46 boreholes; right? Originally? 4 A Do you want to speak to that? 5 A A. BEATTIE: Yeah, that is 6 correct. 7 Q Thank you. 8 I have -- if you could turn your little 9 nameplates towards me, then I'll have a chance 10 of reading them; otherwise, I'll have to try to 11 remember your names, and that'll be -- that 12 will be dreadful. Thank you. 13 Ms. Beattie; right? 14 A Yes. 15 Q Thank you. 16 So by my count, originally, there was 17 supposed to be 27 boreholes on Crown land and 18 19 on private land; is that right? 19 A Yes, that is correct. 20 Q Right. And I now understand that Northback is 21 only contemplating 11 drill pads on Crown 22 lands; is that right? 23 A That's correct. 24 Q All right. Has the number of drill pads or 25 boreholes on the private lands -- has that -- 26 has that changed since the application was</p> | 492 | <p>1 filed? 2 A No, that has not changed. 3 Q Right. So the changes to the drilling program 4 contemplated from the original application are 5 less holes on the Crown land, same number on 6 the private land; right? 7 A That's correct. 8 Q Thank you. 9 And these applications -- these 10 applications before this Panel, they pertain 11 solely to the Crown boreholes and the drill 12 pads on the Crown land; is that right? 13 A The CEP application pertains to the boreholes 14 on Crown land, but the TDL and the deep 15 drilling permit pertain to both Crown land and 16 private land. 17 Q Thank you. 18 Now, these activities contemplated in your 19 exploration applications would all take place 20 on Grassy Mountain in the MD of Ranchlands; 21 correct? 22 A That is correct. 23 Q Have all of your witnesses here today -- have 24 you all visited Grassy Mountain? 25 A Yes. 26 Q Would you agree with me, whoever, that ranching</p> |

| | |
|---|---|
| <p style="text-align: right;">493</p> <p>1 and cattle grazing are the main activities in 2 the MD of Ranchland? 3 A Yes, to our knowledge. 4 Q Yeah. Now, there's not much in the way of 5 commercial development in the MD of Ranchlands, 6 is there? 7 A T. RIEWE: No. 8 Q So back when Northback was called Benga, it 9 brought an application for open-pit coal mine 10 in Grassy Mountain; right? 11 A S. BROWN: Yes. That's 12 correct. 13 Q Right. And these coal exploration activities 14 we're talking about in this hearing, they would 15 occur on the same lands as were dealt with in 16 Northback's previous application to this 17 regulator for a coal mine; right? 18 A A. BEATTIE: Yeah, that is 19 correct. 20 Q Right. So this -- this project you're applying 21 for today, these coal exploration applications, 22 are they -- are they part of the same project 23 as the Grassy Mountain coal mine? 24 A Could you please rephrase the question? 25 Q I'll try. You're applying here today for -- 26 what did we call them -- coal exploration</p> | <p style="text-align: right;">494</p> <p>1 applications; right? 2 A Yeah. 3 Q Right? 4 A That is correct. 5 Q Right. So that's a project that you've applied 6 for approval to this regulator; right? 7 A Yes. 8 Q Okay. And my question is: Is this project, 9 the one you're here for today, is that part of 10 the same project as the Grassy Mountain coal 11 mine? 12 A The drilling exploration program is at the same 13 site as the Grassy Mountain coal mine that was 14 previously applied for, yes. 15 Q Are they part of the Grassy Mountain coal mine 16 project? 17 A Yes. 18 Q Thank you. 19 M. NIVEN: Can we call up one 20 of our aids to cross? Who do I ask for that? 21 Hi, what's your name? 22 N. HYUMER: Nerissa. 23 M. NIVEN: Hi, Nerissa. I'm 24 Michael. 25 Could you call up as our aid to -- call up 26 an aid to cross that we sent over. It's a</p> |
| <p style="text-align: right;">495</p> <p>1 screenshot of the Government of Alberta 2 website. 3 N. HYUMER: Do you have the 4 title of it? 5 M. NIVEN: I'll have to rely on 6 someone else for that. 7 Thank you. If we could put that up on the 8 TV. Scroll down a wee bit. If we can scroll 9 down, please. All right. That's great. 10 Q M. NIVEN: So you see that, 11 Ms. Brown, or whoever? 12 A S. BROWN: Yes, we do. 13 Q And what does it say in relation to the 14 schedule for that coal mine application? 15 A Schedule as written on the screen is "cancelled 16 in 2021". 17 Q Right. Is that incorrect? 18 A Well, firstly, this isn't actually a website 19 that's managed by Northback. 20 Q No. It's the Government of Alberta. 21 A Correct. We see that the application that was 22 put before the AER was denied. 23 Q Right. Has it been cancelled? 24 A No. 25 Q Have you -- have you -- have you contacted the 26 Government so they can correct the website?</p> | <p style="text-align: right;">496</p> <p>1 A No. I don't believe anyone from Northback, to 2 my knowledge, has contacted the AER. 3 Q So just to summarize this little part of our 4 conversation, you say that these CEPs, these 5 coal exploration applications, are part of your 6 Grassy Mountain coal mine project; right? 7 A A. BEATTIE: The applications at 8 hand, as I mentioned, are related to the same 9 site as the previous application that went 10 through the joint review panel. 11 Q Right. You tried that before, but I got you to 12 confirm to me that they're part of the Grassy 13 Mountain coal mine project; right? 14 A Yes, it is part of the same project. 15 Q Right. So the AER should consider these 16 applications in that light; correct? 17 A They should be considered in their own merit as 18 applications for coal mining exploration. 19 Q So not as part of the Grassy Mountain coal 20 mining project? 21 A They are applications for the Grassy Mountain 22 mine site, yes. 23 Q So should the AER consider these coal 24 exploration applications as part of the Grassy 25 Mountain coal mine project? 26 A They should consider the applications, as I</p> |

| | |
|--|---|
| <p style="text-align: right;">497</p> <p>1 mentioned, for their own merit as coal 2 exploration applications. 3 Q I could ask the same thing, but that will only 4 irritate everyone, including my friend. Thank 5 you. 6 So 2015 is the year that Northback -- it 7 was called Benga back then -- submitted an 8 environmental impact assessment for the Grassy 9 Mountain coal mine application; right? 10 A S. BROWN: Yes. That's 11 correct. 12 Q Right. And you say that -- you say that 13 Northback, formerly Benga, has spent over a 14 billion dollars advancing the coal mine 15 application; is that correct? 16 A I don't believe that's exactly what I said. 17 I -- 18 Q Okay. What'd you say? 19 A I can recall -- one moment, please. 20 Q Sure. Take your time. 21 A I stated that Northback has made significant 22 investments to advance the Grassy Mountain 23 project having spent approximately \$1 billion 24 since becoming involved with the project. 25 Q Okay. So is -- is that a "yes" to my question? 26 A That's a "no". I just read what I said.</p> | <p style="text-align: right;">498</p> <p>1 Q Okay. You've spent a whole bunch of money on 2 Grassy Mountain; right? 3 A Correct. 4 Q Over a billion dollars; right? 5 A Correct. 6 Q Thank you. 7 And so is Northback suggesting to the 8 Panel, to the regulator that because it's spent 9 all that money on Grassy Mountain, it should 10 have these coal exploration applications 11 approved? 12 A Not at all. 13 Q Okay. Are these coal exploration applications 14 a precursor or a necessary step to your coal 15 mine on Grassy Mountain? 16 A They're a necessary step to provide further 17 confidence and assurance to both stakeholders 18 and the owners of the company in terms of the 19 economic viability of the project. 20 Q So in -- I'm sorry. 21 A And the AER. Sorry. 22 Q So a necessary precursor? 23 A Yes. 24 Q Right. So is it the expectation that if you 25 get more information from these drilling holes 26 and the information comes back favourably, that</p> |
| <p style="text-align: right;">499</p> <p>1 Northback will reapply for a coal mine on 2 Grassy Mountain? 3 A Yes. At this stage, the intent is that 4 there'll be a -- Northback will submit a 5 revised application for the project. 6 Q Okay. Okay. Changing tack a little wee bit. 7 In your written submissions, you say -- we can 8 call it up if you like, but I can just read it. 9 I'm sure everyone would enjoy that more: 10 (as read) 11 Although it's acknowledged that the 12 precise scale of socioeconomic 13 benefits resulting from commercial 14 scale development of the Grassy 15 Mountain project are beyond the scope 16 of these applications, the potential 17 of generating those significant 18 benefits is not out of scope. 19 You remember writing that? 20 A Sorry. Can you just provide the reference 21 there? 22 Q Sure. Exhibit 62.02, please. It's at 23 PDF page 9, paragraph 27. You remember that? 24 A Yes, I do. 25 Q Okay. Thank you. 26 So I take it if it's in your written</p> | <p style="text-align: right;">500</p> <p>1 submissions that -- Northback wants the 2 regulator to consider the potential benefits of 3 a coal mine in reaching a decision on these 4 coal exploration applications; is that right? 5 A I think what that's trying to say from our 6 perspective is that we're saying that the 7 economic benefits are beyond the scope of these 8 applications before the AER in relation to the 9 exploration drilling. 10 Q Right. But then you say: (as read) 11 [Comma] the potential of generating 12 those significant benefits is not out 13 of scope. 14 Right? 15 A Sorry. What section are you referring to 16 there? 17 Q I'm on paragraph 27. 18 A Yeah. 19 Q And you read the first part of the sentence 20 down to the comma, and then I read the part of 21 the sentence after the comma. 22 A I think -- I think if you read the paragraph in 23 whole, though, we say that the -- the 24 applications -- we'd like the applications to 25 be assessed as their merit and that they will 26 then likely proceed with an application for a</p> |

| | |
|--|--|
| <p style="text-align: right;">501</p> <p>1 commercial mine, which at that time we would 2 like the AER to consider the commercial 3 benefits, if you read the paragraph in full. 4 Q Well, this is a submission you made for these 5 applications; right? 6 A Correct. 7 Q All right. I mean, on -- well, I'm not going 8 to make a speech. 9 So then if we go to the last sentence of 10 that paragraph. Can you read that out loud, 11 please, "for the purpose of". 12 A (as read) 13 For the purpose of proceeding, the AER 14 must, before deciding on the 15 applications, take into account the 16 potential loss of the chance to assess 17 the commercial mine application and 18 the significant economic benefits 19 likely associated with that 20 development. 21 Q So do you wish that wasn't in your written 22 submissions now? 23 A No. 24 Q All right. I'll let the Panel draw its own 25 conclusions from what's in this submission. 26 Okay? Thank you.</p> | <p style="text-align: right;">502</p> <p>1 So there hasn't been an active coal mine 2 on -- in the MD of Ranchland since the 1980s; 3 right? 4 A A. BEATTIE: Are you referring to 5 the Grassy Mountain mine? 6 Q I think anywhere in the MD of Ranchland. 7 A So active coal mining at the Grassy Mountain 8 site terminated in the 1960s, to our knowledge. 9 Q Right. And do you know when the last active 10 coal mine was in the MD of Ranchland? 11 A No, I do not. 12 Q Okay. Then I'll -- not fair for me to ask 13 that, then. Thank you. 14 It's my understanding that somewhere in the 15 region of 500 exploratory holes have been 16 drilled on Grassy Mountain since early 1970s; 17 is that right? 18 A Yeah. We can find the exact number, but -- 19 Q Sure. 20 A Yes. It is 700 boreholes. 21 Q Okay. Then I don't need to call up the 22 exhibit. Thank you. 23 I count 500. Do you take issue with that 24 number? 25 A One moment. 26 Q Could we call up our Aid to Cross CIAR42,</p> |
| <p style="text-align: right;">503</p> <p>1 please. Maybe this'll help you. Pages 18 to 2 19, please. There we go. So this is your 3 document; right? 4 A Yes, it is. 5 Q All right. So you see that we -- the little 6 table on B.3 there? 7 A Yes. 8 Q Right. And I -- I added up the numbers there, 9 and it's -- it's 517. Do you take issue with 10 my math? 11 A No. 12 Q Thank you. 13 It's my understanding that from 2013 to 14 2016, Riversdale itself drilled about 83 holes 15 on Grassy Mountain; would that be right? 16 A Yes. 17 Q Okay. Riversdale's a -- a trade partner for 18 Northback; is that right? 19 A S. BROWN: Sorry. I don't know 20 what you're referring to with "trade partner". 21 Q A related company. 22 A Riversdale was the name of the company at the 23 time. 24 Q The name of what company? 25 A Of Benga. 26 Q Oh, I'm sorry. I didn't know that. So it was</p> | <p style="text-align: right;">504</p> <p>1 Riversdale; then it was Benga; then it was 2 Northback? 3 A I unfortunately don't know the history of the 4 naming of the organization. 5 Q Can we agree it's a related -- a related 6 company? 7 A Sure. 8 Q Thank you. 9 So as well as Riversdale's exploration 10 program from 2013 to 2016, there were at least 11 two other additional coal exploration programs 12 conducted in 2019 and 2021, 2022; correct? 13 A A. BEATTIE: That is correct. 14 Q How many holes were drilled in those programs? 15 A We would have to confirm the exact number and 16 get back to you if needed. 17 Q Okay. I'll have that undertaking. 18 M. IGNASIAK: Yeah. 19 M. NIVEN: Thank you. 20 M. IGNASIAK: Please confirm on 21 the record exactly what you're asking for. 22 M. NIVEN: Yeah. I'm just 23 trying to get the number of holes that 24 Riversdale drilled from -- whatever they were 25 called -- Riversdale, Benga, Northback -- 26 conducted in 2019 and 2021 to 2022. Okay?</p> |

| | |
|---|---|
| <p style="text-align: right;">505</p> <p>1 Q M. NIVEN: Are you okay with 2 that, Ms. Brown? 3 A S. BROWN: Yes, we are. 4 Q Thank you. 5 UNDERTAKING 1 - To provide the number 6 of boreholes that Riversdale and/or 7 Benga and/or Northback drilled in 8 2019 and 2021 and 2022 9 Q M. NIVEN: So we have these 10 coal exploration applications on the same lands 11 and as a precursor to a potential coal mine at 12 Grassy Mountain; right? 13 A S. BROWN: Yes, that's correct. 14 Q And we're agreed -- we've established on the 15 record that over 500 holes have been drilled in 16 Grassy Mountain since 1970; correct? 17 A Correct. 18 Q Is the real purpose of these coal exploration 19 applications to try and breathe some life into 20 your dead coal mine project on Grassy Mountain? 21 A No. 22 Q All right. Changing gears a little bit. We'll 23 talk about pre-disturbance site assessments, 24 PDSAs. Who do I get to talk to about that? 25 A Mr. Riewe. 26 Q Mr. Riewe. Thank you.</p> | <p style="text-align: right;">506</p> <p>1 A T. RIEWE: Good morning. 2 Q So in support of its coal exploration 3 applications, Northback obtained a 4 pre-disturbance site assessment for Crown land 5 on June 9th, 2023; is that right? 6 A That's correct. 7 Q Right. And if I call that "the PDSA", we'll 8 all know what we're talking about? 9 A Yes. 10 Q Thank you. 11 And that was prepared by Trace Associates 12 Inc.? 13 A Yes. 14 Q And that's who you're with? 15 A No. I'm with Northback. 16 Q Oh, I'm sorry. Who's with Trace? 17 A Ms. Redburn. 18 Q Okay. That's fine. Thank you. 19 Anyway, the PDSA was prepared by Trace; 20 right? 21 A That's correct. 22 Q Right. And that covers topics like soil 23 management, reclamation, erosion, hydrology, 24 and vegetation, including weeds and wildlife; 25 right? 26 A That's correct.</p> |
| <p style="text-align: right;">507</p> <p>1 Q As I understand it, subsequently on 2 October 18th, 2024, Northback obtained an 3 updated PDSA; correct? 4 A Correct. 5 Q And that's for the Crown lands; right? 6 A That's correct. 7 Q In fact, the original Trace PDSA and the 8 updated PDSA, they're both for the Crown lands; 9 right? 10 A That's correct. 11 Q Thank you. 12 They don't cover the private lands; right? 13 A The PDSAs that have been submitted on the 14 record are in relation to Crown land. 15 Q And not the private land; right? 16 A Correct. 17 Q Okay. Thank you. 18 Northback understands that weeds -- 19 invasive weeds are a big concern for the MD of 20 Ranchlands; right? 21 A Yes. 22 Q Does Northback have any understanding that the 23 weeds and the massive seed bank on Grassy 24 Mountain have the potential to spread into the 25 MD of Ranchlands? 26 A Yes.</p> | <p style="text-align: right;">508</p> <p>1 Q There's various vectors by which seeds and 2 weeds can be spread; right? 3 A Yes, that's correct. 4 Q Animals; right? 5 A Yes. 6 Q Wind; right? 7 A Yes. 8 Q Water; right? 9 A Yes. 10 Q But vehicles are the big one; right? 11 A They are one of the main vectors, yes. 12 Q Isn't it the biggest? 13 A I can't speak to that proportionally, but, 14 yeah, it's a significant concern for Northback. 15 Q I was asking if vehicles were the big one. 16 A Vehicles are a large potential vector. 17 Q Yeah. But you didn't file a PDSA for private 18 lands on Grassy Mountain; right? 19 A That's correct. 20 Q Okay. In your reply submissions, you say 21 that -- I think in the updated PDSA you 22 recommend doing the drilling work that's the 23 subject of this application in the fall and the 24 winter in order to mitigate against vegetation 25 and wildlife damage. Do you remember that? 26 A Yes.</p> |

| | |
|--|---|
| <p style="text-align: right;">509</p> <p>1 Q Also says if you -- okay. Scratch that. 2 So will -- Ms. Brown or whoever, will 3 Northback be following Trace's recommendation 4 to conduct the coal exploration in the fall or 5 winter? 6 A Yes, we will. 7 Q Thank you. 8 Are you -- I'm sorry. Are you with 9 Northback? 10 A Yes. Again, with Northback. 11 Q Perfect. I've got a good memory, but it's 12 short. Thank you. 13 Let's talk for a minute or two about 14 reclamation. So according to Northback's 15 application, the coal exploration activities 16 would take place only on previously disturbed 17 land on Grassy Mountain; right? 18 A That's correct. 19 Q So when Northback characterizes land as 20 "disturbed", it includes cattle grazing and 21 logging; right? 22 A Cattle grazing and logging are a form of impact 23 on the land. 24 Q Sure. Have you -- have you tried to delineate 25 which parts of the land on Grassy Mountain are 26 disturbed by cattle grazing as opposed to coal</p> | <p style="text-align: right;">510</p> <p>1 mining? 2 A Not for the purpose of this submission, no. 3 Q Okay. So at least -- at least part of what 4 Northback considers disturbed land is land on 5 which legacy exploration activities have 6 occurred; right? 7 A That's correct. 8 Q And at least some of the boreholes that you 9 planned to drill if you get these permits from 10 this regulator will be located on previously 11 existing drill pads on Grassy Mountain; 12 correct? 13 A Sorry. Just one moment. 14 Q Yeah. Take your time. 15 A Apologies. Can you repeat the question, 16 please? 17 Q Sure. So at least some of the boreholes that 18 Northback plans to drill if it gets its permit 19 from this Panel would be on previously existing 20 drill pads on Grassy Mountain; right? 21 A They will be on existing disturbance -- 22 Q Okay. 23 A -- on-site. 24 Q Existing disturbed land on Grassy Mountain; 25 correct? 26 A That's correct.</p> |
| <p style="text-align: right;">511</p> <p>1 Q And are those sites disturbed from previous 2 drilling exploration? 3 A The locations relating to this application are 4 on various types of previous disturbance, 5 trails, stockpiles, et cetera. 6 Q Are some of them on bits of land where you've 7 conducted exploratory drilling before? 8 A The locations for this application are on 9 locations that were historically used for 10 exploration prior to Northback's involvement on 11 the site. 12 Q Okay. And when you say "exploration", you mean 13 drilling? 14 A Yeah, that's correct. 15 Q Let's call up Exhibit 004.002, please. It's 16 Northback's drilling application. Page 54, PDF 17 page 54. 18 So if you go halfway down paragraph (b) 19 there, you see that sentence that -- "it is 20 noted ..." 21 A Yes, I see that. 22 Q Could you read that sentence, please? 23 A (as read) 24 It is noted that Boreholes 23PDH031 25 and 23PDH032 are on the same drill 26 pads as previously drilled boreholes</p> | <p style="text-align: right;">512</p> <p>1 from the 2021 to 2022 drilling 2 program, while Boreholes 23PDH033 and 3 23PDH034 are on the same drill pads 4 proposed during the 2021-2022 drilling 5 programs. 6 Q Right. So those were -- 7 A But -- but -- 8 Q I'm sorry. But -- but -- but -- go ahead. 9 A But not drilled. 10 Q Right. Thank you. 11 So according to that sentence, some of 12 these drill pads where you want to drill holes 13 are drill pads that were used by Riversdale, 14 Benga, Northback; right? 15 A Sorry, Mr. Niven. Could you repeat the 16 question one more time? 17 Q I'm just trying -- Mr. Riewe, I'm just trying 18 to establish that at least some of these drill 19 pads that you want to use for these drill holes 20 are drill pads that you guys used before. 21 A Yes, that's correct, or identified for use. 22 Q Thank you. 23 So that would suggest to me that some of 24 your previously used drill pads have not yet 25 been reclaimed; right? 26 A Madam Chair, with respect to the locations from</p> |

| | |
|---|--|
| <p style="text-align: right;">513</p> <p>1 the 2021 and 2022 drill program, we have 2 conducted some reclamation at certain holes 3 relating to that program, but we do have until 4 2026 to complete reclamation on those 5 locations. 6 Q Okay. That's nice. 7 So my question was for some of those drill 8 pads that we've now established, you guys 9 made -- and that you want to use again -- 10 there's reclamation yet to be done; correct? 11 A That's correct. 12 Q Thank you. See, we got there. 13 And then in your reply submissions -- we 14 can call it up if you like. It's Exhibit 86.1, 15 PDF page 18. You say -- at paragraph 50. 16 Okay. Got it. Thank you. 17 You see that second bullet point there? 18 Would you mind reading that? "Interim." 19 A Madam Chair, the bullet states: (as read) 20 Interim reclamation of any drill pads 21 and access roads not required for 22 future programs will occur after the 23 completion of the exploration program 24 and borehole abandonment work. 25 Q Sorry. I'm on the wrong page. Happens all the 26 time.</p> | <p style="text-align: right;">514</p> <p>1 M. NIVEN: Page 66, please. 2 Apologize for that. Down a bit, do we? 3 Q M. NIVEN: So would you read 4 the opening -- I'll read it. That's fair. 5 'Cause I made the mistake. 6 3.5.3.4 under "Reclamation": (as read) 7 Each of the drill-site locations and 8 associated access routes may be 9 impacted by future programs or 10 open-pit mining. Therefore, the 11 proposed reclamation below is interim, 12 one or two years. 13 Do you recall that? 14 A Yes. 15 Q And then on paragraph -- well, okay. 16 So I take it from that that there's an 17 assumption with Northback that there will be 18 coal mining on Grassy Mountain; is that right? 19 A Madam Chair, not an assumption but just an 20 acknowledgement for the potential. 21 Q Okay. So your comments here are based on 22 the -- did you say "assumption" or 23 "acknowledgement"? 24 A Acknowledgement, the potential. 25 Q That there will be a coal mine on Grassy 26 Mountain?</p> |
| <p style="text-align: right;">515</p> <p>1 A For the potential. 2 Q Thank you. 3 So is it -- is it Northback's position that 4 full reclamation at Grassy Mountain, whether 5 you disturb it or not, can only occur when and 6 if your coal mine is approved and completed? 7 A Madam Chair, with respect to the broader 8 context of reclaiming Grassy Mountain, that the 9 reference to "reclamation" that Mr. Niven is 10 referring to is with respect to exploration 11 drilling, not to contemplate the reclamation 12 of -- in the broader context of the Grassy 13 Mountain historic site -- historical mining 14 site. 15 Q So is that a "no" to my question? 16 A Can you repeat the question? 17 Q Sure. So what I'm trying to get to is: Is the 18 position that you're putting to this Panel that 19 you'll only get proper full reclamation at 20 Grassy Mountain once your coal mine is built 21 and completed and done? 22 A Madam Chair, while we appreciate the topic of 23 reclamation and its significance with respect 24 to the broader Grassy Mountain site, Northback 25 is committed to meeting its requirements 26 related to activities that we conduct,</p> | <p style="text-align: right;">516</p> <p>1 including exploration drilling, which is the 2 subject of this hearing. 3 Q So it's not Northback's position that the 4 reclamation will only fully occur after the 5 coal mine's done? 6 A S. BROWN: What we can commit 7 to is that for disturbance that we have created 8 at the Grassy Mountain site that we will 9 complete the reclamation in accordance with the 10 regulations. 11 Q Right. And I'm trying to establish when that's 12 going to happen. 13 And I -- the flavour that I picked up from 14 your filings is that you feel that you can only 15 probably do that once you have the coal mine 16 and the coal mine's done. Is that -- is my 17 understanding incorrect? 18 A That's incorrect. 19 Q Incorrect? 20 A We've complied with the reclamation 21 requirements and the timing of that up until 22 this date, and we will continue to do so. 23 M. NIVEN: If we can go to -- I 24 think we're on 62.02 right now. If we can go 25 to PDF page 8, please. Are we on 62.02? We 26 need 62.02, please. PDF page 8, please.</p> |

| | |
|--|--|
| <p style="text-align: right;">517</p> <p>1 Q M. NIVEN: Paragraph 26. 2 Second sentence: (as read) 3 An enhanced understanding of such 4 conditions will better facilitate 5 future work on Grassy Mountain, 6 including reclamation work, legacy 7 mining, and future activities. 8 Blah, blah, blah. So as I read that, is your 9 reclamation at Grassy Mountain dependent on 10 getting these coal exploration permits? 11 A A. BEATTIE: So this particular 12 paragraph, when it speaks to reclamation work, 13 it's talking about reclamation work associated 14 with a potential future mine project -- 15 Q M-hm. 16 A -- not exploration. 17 Q Okay. So, again, when will that reclamation 18 work happen? After the coal mine's done and 19 completed? 20 A Are you referring to reclamation associated 21 with previous mining activities that do not 22 include exploration? 23 Q Well, in this sentence that we're looking at, 24 it talks about "legacy mining operations" and 25 "future activities". Do you see that? 26 A Yes. But what we're speaking about here is</p> | <p style="text-align: right;">518</p> <p>1 that the information obtained from the 2 exploration drilling would help us with future 3 planning activities, including reclamation of 4 the overall mine site. 5 Q So let's imagine for a minute in someone's 6 wildest dreams that Northback doesn't get a 7 coal mine on Grassy Mountain after these coal 8 exploration applications are done. How -- how 9 exactly would the work for these CEP 10 applications -- the work done under these CEP 11 applications, how would that help to reclaim 12 legacy mining operations, like you talk about 13 in this filing? 14 A Again, our reference is to gaining information 15 to better understand what future mining and 16 reclamation could look like. So I -- I'm not 17 quite sure I understand what you're getting at. 18 Q Well, that's 'cause I don't understand what 19 you've said in your filings. 20 You say here: (as read) 21 The exploration program [the ones 22 you're applying for today] will 23 provide Alberta, Northback, and the 24 First Nations with a wealth of data 25 regarding Grassy Mountain's 26 geotechnical, geochemical, and</p> |
| <p style="text-align: right;">519</p> <p>1 hydrological conditions. 2 Right? You wrote that; right? 3 A Yes. 4 Q Right. And then you say: (as read) 5 That enhanced understanding will 6 better facilitate future work on 7 Grassy Mountain, including reclamation 8 work for both legacy and future 9 activities. 10 And what I'm trying to understand and what I'd 11 like you to explain to the Panel is how will 12 these coal exploration boreholes help with 13 reclamation of legacy mining operations and 14 future activities. 15 A If we read the rest of that paragraph, it does 16 talk about the various aspects that we're 17 looking for in this exploration program. For 18 example, additional geotechnical data will help 19 us design waste rock piles, which then will 20 help us design those to be more -- or in the 21 context of reclamation, for example. Also 22 getting more information on hydrogeology will 23 help us better understand the groundwater, and 24 that will lead to enhanced reclamation as well. 25 So it's really gathering that data in 26 several different disciplines that will lead to</p> | <p style="text-align: right;">520</p> <p>1 a project design including reclamation. 2 Q Right. So that sentence -- the one that begins 3 "For example", the one you just took me to -- 4 thank you -- it talks about pit walls; right? 5 Pit walls only -- 6 A Yes, it does. 7 Q I'm sorry. Go ahead. 8 A Yes. 9 Q Pit walls only happen in a coal mine; right? 10 A That's correct. 11 Q Stockpile designs only happen in a coal mine; 12 right? 13 A That's correct. 14 Q So what I'm trying to get at is it seems to me 15 that you're suggesting that you'll only be able 16 to do a bang-up job of reclamation on Grassy 17 Mountain when and if you get your coal mine; 18 right? 19 A S. BROWN: As I've previously 20 stated, in terms of reclamation for areas that 21 we have disturbed as part of existing drill 22 programs that's before the AER or previous ones 23 that we haven't quite finished that reclamation 24 for, we will complete the reclamation 25 requirements in accordance with the regulations 26 and standards and discussions with the AER.</p> |

| | |
|---|--|
| <p style="text-align: right;">521</p> <p>1 Q Okay. It's good that you're going to follow 2 the law. That's good. That's always a good 3 place to start. 4 I mean, I'm -- I'm albeit a bit older than 5 you, and I'm able to remember the Vietnam War 6 protests back in the late '60s and Nixon's 7 strategy of bombing for peace. And that's what 8 this sounds like to me. Am I wrong? 9 A You're entitled to your opinion. 10 Q Thank you. 11 All right. Let's talk for a little minute 12 about economic benefits. Changing topics. 13 Exhibit 62.02 again, please. PDF page 8. 14 Paragraph 25. I'm looking at paragraph 25. 15 I'm not going to make you read it, and I'm not 16 going to read it. I'll just let the Panel read 17 it, and you can read it, and whoever else wants 18 to can read it on the TV. 19 "HPPL" is Hancock Prospecting Pty Ltd.; 20 right? 21 A Yes, that's correct. 22 Q Can I call that "Hancock" -- if I call that 23 "Hancock", you'll know what I'm on about? 24 A Yes. 25 Q So Hancock's not an applicant to these coal 26 exploration applications; right?</p> | <p style="text-align: right;">522</p> <p>1 A Hancock is -- wholly owns Northback, which is a 2 subsidiary of Hancock. 3 Q I know that. I know that much. 4 I'm asking if Hancock is the applicant for 5 these applications. 6 A No, they're not. 7 Q Right. And Hancock's not a full or a limited 8 participant in these proceedings, is it? 9 A No, they're not. 10 Q And all the good people sitting on the left 11 side of the courtroom here today, they're 12 representatives of Northback, not Hancock; 13 right? 14 A I'm also in the position where I can speak in 15 some instances on behalf of Hancock. 16 Q Which is not a party to these proceedings; 17 right? 18 A No. 19 Q So apart from that statement, assertion, in 20 paragraph 25 that we have up on the TV there, 21 has -- has Northback or -- for that matter, 22 Hancock -- has it filed any expert evidence in 23 Proceeding 444 about the economic benefits of 24 a -- a coal mine? 25 A No, as this application relates to an 26 exploration program, not a coal mine.</p> |
| <p style="text-align: right;">523</p> <p>1 Q Okay. And has either -- has Northback or 2 Hancock, whoever you like -- have you filed any 3 new evidence in this Proceeding 444 regarding, 4 for example, the global demand for 5 metallurgical coal? 6 A No. I don't believe we have. 7 Q Has Northback or Hancock or whoever filed any 8 new evidence in this Proceeding 444 on, for 9 example, estimated royalty payments to the 10 people of Alberta? 11 A No, we have not, as that does not relate to an 12 exploration program. 13 Q Okay. And has Northback filed any -- Hancock, 14 whoever -- filed any new evidence in this 15 Proceeding 444 as to whether the quality of the 16 coal would decline over the lifetime of the 17 mine? 18 A No, we have not. 19 Q Okay. So were you around when the JRP did its 20 thing? 21 A I was part of Hancock at the time, but I was 22 not part of Northback, no. 23 Q Okay. Thank you. 24 You're aware that the joint review panel in 25 its 680-page decision made certain findings on 26 those matters I've just talked about?</p> | <p style="text-align: right;">524</p> <p>1 A Yes, I'm aware of that. 2 Q Found that -- the JRP found that Benga had 3 overestimated the positive economic impacts of 4 the coal mine; right? 5 A I do remember reading that, yes. 6 Q And that the JRP found that Benga's estimated 7 royalty payments were overestimated? 8 A Yes. I do remember reading that also. 9 Q And the JRP found that your coal mine on Grassy 10 Mountain could negatively affect other economic 11 sectors in the area such as tourism and 12 recreation? 13 A Yes, I also remember that. 14 Q And the JRP found there was no clear evidence 15 that the quality of the coal would remain good 16 over time; right? 17 A I can't quite remember that portion of the 18 response, but I'll take your word for it. 19 Q Thank you. 'Cause I could call it up if you 20 like. You knew that; right? 21 A Yes, I did know that. 22 Q And, lastly, the JRP found that Benga did not 23 consider the potential decreases in the demand 24 or price of metallurgical coal over the life of 25 the project; right? 26 A Correct.</p> |

| | |
|---|---|
| <p style="text-align: right;">525</p> <p>1 Q All right. And those -- those -- those 2 findings are currently the subject of a 3 challenge in Federal Court; right? 4 A Yes, that's correct. 5 Q Okay. Last topic. Yay. We're going to talk 6 about some of the benefits from your -- 7 supposed benefits from your coal mine. So -- 8 pardon me -- the benefits from the coal 9 exploration applications, not the coal mine, 10 the CEPs. 11 So the CEP program itself was originally 12 expected to last, what, 105 days; right? 13 A Yes, that's correct. 14 Q And that 105 days' estimation was before 15 Northback reduced the scope of its CEP 16 applications; right? 17 A Yes, that's correct. 18 Q Right. 19 And you talked about originally spending 20 about \$5 million on these CEPs; right? 21 A Yes. 22 Q Is that the -- has that amount changed since 23 you scaled back the CEPs? 24 A No, we don't believe so. It's an estimate at 25 this point, but at this stage we think that 26 it's going to cost approximately \$5 million.</p> | <p style="text-align: right;">526</p> <p>1 Q So if we talk about the CEPs in isolation, as 2 you seem to want to do, without reference to 3 any coal mining on Grassy Mountain, is that the 4 amount that Northback will spend on services 5 locally? 6 A K. TRUMPOUR: We're not exactly 7 sure how much we're going to spend locally at 8 this stage, but it's estimated to be roughly 9 50 percent of that value. 10 Q So it's half now? 11 A Spent locally. 12 Q Okay. And the rest is on the actual work? 13 A No. I mean, that -- that will be -- what do 14 you mean by "actual work", sir? 15 Q Well, I'm trying to establish how -- you said 16 there'll be local benefits, 5 million bucks, 17 and then you scaled back the program. I'm just 18 trying to figure out -- find out how much 19 you'll spend locally as a result of the 20 scaled-back program? 21 A Yeah. So just -- just to be clear, the cost of 22 the program is estimated to be \$5 million. We 23 estimate that roughly 50 percent of the value 24 or \$2.5 million will be spent in the local 25 region. 26 To provide some context on some of the</p> |
| <p style="text-align: right;">527</p> <p>1 examples of the spend, Madam Chair, that would 2 be in the local region, we heard from limited 3 participants from Piikani Nation businesses 4 such as Security that we plan on securing their 5 services for the exploration program. Piikani 6 Security Services didn't reveal the -- the 7 estimated value of their contract, but they 8 accurately stated that it would be in the 9 hundreds of thousands of dollars to support the 10 CEP. 11 Other activities that we would be spending 12 locally on: water hauling, snow clearing, 13 things of that nature in order to support the 14 CEP. 15 And -- and just also one other note is 16 that, you know, that's a -- that 50 percent is 17 an estimate right now. It could -- it could go 18 up, but it's right now anticipated to be 19 roughly 50 percent. 20 Q And that would be mainly during this 21 105-day period that you talk about in your 22 filings; right? 23 A Yeah. That \$5 million is specifically for our 24 activities related to the CEP -- or all of the 25 activity related to these applications. 26 Q That's a 105-day program; right?</p> | <p style="text-align: right;">528</p> <p>1 A S. BROWN: Yes, that's correct. 2 Q Thank you. 3 M. NIVEN: Thank you, Panel. 4 THE CHAIR: Thank you, 5 Mr. Niven. 6 M. NIVEN: Thank you. 7 THE CHAIR: So that concludes 8 your cross-examination? 9 M. NIVEN: I hope so. 10 THE CHAIR: Okay. So next we 11 have Mr. Fitch, who has an hour and a half 12 scheduled on the schedule. We could either 13 start now or take a break for lunch. I'll 14 leave it to you, Mr. Fitch. I don't want to 15 interrupt your cross-examination. 16 G. FITCH: Thank you, 17 Madam Chair. What I propose is maybe 18 starting -- I've got one line of cross that 19 might take 15 or 20 minutes. Given that it's 20 only 11:30, why don't I start. We'll get 21 there. And then following that, I've got a 22 line of cross that actually would be -- it is 23 on reclamation and the answer to the 24 undertakings that have been given would be 25 helpful. So if we can do that after lunch, 26 then maybe that will facilitate things, if that</p> |

| | |
|---|--|
| <p style="text-align: right;">529</p> <p>1 makes sense.</p> <p>2 THE CHAIR: That does make</p> <p>3 sense. So I will wait for you to let us know</p> <p>4 when you would like the break.</p> <p>5 G. FITCH: Thank you very much.</p> <p>6 G. Fitch Cross-examines the Northback Holdings</p> <p>7 Corporation Witnesses</p> <p>8 G. FITCH: Good morning, Panel. As</p> <p>9 you heard earlier, my name is Gavin Fitch. I'm</p> <p>10 legal counsel representing the Livingstone</p> <p>11 Landowners Group.</p> <p>12 Q G. FITCH: So I'm going to --</p> <p>13 I'm going to start by asking some questions</p> <p>14 about consultation.</p> <p>15 So I take it -- and I'll just address the</p> <p>16 questions to the panel, not a particular</p> <p>17 witness. But I take it Northback would agree</p> <p>18 that Alberta Energy Regulator, or AER,</p> <p>19 Manual 20, which is titled "Coal Development",</p> <p>20 applies to not just development but also</p> <p>21 exploration?</p> <p>22 A K. TRUMPOUR: Yes.</p> <p>23 Q Okay. And, Mr. Trumpour, you would agree that</p> <p>24 Section 2.1.4 of Manual 20 -- which we can pull</p> <p>25 up if we need to, but let's just try not doing</p> <p>26 it to start. But it states that: (as read)</p> | <p style="text-align: right;">530</p> <p>1 The applicant for a control program,</p> <p>2 which includes exploration, is</p> <p>3 expected to carry out a stakeholder</p> <p>4 involvement program to inform parties</p> <p>5 about the proposed coal project and to</p> <p>6 make good faith efforts to address and</p> <p>7 resolve concerns raised about the</p> <p>8 proposed project.</p> <p>9 A Yes, that is correct. It states that in 2.1.4,</p> <p>10 "Stakeholder Involvement".</p> <p>11 Q Okay. And it goes on to say that the extent of</p> <p>12 the stakeholder involvement efforts would</p> <p>13 depend on the nature, size, and scope of the</p> <p>14 project; correct?</p> <p>15 A It does say that, yes.</p> <p>16 Q And then it says that guidance on how to plan,</p> <p>17 develop, and implement a stakeholder</p> <p>18 involvement program can be found in AER</p> <p>19 Directive 056; yes?</p> <p>20 A It does say that under Section 2.1.4, but,</p> <p>21 however, just to provide some context on</p> <p>22 Directive 056, the CEP does not fall under</p> <p>23 Directive 056.</p> <p>24 Q No. I appreciate it because Directive 056</p> <p>25 relates to oil and gas facility applications;</p> <p>26 correct?</p> |
| <p style="text-align: right;">531</p> <p>1 A Yeah. If -- I can read the title here -- or</p> <p>2 the introduction at the very beginning of</p> <p>3 Directive 056 is, if you like: (as read)</p> <p>4 This directive contains the</p> <p>5 requirements for licence applications</p> <p>6 to construct and operate facilities,</p> <p>7 pipelines, or wells as part of an oil</p> <p>8 and gas, geothermal, or brine-hosted</p> <p>9 minerals resources development.</p> <p>10 Q Okay. So what I'm taking from your answer so</p> <p>11 far is that notwithstanding what Section 2.1.4</p> <p>12 of Manual 20 says, Northback did not look at</p> <p>13 Directive 056 for guidance?</p> <p>14 A That's not how I'd characterize it. We've</p> <p>15 clearly reviewed Directive 056 and -- and</p> <p>16 reviewed it extensively to ensure that our CEPs</p> <p>17 did not fall under Directive 056, Madam Chair.</p> <p>18 Q Well, what I'm wondering is if you're familiar</p> <p>19 with Directive 056, you might know that</p> <p>20 Section 3.2.1 is titled "Who to Include", and</p> <p>21 that means who to include in a participant</p> <p>22 involvement program. And in Subsection 4, it</p> <p>23 says you should include persons that:</p> <p>24 (as read)</p> <p>25 ... the applicant is aware of who have</p> <p>26 concerns regardless of whether they</p> | <p style="text-align: right;">532</p> <p>1 are inside or outside the radius of</p> <p>2 personal consultation and notification</p> <p>3 indicated in Tables 1 to 4.</p> <p>4 Are you familiar with that part of Directive</p> <p>5 056?</p> <p>6 A Yeah. I have it up right here, so I'm sort of</p> <p>7 familiar with it.</p> <p>8 Q Okay. So I guess what I've always understood</p> <p>9 that section to mean -- and then -- and you can</p> <p>10 tell me if you agree, and then you can tell me</p> <p>11 if you agree it applies to your project given</p> <p>12 that it's a coal project, not an oil and gas</p> <p>13 project -- but what I've always understood it</p> <p>14 to mean is that the intent when you're planning</p> <p>15 a participant involvement program is that the</p> <p>16 applicant should consult with persons. It may</p> <p>17 not be required to, but if you know they have</p> <p>18 concerns, you should include them. Is that the</p> <p>19 approach Northback took in its participant</p> <p>20 involvement program?</p> <p>21 A Sorry, Mr. Fitch. Just to clarify your</p> <p>22 question. Are you asking me to interpret</p> <p>23 Directive 056, or are you asking me to provide</p> <p>24 you with some -- like, an overview of how we</p> <p>25 approached our participant involvement program</p> <p>26 and consultation process?</p> |

| | |
|--|--|
| <p style="text-align: right;">533</p> <p>1 Q Well, I'm going to ask the question again 2 because if you listen carefully, it ought to be 3 clear, okay. Are you ready? 4 A Okay. 5 Q So my preamble -- I'm going to tell you what my 6 understanding of that part of section -- of 7 Directive 056 has always meant, which is that 8 when a proponent is preparing a participant 9 involvement program, it is required -- it is 10 required to consult with some people, but if 11 you are aware of others who have concerns, even 12 if you're not required to consult with them, 13 you should. Is that the approach Northback 14 took? 15 A Yes. We -- Madam Chair, to provide some 16 context, we feel that we have executed a very 17 robust and extensive consultation process with 18 respect to these applications that have 19 included a very large and wide variety of 20 stakeholders who have identified themselves as 21 potentially being adversely impacted by these 22 applications -- or the activities described 23 within these applications. 24 Q I've also always understood Directive 056 to 25 require that an applicant conduct a participant 26 involvement program prior to submitting an</p> | <p style="text-align: right;">534</p> <p>1 application. 2 Was Northback's approach in this case, 3 given that it's a coal, not an oil and gas 4 application -- was Northback's approach to 5 conduct a participant involvement program 6 before it submitted its application? 7 A Madam Chair, just with respect to Directive 8 056, I just want to reiterate that these 9 applications do not fall under Directive 056, 10 so there are certain requirements under 11 Directive 056 is that don't apply. 12 However, with that being said, we certainly 13 initiated a public involvement program prior to 14 the submission of these applications. To 15 provide you a bit of context, we initiated 16 engagement with Indigenous stakeholders -- so 17 First Nations and Treaty 7, all of the Treaty 7 18 First Nations -- several months prior to the 19 submission of the applications. 20 Also, we -- under I believe it's Manual 8, 21 it provides guidance on what stakeholders are, 22 you know, likely to identify or potentially be 23 adversely impacted by activities on public land 24 overlapping surface rights holders, and we 25 absolutely began engaging with those 26 stakeholders prior to the submission of these</p> |
| <p style="text-align: right;">535</p> <p>1 applications and received their consent for the 2 activities that we were proposing on 3 overlapping dispositions. 4 Q My friend, Mr. Niven, asked some questions 5 about the JRP hearings back in 2020 when the 6 applicant was Benga, and I think one of you 7 said you were around then. 8 Can Northback confirm that it was aware 9 when planning this current exploration program 10 that my client, the Livingstone Landowner 11 Group, has concerns about coal exploration and 12 development on the eastern slopes? 13 A Yeah, I came on shortly before the hearing, the 14 joint review panel hearing in 2020, and 15 Mr. Riewe was here before that. 16 We are aware that the Livingstone 17 Landowners Group were involved in that process 18 and had concerns with respect to our commercial 19 mine application and the potential adverse 20 impacts associated with that application. 21 We previously conducted a CEP or applied 22 for and were approved for a CEP in 2020, and we 23 received very limited SOCs or very limited 24 concerns were raised associated with those 25 applications. 26 So we took a look at our past applications,</p> | <p style="text-align: right;">536</p> <p>1 looked at who was interested in participating 2 in -- in those -- in that regulatory process. 3 And we initiated a public involvement plan that 4 was geared towards stakeholders that were 5 certainly very obviously most potentially 6 adversely impacted by the activities associated 7 with these applications, specifically 8 overlapping surface rights holders and 9 First Nations in Treaty 7. 10 Q Sir, Northback was aware, when it was planning 11 its participant involvement program, that the 12 Livingstone Landowners Group, which I'm going 13 to refer to as "LLG", has concerns about coal 14 development and exploration on Grassy Mountain; 15 correct? 16 A Madam Chair, I guess the best way to answer 17 this question is that we're certainly aware 18 that LLG has had concerns with respect to coal 19 development with respect to a coal exploration 20 program. 21 Like I said earlier, we -- we have not had 22 any SOCs filed by LLG previously for the most 23 recently applied for CEP, so I can't say with 24 any confidence that we were aware that LLG has 25 concern with -- concerns with exploration 26 activities.</p> |

| | |
|---|---|
| <p style="text-align: right;">537</p> <p>1 But, certainly, something like a commercial 2 mine, they participated in that process 3 previously, and we were aware of that. 4 Q So I think you have implicitly confirmed for 5 all of us that Northback did not conduct any 6 consultation with the LLG prior to filing these 7 exploration applications since September 2023; 8 correct? 9 A Sorry. I'm -- I just missed a little bit of 10 that. Was the question that we didn't conduct 11 any consultation with LLG prior to the 12 submission of the applications? 13 Q That was the question. 14 A No, we did not. 15 Q Okay. And you didn't provide any notice of the 16 applications to LLG prior to filing your 17 applications, did you? 18 A No, we did not provide any notification to LLG 19 prior to the submission of these applications. 20 Q And these previous exploration programs, which 21 you say the LLG did not file an SOC in respect 22 of, you didn't provide notice to the LLG about 23 them either, did you? 24 A Notice for the CEP that I'm certainly familiar 25 with, I was with Northback at the time notice 26 was provided through the public notification</p> | <p style="text-align: right;">538</p> <p>1 website in the AER's website, but we did not 2 provide any direct notification from Northback 3 to LLG. 4 Q It's kind of hard to object to something if you 5 don't have notice of it, isn't it? 6 A Madam Chair, just based on the amount of public 7 involvement in these proceedings and the fact 8 that LLG is here today as a full participant 9 seems to be, you know, fairly easy to 10 participate and understand that these 11 applications are before the regulator. 12 Q So long as it comes to your attention? 13 A Madam Chair, the public notification board 14 is -- is the resource that is made available to 15 interested stakeholders to be made aware of 16 applications such as this, and certainly LLG 17 has indicated that they're interested in -- in 18 coal development and -- and have indicated 19 through this line of questioning that they're 20 interested in exploration activities as well. 21 And so that seems to have been an effective 22 method for -- for notifying LLG that these 23 applications were submitted. 24 Q You -- someone earlier said that you conducted 25 consultation with Crowsnest Forest Products, 26 Gold Creek Grazing Co-op, North Fork Stock</p> |
| <p style="text-align: right;">539</p> <p>1 Association, and TAQA North; correct? 2 A T. RIEWE: Yes, that's correct. 3 Q Okay. Is there anybody else? 4 A Just the people listed in that -- in that 5 statement. 6 Q Okay. So to be clear, then -- 7 A Sorry. Also every single Treaty 7 Nation. 8 Q Yeah. And all my questions are about 9 non-Indigenous consultation if you want that 10 clarification. 11 A Sure. Yeah. 12 Q And isn't it the case that Northback was 13 required to consult with Crowsnest Forest 14 Products, Gold Creek Grazing Co-op, North Fork 15 Stock Association, and TAQA North Limited 16 because they're disposition holders? 17 A Yes, that's correct. 18 Q Right. You didn't consult with any 19 non-Indigenous party you were not required to, 20 did you? 21 A K. TRUMPOUR: Madam Chair, we did 22 not engage with any other non-Indigenous 23 stakeholder prior to the submission of the 24 applications; however, in my opening statement, 25 I provided an overview of the significant 26 consultation efforts that we have made that</p> | <p style="text-align: right;">540</p> <p>1 began shortly after the submission of our 2 applications to make Northback available to 3 interested parties and stakeholder groups, 4 individuals to work with us to better 5 understand the nature of the applications, for 6 Northback to better understand the nature of 7 their concerns, and to work with those 8 stakeholders to address concerns that 9 stakeholders have raised through this 10 regulatory process. 11 Q But to be clear, sir, the answer -- the 12 question I asked you was that: Isn't it true 13 that Northback did not consult with any 14 non-Indigenous stakeholder it was not actually 15 required to, the answer to that question is: 16 Correct, we did not? 17 A Not prior to the submission of the 18 applications. 19 Q Yeah. 20 A However, we have consulted very rigorously with 21 many non-Indigenous stakeholders since the 22 submission in August of -- on August 31st of 23 2013, including reaching out to the Livingstone 24 Landowners Group to engage with us. 25 Q Thank you. 26 G. FITCH: So, Madam Chair,</p> |

| | | | |
|-----|--|-----|---|
| 541 | <p>1 that concludes my first line of cross.</p> <p>2 Why don't we break for lunch, and hopefully</p> <p>3 we'll have a little bit more information on the</p> <p>4 total number of exploration wells that have</p> <p>5 been drilled since 1970 when I come back, and I</p> <p>6 can move on to reclamation and other topics.</p> <p>7 THE CHAIR: Thank you, Mr. Fitch</p> <p>8 and everybody.</p> <p>9 So we are ahead of schedule; therefore, we</p> <p>10 come back at 1 -- sorry -- 1:15? 1:15. Okay.</p> <p>11 Thank you.</p> <p>12 G. FITCH: Thank you.</p> <p>13</p> <hr/> <p>14 PROCEEDINGS ADJOURNED UNTIL 1:15 PM</p> <p>15</p> <hr/> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> | 542 | <p>1 Proceedings taken at Govier Hall, Calgary,</p> <p>2 Alberta</p> <p>3</p> <hr/> <p>4 January 14, 2025 Afternoon Session</p> <p>5</p> <p>6 P. Meysami The Chair</p> <p>7 S.F. Mackenzie Hearing Commissioner</p> <p>8 M.A. Barker Hearing Commissioner</p> <p>9</p> <p>10 M.G. LaCasse AER Counsel</p> <p>11 S. Gibbons AER Counsel</p> <p>12</p> <p>13 T. Wheaton AER Staff</p> <p>14 E. Arruda AER Staff</p> <p>15 D. Parsons AER Staff</p> <p>16 A. Stanislavski AER Staff</p> <p>17 N. Hymers AER Staff</p> <p>18 A. Lung AER Staff</p> <p>19</p> <p>20 M.K. Ignasiak, KC For Northback</p> <p>21 Holdings Corporation</p> <p>22 J.D. Eadie For Northback</p> <p>23 Holdings Corporation</p> <p>24</p> <p>25 G.S. Fitch, KC For Livingstone</p> <p>26 Landowners Group</p> |
| 543 | <p>1 K. Wegscheidler, For Livingstone</p> <p>2 (Student-At-Law) Landowners Group</p> <p>3</p> <p>4 C.E. Hanert For Piikani Nation</p> <p>5</p> <p>6 B. Barrett For Stoney Nakoda</p> <p>7 Nation</p> <p>8</p> <p>9 M.B. Niven, KC For MD of Ranchland</p> <p>10 No. 66</p> <p>11 M.A. Custer For MD of Ranchland</p> <p>12 No. 66</p> <p>13</p> <p>14 A. Gulamhusein For Municipality of</p> <p>15 Crowsnest Pass</p> <p>16</p> <p>17 D. DiPaolo, CSR(A) Official Court</p> <p>18 S. Murphy, CSR(A) Reporters</p> <p>19</p> <hr/> <p>20 (PROCEEDINGS COMMENCED AT 1:18 PM)</p> <p>21 TYLER RIEWE, KYLE TRUMPOUR, ANGELA BEATTIE,</p> <p>22 JACQUELINE REDBURN, STACEY BROWN, DAN BEWLEY,</p> <p>23 COREY DE LA MARE, STEPHEN WIPF, Previously</p> <p>24 Affirmed</p> <p>25 THE CHAIR: Thank you. Please</p> <p>26 be seated.</p> | 544 | <p>1 Discussion</p> <p>2 J. EADIE: Good afternoon,</p> <p>3 Madam Chair, Panel Members. We just wanted to</p> <p>4 advise that we provided a response to the</p> <p>5 undertaking given by Northback this morning by</p> <p>6 emailing it to hearing services, and we've also</p> <p>7 distributed paper copies to the full</p> <p>8 participants to this proceeding, and we have</p> <p>9 other paper copies. So to the extent those</p> <p>10 would assist the Panel, we're happy to provide</p> <p>11 those.</p> <p>12 THE CHAIR: That would be great.</p> <p>13 Are we assigning an exhibit number?</p> <p>14 J. EADIE: We ask that it is</p> <p>15 marked as an exhibit, please.</p> <p>16 M. LACASSE: I believe it's</p> <p>17 Number 118.</p> <p>18 THE CHAIR: Thank you,</p> <p>19 Ms. LaCasse.</p> <p>20 J. EADIE: Thank you.</p> <p>21 EXHIBIT 118 - Northback Response to</p> <p>22 Undertaking</p> <p>23 M. NIVEN: The aids to cross</p> <p>24 that I referred to in my cross, are they</p> <p>25 exhibits already, or should I have marked them?</p> <p>26 THE CHAIR: Any objection from</p> |

| | | | |
|-----|---|-----|---|
| 545 | <p>1 Northback?</p> <p>2 M. IGNASIAK: We're talking about</p> <p>3 the two you pulled up?</p> <p>4 M. NIVEN: Yeah.</p> <p>5 M. IGNASIAK: No objection.</p> <p>6 THE CHAIR: Then I don't see why</p> <p>7 not.</p> <p>8 M. NIVEN: So there was the --</p> <p>9 I'm sorry. Go ahead.</p> <p>10 M. LACASSE: Thank you,</p> <p>11 Mr. Niven.</p> <p>12 I just want to be clear what documents</p> <p>13 those were.</p> <p>14 M. NIVEN: Great.</p> <p>15 M. LACASSE: So I can let you</p> <p>16 know.</p> <p>17 M. NIVEN: So there was the</p> <p>18 Government of Alberta screenshot thing where it</p> <p>19 says that thing's cancelled. That's one of</p> <p>20 them.</p> <p>21 And the geology and geotechnical report</p> <p>22 from Riversdale Resources, the one that had</p> <p>23 that table with all the hundreds and hundreds</p> <p>24 of holes. CIAR 42 geology and geotechnical</p> <p>25 report. That's it.</p> <p>26 M. LACASSE: So the screenshot</p> | 546 | <p>1 from the Government of Alberta document is 119,</p> <p>2 and the CIAR Number 42 Riversdale document is</p> <p>3 Number 120.</p> <p>4 M. NIVEN: Thanks.</p> <p>5 EXHIBIT 119 - Screenshot From the</p> <p>6 Government of Alberta Document</p> <p>7 EXHIBIT 120 - CIAR Number 42</p> <p>8 Riversdale Document</p> <p>9 THE CHAIR: Thank you,</p> <p>10 Mr. Niven.</p> <p>11 Thank you, Ms. LaCasse.</p> <p>12 You may proceed, Mr. Fitch.</p> <p>13 G. FITCH: Thank you, Madam</p> <p>14 Chair.</p> <p>15 G. Fitch Cross-examines Northback Holdings</p> <p>16 Corporation Witnesses</p> <p>17 Q G. FITCH: Maybe we should</p> <p>18 begin just by having one of the Northback</p> <p>19 witnesses confirm that the answer to the</p> <p>20 undertaking is that between 2019 and 2022, 116</p> <p>21 additional exploration drill holes have been</p> <p>22 drilled?</p> <p>23 A S. BROWN: Yes, that's correct.</p> <p>24 Q Okay. Thank you.</p> <p>25 So on the subject of the number of</p> <p>26 exploration wells that have been drilled, I</p> |
| 547 | <p>1 think what we established this morning was that</p> <p>2 up to 2016, a total of 517 exploration wells</p> <p>3 had been drilled; correct?</p> <p>4 A Yes, that's correct.</p> <p>5 Q And 83 of those were drilled by Northback's</p> <p>6 predecessor Benga or Riversdale?</p> <p>7 A Yes, that's correct.</p> <p>8 Q Okay. So if we do the math, 517 less 83 means</p> <p>9 that when Benga acquired the Grassy Mountain</p> <p>10 property, there had been 434 exploration wells</p> <p>11 drilled up to that time?</p> <p>12 A Yes, that's correct.</p> <p>13 Q Okay. And I take it that when Benga acquired</p> <p>14 the Grassy Mountain property, it acquired the</p> <p>15 data from those 434 wells?</p> <p>16 A I can't confirm that to be the case,</p> <p>17 unfortunately.</p> <p>18 Q But you can confirm, presumably, that Benga</p> <p>19 today has access to that information?</p> <p>20 A We can confirm that we've got what we would</p> <p>21 assume is large portions of that information,</p> <p>22 yes.</p> <p>23 Q Okay. So as of the date -- well, as of 2016,</p> <p>24 you had data from 517 exploration wells. To a</p> <p>25 layperson like myself, that seems like a lot of</p> <p>26 information. Is it?</p> | 548 | <p>1 A I guess it's hard to quantify what a lot of</p> <p>2 information is. I think as you develop a</p> <p>3 project, the drilling is an iterative ongoing</p> <p>4 process, and there's many drill holes that are</p> <p>5 completed both in the exploration phase and</p> <p>6 then throughout the operational phase. So it's</p> <p>7 hard to quantify calling it large.</p> <p>8 Q Well, you had enough -- Benga had enough</p> <p>9 information as of 2016 that it felt comfortable</p> <p>10 filing an application for a commercial --</p> <p>11 commercial-scale mine in 2017; right?</p> <p>12 A Yes, that's correct.</p> <p>13 Q Okay. And so you did, as we know, some</p> <p>14 additional drilling in 2019 and then in</p> <p>15 2021/2022; correct?</p> <p>16 A Yes, that's correct.</p> <p>17 Q And so if we again do a little bit of</p> <p>18 elementary math, if we add 116 to 517, there</p> <p>19 have now been 633 exploration wells drilled on</p> <p>20 the Grassy Mountain property; correct?</p> <p>21 A Yes, that's correct.</p> <p>22 Q Okay. Now, with respect to the 2021, 2022</p> <p>23 program, I just want to ask you a little bit</p> <p>24 about that. You -- I think -- well, it's a</p> <p>25 matter of record that the JRP denied the --</p> <p>26 Benga's mine application on June 17, 2021;</p> |

| | |
|---|--|
| <p style="text-align: right;">549</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q Okay. So this program in 2021/2022, did it</p> <p>4 start before June 17th and extend after, or was</p> <p>5 it all after, or do you know?</p> <p>6 A A. BEATTIE: The 2021 program was</p> <p>7 started before the decision came out, and then</p> <p>8 it was paused, and then it was resumed in 2022.</p> <p>9 Q And when in 2022 was it resumed, just generally</p> <p>10 speaking?</p> <p>11 A I don't have the dates in front of me, but,</p> <p>12 presumably, it would have been in the winter</p> <p>13 months.</p> <p>14 Q Right. Okay.</p> <p>15 So I suspect there might be members of the</p> <p>16 public a little curious about the fact that</p> <p>17 your project -- the Grassy Mountain project is</p> <p>18 denied on June 17, 2021, but you go back out</p> <p>19 there in 2022 and keep drilling exploration</p> <p>20 wells. Did Benga not consider that the project</p> <p>21 had been rejected?</p> <p>22 A S. BROWN: No. We didn't</p> <p>23 consider that the project itself was rejected.</p> <p>24 We say that the application relating to the</p> <p>25 development of the mine that was submitted to</p> <p>26 the AER had been denied.</p> | <p style="text-align: right;">550</p> <p>1 Q So, then, what I take from that is Benga never</p> <p>2 had the intention after getting the</p> <p>3 unfavourable decision from the JRP to walk away</p> <p>4 from this project?</p> <p>5 A I can't clarify what the intention was at that</p> <p>6 time. I do know that as an organization now,</p> <p>7 we take the findings from the JRP report</p> <p>8 seriously, and we are working hard to address</p> <p>9 some of those and continue to work to submit a</p> <p>10 revised application.</p> <p>11 Q Okay. So there are -- there have, to date,</p> <p>12 been 633 exploration wells drilled, and if I</p> <p>13 understand it correctly, if you combine the</p> <p>14 program on private lands and public lands that</p> <p>15 you're proposing, there would be an additional</p> <p>16 33 drill holes; is that right?</p> <p>17 A A. BEATTIE: That is correct.</p> <p>18 Q Okay. So what is it exactly that you expect to</p> <p>19 learn from these 33 new wells that you don't</p> <p>20 already know from the 633 wells that have been</p> <p>21 drilled to date?</p> <p>22 A So just as a clarification for the Panel, many</p> <p>23 of these boreholes were drilled in the 1970s.</p> <p>24 So although we do have some of the data for it,</p> <p>25 it may not be to today's standards, or we may</p> <p>26 not be able to interpret that data the way that</p> |
| <p style="text-align: right;">551</p> <p>1 we would if they were more recent boreholes.</p> <p>2 But for this particular program, one of the</p> <p>3 things we're looking at with our updated mine</p> <p>4 design is a smaller footprint. So the pit</p> <p>5 walls, for example, are in a different place</p> <p>6 than they had been in the previous design, so</p> <p>7 we are looking for some more geotechnical</p> <p>8 information, for example, as well as some</p> <p>9 structural geology. Again, just to have</p> <p>10 boreholes in those locations where there may</p> <p>11 not be drilling right now.</p> <p>12 We're also looking to enhance our knowledge</p> <p>13 of the groundwater regime, so additional</p> <p>14 hydrogeological information, but in general</p> <p>15 it's gathering more site-specific data that</p> <p>16 will aid in design of this updated mine plan.</p> <p>17 Q Is one of Northback's hopes that the pit could</p> <p>18 actually -- well, that you could optimize the</p> <p>19 amount of coal that you recover, i.e., get more</p> <p>20 coal?</p> <p>21 A That is not one of our objectives.</p> <p>22 Q Okay.</p> <p>23 A And, actually, I'll clarify because</p> <p>24 optimization doesn't necessarily mean getting</p> <p>25 more coal, but we're certainly looking at a</p> <p>26 design that resolves some of the joint review</p> | <p style="text-align: right;">552</p> <p>1 panel concerns as Ms. Brown mentioned. But</p> <p>2 increasing the reserve is not one of the</p> <p>3 objectives of this program.</p> <p>4 Q Can you tell us just in general terms, the</p> <p>5 program in 2019, what did you learn?</p> <p>6 A That program provided additional coal quality</p> <p>7 information as well as additional structural</p> <p>8 information, and there were also some samples</p> <p>9 taken for geochemistry.</p> <p>10 Q Okay. And what about the 2021/2022 programs?</p> <p>11 What did you learn?</p> <p>12 A The same --</p> <p>13 Q Okay.</p> <p>14 A The same type of information but in different</p> <p>15 areas as the boreholes were drilled amongst a</p> <p>16 fairly large area of several kilometres.</p> <p>17 Q Okay. I'm going to ask that we pull up</p> <p>18 Exhibit 62.02, which is Northback's written</p> <p>19 submission from September. I'm going to take</p> <p>20 you to a paragraph you've already seen which is</p> <p>21 paragraph 27. Thank you.</p> <p>22 So my friend Mr. Niven discussed this with</p> <p>23 the Panel a little bit, and I just want to try</p> <p>24 and pick up where he left off.</p> <p>25 So the -- in this paragraph, which appears</p> <p>26 to have been written by your lawyers, but,</p> |

| | |
|---|--|
| <p style="text-align: right;">553</p> <p>1 presumably, you signed off on it -- Northback 2 signed off on that, and so this reflects 3 Northback's position, I take it? 4 A S. BROWN: Yes, this reflects 5 Northback's position. 6 Q Okay. So there's this issue of the precise 7 scale of the socioeconomic benefits resulting 8 from commercial scale development which 9 Northback says it acknowledges are beyond the 10 scope of these applications, but it then goes 11 on to say that the potential of generating 12 those significant benefits is not out of scope. 13 So I was a bit unclear from your answer to 14 Mr. Niven earlier. So, to be clear, when 15 Northback says that the potential of generating 16 significant benefits is not out of scope, it's 17 saying not out of scope of this hearing; 18 correct? This proceeding? 19 A Yes, I agree that paragraph does say it's not 20 out of scope. 21 Q Okay. And then it goes on to say -- and I'm 22 going to skip the next sentence, but it goes on 23 in the third sentence to say: (as read) 24 This is because it is obvious that 25 absent approval of the applications, 26 which will result in negligible</p> | <p style="text-align: right;">554</p> <p>1 environmental effects, Northback is 2 unlikely to proceed with a commercial 3 mine application. 4 Conversely, if the applications 5 are approved, the likelihood of 6 Northback proceeding with an 7 application for a commercial mine 8 development increases substantially. 9 I want to ask you about that. So, I mean, 10 given the amount of information Northback 11 already has, it's not immediately obvious to 12 many of us why you need more and, in 13 particular, why the information you're seeking 14 is so important, apparently, that if you don't 15 get it, you are unlikely to proceed with the 16 commercial mine application. What is it 17 exactly about this information you're looking 18 for that could make or break this project? 19 A A. BEATTIE: So this isn't about 20 the information; this is more saying that if we 21 do not get the exploration approvals granted, 22 then we think that getting a commercial mine 23 approval granted may be unlikely. 24 Q Well -- so that's interesting. Why? I mean, 25 Northback could be right now preparing a 26 brand-new mine development application that</p> |
| <p style="text-align: right;">555</p> <p>1 would try to address the shortcomings of the 2 last one, but you're not. Instead, you're 3 seeking to drill more exploration wells. I -- 4 what's the connection? 5 A So we are in the process of preparing an 6 updated mine design to address the previous 7 joint review panel concerns; however, this 8 additional information will give us that 9 site-specific data, that additional confidence. 10 It will enable us to refine those designs, have 11 more robust models, for example. 12 So this is why we are looking to do this 13 exploration program. 14 Q Okay. And so you've confirmed that Northback 15 is right now preparing an updated mine design, 16 and that's in aid submitting a new commercial 17 scale mine development application; is that 18 fair? 19 A That is fair. 20 Q Okay. And right now when do you expect you 21 will be submitting your new commercial scale 22 mine development application? 23 A We do not have a date for that at this time. 24 Q Okay. So to be clear, is Northback saying that 25 if it is not granted approval to drill these 26 additional 33 wells, it will not proceed with</p> | <p style="text-align: right;">556</p> <p>1 its mine development application? 2 A S. BROWN: No, I don't 3 necessarily think it's saying that black and 4 white. I think what we are saying is that we 5 will consider the next course of action 6 internally if the exploration program is not 7 approved. 8 Q Okay. Okay. One of you -- I think it was 9 Mr. Trumpour -- and I'm sorry, I can't see your 10 tags, and I know it's gone in one ear and out 11 the other. So I'm sorry I'm not using your 12 names. I usually but -- okay. No offence 13 meant. 14 I believe, Mr. Trumpour, you have said as 15 part of your opening statement that Grassy 16 Mountain is significantly disturbed due to 17 unreclaimed legacy mining operations and 18 exploration operations. 19 A T. RIEWE: Madam Chair, 20 correction. Yeah. That was in my opening 21 statement. 22 Q Yeah. Okay. 23 So we have discussed already the fact that 24 when Benga acquired the Grassy Mountain 25 property, it presumably acquired the data from 26 all of those wells that had been -- exploration</p> |

| | |
|--|---|
| <p style="text-align: right;">557</p> <p>1 wells that had been previously drilled; right?</p> <p>2 We just talked about that?</p> <p>3 A S. BROWN: Yeah. I think we</p> <p>4 covered that in my response in terms of the</p> <p>5 large amount of that information we believe we</p> <p>6 have in hand, yes.</p> <p>7 Q Okay. And isn't it also the case that when</p> <p>8 Benga acquired the Grassy Mountain property in</p> <p>9 2013, it also took on whatever existing</p> <p>10 reclamation liability was associated with the</p> <p>11 property?</p> <p>12 A I'm sorry, but we're unable to commit to what</p> <p>13 the liability and how that sits with the</p> <p>14 historical mining on that land. I don't know</p> <p>15 how the liability of the reclamation from the</p> <p>16 historical mines sits with the entities as it</p> <p>17 currently stands.</p> <p>18 Q You're the chief operating officer of</p> <p>19 Northback, and you don't know whether Northback</p> <p>20 assumed the reclamation liability for the</p> <p>21 legacy operations on the site?</p> <p>22 A A. BEATTIE: So Northback</p> <p>23 Holdings does not have an Environmental</p> <p>24 Protection and Enhancement Act approval and a</p> <p>25 EPEA approval, which the mine site or --</p> <p>26 sorry -- the mine financial security program,</p> | <p style="text-align: right;">558</p> <p>1 the MFSP, is attached to, which is the</p> <p>2 Province's mechanism for reclamation bonding.</p> <p>3 So we do not have a reclamation bond for</p> <p>4 this particular site.</p> <p>5 Also, the site is a shared private and</p> <p>6 Crown land site, so we own portions of the site</p> <p>7 but not the entire site.</p> <p>8 Q How many of Benga's -- okay. Well, hang on.</p> <p>9 Let's go back.</p> <p>10 So up to 2016, Benga had drilled 83</p> <p>11 exploration wells; correct?</p> <p>12 A S. BROWN: Yes, correct.</p> <p>13 Q And as a result of the programs in 2019 and</p> <p>14 2021, 2022, an additional 116 exploration wells</p> <p>15 have been drilled; correct?</p> <p>16 A Yes, that's correct.</p> <p>17 Q Okay. So, again, more math, I get that, to</p> <p>18 total 199 exploration wells; is that fair?</p> <p>19 A Yes, that's fair.</p> <p>20 Q Okay. How many -- of those 199 exploration</p> <p>21 wells that have been drilled by Benga or</p> <p>22 Northback, how many have been reclaimed?</p> <p>23 A T. RIEWE: Madam Chair, of the</p> <p>24 119 boreholes -- of the 199 -- pardon me -- all</p> <p>25 of the portion of that program that was drilled</p> <p>26 on Crown land, save for the programs that are</p> |
| <p style="text-align: right;">559</p> <p>1 part of the CEP 2020 program, have been</p> <p>2 reclaimed.</p> <p>3 Q Does Northback have reclamation certificates</p> <p>4 for them?</p> <p>5 A No. Not at this time.</p> <p>6 Q Okay. Then on what basis do you say they've</p> <p>7 been reclaimed?</p> <p>8 A Madam Chair, the reclamation field activities</p> <p>9 for these sites have been completed. This</p> <p>10 includes borehole abandonment, recontouring,</p> <p>11 revegetation.</p> <p>12 So functionally the components of</p> <p>13 reclamation for these drill sites have been</p> <p>14 completed; however, there is still the</p> <p>15 outstanding administrative component of</p> <p>16 applying for reclamation certification, and</p> <p>17 Northback has been in communication with the</p> <p>18 Alberta Energy Regulator on a path to pursue</p> <p>19 reclamation certificates for those sites.</p> <p>20 Q Okay. And can you give me a number? How many</p> <p>21 of the 199 wells do you say have been</p> <p>22 functionally reclaimed?</p> <p>23 A Just one moment.</p> <p>24 We don't have the number immediately</p> <p>25 available, although with a few moments, we</p> <p>26 could -- we could collect that.</p> | <p style="text-align: right;">560</p> <p>1 Q All right. I'm going to ask you to undertake</p> <p>2 to do that, please.</p> <p>3 A Okay.</p> <p>4 UNDERTAKING 2 - To advise how many of</p> <p>5 the 199 wells have been functionally</p> <p>6 reclaimed</p> <p>7 Q G. FITCH: Okay. Does</p> <p>8 Northback have any idea how many of the 483</p> <p>9 exploration wells drilled -- before it acquired</p> <p>10 the property -- how many of those have been</p> <p>11 reclaimed?</p> <p>12 A T. RIEWE: Madam Chair, we</p> <p>13 don't have a precise value for the holes</p> <p>14 reclaimed from historic drilling operations</p> <p>15 prior to the company's involvement with the</p> <p>16 site.</p> <p>17 Q Can you give me a rough idea? Half? Three</p> <p>18 quarters? One quarter? None?</p> <p>19 A Madam Chair, we don't have an inventory at this</p> <p>20 time, so we wouldn't be able to confirm the</p> <p>21 proportion that have been reclaimed.</p> <p>22 Q You, I take it, Mr. Trumpour [sic], would</p> <p>23 acknowledge that Manual 8 -- AER Manual 8</p> <p>24 states that the maximum term for a coal</p> <p>25 exploration program is five years, comprised of</p> <p>26 two years for exploration and three years for</p> |

| | |
|--|---|
| <p style="text-align: right;">561</p> <p>1 reclamation?</p> <p>2 A T. RIEWE: Yes, that's correct.</p> <p>3 Q And that, in fact, the AER encourages</p> <p>4 completion of reclamation within one year of</p> <p>5 surface disturbance to help ensure reclamation</p> <p>6 success?</p> <p>7 A That's correct.</p> <p>8 Q Okay. And isn't it the case, sir, that there</p> <p>9 have been many of your exploration wells that</p> <p>10 have not met that criterion of being reclaimed</p> <p>11 within one year of surface disturbance? Or</p> <p>12 would you? You tell me.</p> <p>13 A Just one moment, please.</p> <p>14 Madam Chair, we -- we have completed</p> <p>15 reclamation activities on the Crown land sites.</p> <p>16 There is still the matter of applying for</p> <p>17 reclamation certification, and we have a</p> <p>18 roadmap and a plan to proceed with seeking</p> <p>19 certification for those locations.</p> <p>20 Q If a site has been functionally reclaimed, do</p> <p>21 you consider that it is disturbed?</p> <p>22 A Madam Chair, in the context of disturbance and</p> <p>23 reclamation, a number of the sites that have</p> <p>24 been drilled by the company on Crown land were</p> <p>25 deliberately selected on existing disturbance</p> <p>26 including things like rock stockpiles, trails,</p> | <p style="text-align: right;">562</p> <p>1 and other surface disturbances.</p> <p>2 The requirements for reclamation as it</p> <p>3 pertains to exploration, there's a number of</p> <p>4 policy instruments that guide the criteria for</p> <p>5 reclamation, and we are following those</p> <p>6 guidelines and will be working with AER to</p> <p>7 confirm that it is satisfied with the level of</p> <p>8 reclamation work that's been conducted on those</p> <p>9 sites.</p> <p>10 And in those instances where the</p> <p>11 predisturbance condition was a trail or a rock</p> <p>12 stockpile, reclamation would be done to that</p> <p>13 predisturbance condition -- pardon me -- the</p> <p>14 predrilling activity condition which may have</p> <p>15 been a disturbed location.</p> <p>16 Q Well, that was a long answer, and I don't think</p> <p>17 I really understood it. So let me just ask you</p> <p>18 again, and maybe you can try and summarize and</p> <p>19 give me a much shorter answer. Okay.</p> <p>20 If a site --</p> <p>21 A S. BROWN: Sorry. Can I just</p> <p>22 get one moment. Sorry.</p> <p>23 A T. RIEWE: Apologies.</p> <p>24 Q That's okay.</p> <p>25 So, sir, if a site has been functionally</p> <p>26 reclaimed, do you still consider it disturbed?</p> |
| <p style="text-align: right;">563</p> <p>1 A For the purpose of meeting the reclamation</p> <p>2 requirements required for exploration</p> <p>3 activities, yes, we would consider it</p> <p>4 reclaimed.</p> <p>5 Q Okay. Reclaimed or disturbed?</p> <p>6 A That the reclamation obligation had been</p> <p>7 fulfilled to the requirements in those policy</p> <p>8 instruments, but it may still, in fact, be part</p> <p>9 of a disturbed landscape.</p> <p>10 Q Okay. So I take it, then, that when Northback</p> <p>11 says that the 11 drill pads and associated</p> <p>12 access roads are all on disturbed land, none of</p> <p>13 that land has been functionally reclaimed by</p> <p>14 Northback. Doesn't that follow?</p> <p>15 A Madam Chair, the lands contemplated for this</p> <p>16 coal exploration program are on disturbed lands</p> <p>17 or lands we would classify as disturbed and</p> <p>18 unreclaimed.</p> <p>19 Q And unreclaimed. Okay.</p> <p>20 So if we could pull up Exhibit 4.01,</p> <p>21 PDF 97, please. I seem to not have the right</p> <p>22 page reference. Let me just see if I can do it</p> <p>23 without the page reference.</p> <p>24 I think Mr. Niven earlier took you to some</p> <p>25 portion of Exhibit 4.01 -- I believe it's in</p> <p>26 the Trace report -- where it talks about</p> | <p style="text-align: right;">564</p> <p>1 interim reclamation being conducted within one</p> <p>2 to two years because the drill pad and access</p> <p>3 road may be impacted by future open-pit mining.</p> <p>4 You're aware of that?</p> <p>5 A Yes, I'm aware.</p> <p>6 Q Okay. All right. So what is "interim</p> <p>7 reclamation"?</p> <p>8 A Madam Chair, in this context "interim</p> <p>9 reclamation" would be completing reclamation</p> <p>10 activities related to things like borehole</p> <p>11 abandonment and recontouring and other</p> <p>12 activities required under the -- the code.</p> <p>13 Q Does that mean no -- or not much surface --</p> <p>14 land surface reclamation?</p> <p>15 A Madam Chair, I wouldn't characterize it quite</p> <p>16 that way. The footprints for these exploration</p> <p>17 programs are relatively small, so the surface</p> <p>18 restoration would be commensurate with the size</p> <p>19 of the disturbance.</p> <p>20 Q These 11 locations on public land, are they</p> <p>21 within the pit boundary as it was advanced in</p> <p>22 Benga's 2017 application?</p> <p>23 A A. BEATTIE: Some of them are,</p> <p>24 but not all of them.</p> <p>25 Q Okay. And I don't want to ask you a legal</p> <p>26 question, but what's Northback's understanding</p> |

| | |
|--|---|
| <p style="text-align: right;">565</p> <p>1 of the obligation to reclaim a well that might 2 end up being -- disappearing as part of an 3 open-pit mine development? 4 M. IGNASIAK: Madam Chair, I think 5 that's getting into a level of legal detail 6 that, one, isn't relevant to these 7 applications, so I'm not sure they can answer 8 that. That's something we could look at in 9 argument, although it seems largely academic to 10 me. 11 G. FITCH: Well, I think what a 12 lot of people want to know is if a -- a 13 location that you're proposing to drill an 14 exploratory well is going to end up being -- 15 disappearing because it's in the middle of a 16 pit, are you going to be reclaiming that site 17 before you, you know, start digging? 18 A T. RIEWE: Madam Chair, with 19 respect to the timing of -- of reclamation, we 20 would meet the requirements laid out in our 21 approval for exploration, and that doesn't have 22 to be or would not be linked to the timing of a 23 potential future approval for our commercial 24 mine. They're unrelated. 25 Q G. FITCH: Okay. I'm going 26 to -- these next questions are on the PDSA done</p> | <p style="text-align: right;">566</p> <p>1 by Trace. So is that you, Ms. Redburn? 2 A J. REDBURN: (NO VERBAL RESPONSE) 3 Q Okay. So you have indicated that one of the 4 documents that forms part of your evidence is 5 the rebuttal that you did to the report of 6 Lorne Fitch; correct? 7 A That is correct. 8 Q Okay. Again, without hopefully needing to call 9 up your rebuttal, you recall writing that: 10 (as read) 11 The "Fitch report" [as you call it -- 12 no relation] appears to misunderstand 13 the purpose of the Trace PDSA. The 14 Fitch report refers to the Trace PDSA 15 as an impact assessment. This is 16 incorrect. 17 And a little further on you say, quote: 18 (as read) 19 The Trace PDSA is not an impact 20 assessment. 21 End of quote. Correct? 22 A Yes, that's correct. That's what is written. 23 Q Okay. And instead you say that the objective 24 of conducting the PDSA was to assess the 25 proposed drill site locations and the 26 associated access on Crown land to identify</p> |
| <p style="text-align: right;">567</p> <p>1 environmental constraints and propose 2 mitigations to support Northback's proposed 3 drilling program; correct? 4 A Correct. 5 Q You also note that Appendix 1 of AER Manual 8 6 sets out a completeness checklist for a CEP 7 application and that no impact assessment is 8 required in that checklist; correct? 9 A Correct. 10 Q But you had acknowledged, I'm sure, 11 Ms. Redburn, that Appendix 1 does require an 12 applicant for a CEP to provide the location of 13 sensitive areas and an environmental summary? 14 Take a moment if you want to look at it. 15 G. FITCH: Maybe seeing as the 16 witness is taking a while to read it, we should 17 pull it up. So it would be Manual 8, PDF 14. 18 A That's correct to your statement. 19 Q G. FITCH: So then I take it 20 that Trace did -- where are we here? 21 Okay. So it's the fourth row under 22 "General Information"; correct? Ms. Redburn, 23 this is an easy one. 24 A Sorry. Yes, I see it. 25 Q Okay. So I gather, then, you did not interpret 26 that to require some assessment of</p> | <p style="text-align: right;">568</p> <p>1 environmental effects? 2 A No. What I would interpret that is the 3 identification of sensitive areas and a summary 4 of environmental conditions. 5 Q Would you agree that really by definition, the 6 purpose of an impact assessment is to assess 7 the potential impacts of a proposed activity on 8 the environment, very high level? 9 A That would be a good definition of an impact 10 assessment, yes. 11 Q Okay. Whereas what I understand you did in the 12 PDSA is to assess the constraints imposed by 13 the environment on the proposed activity; isn't 14 that right? Do you understand what I just 15 said? Yeah. 16 A I think it can be viewed in both aspects. The 17 evaluating -- if the proposed activities would 18 impact -- or identifying what the environmental 19 constraints would be on the site for the 20 activity, yes, correct. 21 Q Okay. 22 G. FITCH: So, for example, if 23 we can pull up Exhibit 86.1, which is the reply 24 submission of Northback PDF page 55. 25 Just scroll down a little bit there. 26 Q G. FITCH: Under Section 7.0,</p> |

| | |
|---|---|
| <p style="text-align: right;">569</p> <p>1 Trace says, quote: (as read) 2 The field program in support of the 3 CEP application and the PDSA was 4 completed to identify site-specific 5 sensitivities related to the drill 6 pads and access locations. The field 7 program helped with the orientation or 8 exact placement of pad centre so they 9 can be fine-tuned in relation to the 10 surrounding landscape for logistical 11 reasons or to avoid sensitive 12 vegetation. 13 End of quote. 14 So what I take that to mean is that the 15 purpose of the PDSA is to ask yourself things 16 like should -- is that drill pad in a location 17 on a slope that maybe is too steep, or is it 18 maybe too close to a watercourse or a wetland 19 or a five-needle pine; right? Those -- when 20 you say "constraint", that's what you're 21 talking about; correct? 22 A Correct. 23 Q Okay. And, of course, as an environmental 24 practitioner, you're aware, I think as I am, 25 that in Alberta, an environmental impact 26 assessment, a capital EIA, you would never do</p> | <p style="text-align: right;">570</p> <p>1 that for a program like this, would you? It's 2 not a mandatory activity, and it's just too 3 small; correct? 4 A As listed in the manual, an impact assessment 5 is not required for a CEP. 6 Q Well, an environmental -- an EIA, as defined in 7 the regulatory context, is not required; 8 correct? 9 A Correct. 10 Q But that's different from a smaller form of 11 impact assessment. You can still do that; 12 correct? 13 A You can for various activities, yes. 14 Q But you did not do that for this one? 15 A No, we did not. 16 Q Okay. Thank you. 17 So 11 pads are on Crown land, 12 pads are 18 on private lands; correct? 19 A S. BROWN: Yes, that's correct. 20 Q And you have done a PDSA, the original and the 21 updated one, for the 11 Crown sites but not the 22 12 private sites; correct? 23 A T. RIEWE: That's correct. 24 Q Okay. And so I think it follows, you would 25 agree, that you did not attempt to assess the 26 cumulative effects of all three -- 23 sites?</p> |
| <p style="text-align: right;">571</p> <p>1 A That's correct. Cumulative effects assessment 2 is not required. 3 Q And it's a bit unclear to us how the access 4 roads were assessed because you say they -- I 5 think I read somewhere that they were assessed, 6 but when I look in the table in the Trace 7 report, it talks about the size of the drill 8 pads. It gives us a number of hectares, 0.04, 9 I think, and it totals it up. But there's no 10 inclusion of the amount of land within the 11 access roads, is there? 12 A J. REDBURN: No, just the area 13 within an access road that might be used for a 14 drill site, yes. 15 Q Yes. So, in fact, you didn't assess access 16 roads, did you? 17 A We assessed access roads in more detail 18 associated with the drill sites and in 19 proximity to activities that would be occurring 20 with the drill program. But, certainly, the 21 access roads and trails within the site are 22 existing disturbances that are -- many of which 23 that are used and, therefore, have already 24 ongoing activities associated with them. 25 Q I don't think that really answered my question, 26 Ms. Redburn.</p> | <p style="text-align: right;">572</p> <p>1 When we look at Table -- I think it's 2 Table 1 in your report, it lists the 11 drill 3 pads that you assessed, it gives the area in 4 hectares for each one, and it says, This is 5 what you assessed. And it does not include any 6 acreage with an access road, does it? 7 A The access roads don't present on those tables 8 because there will be no activities in terms of 9 slight modification on those. 10 Our staff did walk those access roads as 11 well, although we don't present that in those 12 tables. 13 Q You're telling us you're not going to be 14 sending out a grader and a dozer to upgrade the 15 access roads? 16 A T. RIEWE: Madam Chair, with 17 respect to roads, we've indicated that, for 18 safety reasons, there may be some minor surface 19 improvements to the material on the surface of 20 these roads. But, for context, these are roads 21 that we're talking about that don't have, like, 22 any meaningful vegetation ingress on them. 23 They are, in fact, a disturbed footprint with a 24 driving surface that we would do potential 25 modifications for safety, like grading as an 26 example.</p> |

| | |
|--|---|
| <p style="text-align: right;">573</p> <p>1 But the activity and the use of access 2 trails would be limited just to that existing 3 impacted driving surface. 4 G. FITCH: Can we -- which 5 exhibit -- so we're in Exhibit 86.01. Can we 6 turn to PDF page 101, please? 7 Q G. FITCH: So I'm looking at 8 Photo 1. It says it's the centre of a drilling 9 location; obviously, you've got to get to the 10 drilling location. So I take it you're going 11 to be using this existing access road that we 12 can see in Photo 1? 13 A T. RIEWE: Yes, that's correct. 14 Q Yeah. And you're telling me you're going to 15 not have to do work to that road? 16 A Madam Chair, the class of equipment used for 17 exploration drilling is intended to travel on 18 surfaces just like these. 19 I'll ask my colleague, Mr. Wipf, to speak 20 to how we would work on a location like this. 21 But, yeah, as an example, much of the drilling 22 fleet is on tracked equipment, so this would be 23 a trail that we would be able to use as is or 24 with very minor modifications. 25 Q All right. 26 G. FITCH: Let's go to PDF</p> | <p style="text-align: right;">574</p> <p>1 page 103, please. 2 M. IGNASIAK: Well, Mr. Wipf -- 3 (AWAY FROM MICROPHONE) 4 G. FITCH: Well, I don't care 5 if he asked Mr. Wipf. I didn't ask Mr. Wipf 6 any question. 7 M. IGNASIAK: He was trying to 8 give an answer. 9 G. FITCH: Well, he did give an 10 answer. I'm satisfied with the answer. 11 M. IGNASIAK: He said you should 12 ask Mr. Wipf to fill in. 13 G. FITCH: Well, I'm asking the 14 questions, not Mr. Trumpour. 15 M. IGNASIAK: But they're giving 16 answers. They're entitled to give a full 17 answer. 18 G. FITCH: He's given a full 19 answer. 20 M. IGNASIAK: You're talking about 21 roads; you have no idea what drives on them. 22 He's about to tell you. I think the Panel 23 would benefit from knowing. 24 G. FITCH: I -- you know, part 25 of the problem is there are time limitations. 26 I don't need to hear from Mr. Wipf. So let's</p> |
| <p style="text-align: right;">575</p> <p>1 carry on. 2 If we can scroll down, please. 3 Q G. FITCH: Is Photo 6 -- is 4 that another access road you're going to use 5 just the way it looks on this photo? 6 A T. RIEWE: Madam Chair, I would 7 like to have Mr. Wipf speak to what would be 8 required for a location like this. 9 Q Fair enough. 10 A S. WIPF: Madam Chair, we have 11 in the past on numerous drilling locations, 12 drill sites, drilled in a very similar terrain 13 as to the photo indicates. We have placed 14 drilling rigs, this specific type of drilling 15 rig designed for this very rugged terrain, very 16 small footprint on tracks; placed them in a 17 very confined, restricted area, very rough 18 terrain; and successfully, safely drilled 19 reverse circulation or boreholes for -- for the 20 purpose of the -- obtaining the information for 21 the client from the borehole. 22 Q Are you done, Mr. Wipf? 23 A Yes. 24 Q Okay. So back to you, Mr. Trumpour. So just 25 so we're clear, the two roads that we've looked 26 at, is it Northback's evidence you will not be</p> | <p style="text-align: right;">576</p> <p>1 upgrading those roads? 2 A T. RIEWE: Madam Chair, we're 3 required, for safety reasons, we may do minor 4 limited surface modifications. That would be 5 something that we would evaluate in the field 6 given the time of year when we would be 7 executing this work. 8 G. FITCH: Okay. Let's go to 9 PDF page 51, please. Same exhibit. Scroll 10 down, please. Yeah, there we go. 11 Q G. FITCH: So this, 12 Ms. Redburn, is the Trace rebuttal to 13 Mr. Fitch's report; correct? 14 A J. REDBURN: This is the rebuttal 15 to the Fitch report, but there were a couple 16 authors on this report. 17 Q Okay. And it says that the proposed 18 exploration program consists of 11 drill pads 19 on Crown land, each approximately 20 metres by 20 20 metres or smaller; right? 21 A Correct. 22 Q Okay. And this updated -- or this document was 23 created in October of 2024; right? 24 A Correct. 25 Q Okay. 26 G. FITCH: So now could we turn</p> |

| | |
|---|--|
| <p style="text-align: right;">577</p> <p>1 to Exhibit 62.02, PDF page 17?</p> <p>2 Q G. FITCH: And this is from</p> <p>3 Northback's written submission from September</p> <p>4 of 2024. Do you recognize this, anybody?</p> <p>5 A T. RIEWE: Yes, we do.</p> <p>6 Q Okay. So I see there that it says that the</p> <p>7 drill pads are 40 metres by 20, not 20 by 20.</p> <p>8 So it seems that in approximately six weeks,</p> <p>9 the size of the drill pads decreased by</p> <p>10 50 percent. Can someone explain that?</p> <p>11 A S. WIPF: Madam Chair, I would</p> <p>12 just like to make note that a specific drilling</p> <p>13 area, we have drilled in very confined working</p> <p>14 area. We have a --</p> <p>15 The -- the footprint of the drilling rig</p> <p>16 for this application is very small. It's</p> <p>17 approximately 6 metres in length, 2 and a half</p> <p>18 metres in width. And then for the working area</p> <p>19 for -- to -- to do the work for the drill crew,</p> <p>20 we require an extra 2 metres of working space</p> <p>21 in front of the borehole.</p> <p>22 So when clients offer us 40-by-20-metre</p> <p>23 drill pads, we accept the size of the drill</p> <p>24 pad. When we work at times in much more</p> <p>25 restricted drill pad areas, we are also able to</p> <p>26 successfully complete the work safely on a much</p> | <p style="text-align: right;">578</p> <p>1 more smaller footprint.</p> <p>2 So we -- our -- typically for us in a</p> <p>3 contract, we request a 20-by-20-metre drill</p> <p>4 pad, just to give us enough working area to</p> <p>5 safely do the work.</p> <p>6 Q So, Mr. Wipf, then, should I take from what you</p> <p>7 just told the Chair that between September and</p> <p>8 October 2024, you advised Northback that, in</p> <p>9 fact, they don't need 40 metres by 20 metres;</p> <p>10 that 20 metres by 20 metres is sufficient?</p> <p>11 A Not necessarily. Northback has done previous</p> <p>12 exploration boreholes on 20-by-20-metre sized</p> <p>13 drill pads.</p> <p>14 Q So I'll ask this to the Northback members on</p> <p>15 the panel: Was the previous reference to pads</p> <p>16 being 40 by 20 metres, which goes back to the</p> <p>17 original application, was that just an error?</p> <p>18 A A. BEATTIE: I believe that upon</p> <p>19 further discussions and evaluation, that the</p> <p>20 20-metre-by-20-metre size seemed to be a more</p> <p>21 appropriate size. And so that was what was in</p> <p>22 the documents that followed.</p> <p>23 Q I don't recall reading anything in any of the</p> <p>24 documents where you notified people that there</p> <p>25 had been a change to the application.</p> <p>26 A T. RIEWE: Sorry. Mr. Fitch,</p> |
| <p style="text-align: right;">579</p> <p>1 your question is ...</p> <p>2 Q Did Northback notify -- I didn't read anything</p> <p>3 in any of the -- in the reply submission of</p> <p>4 October that says, Oh, and by the way, we have</p> <p>5 made a change to the size of the drill pads.</p> <p>6 They're now 20 metres by 20 metres, not</p> <p>7 40 metres by 20 metres. You just -- it was</p> <p>8 changed without any discussion, if I can put it</p> <p>9 that way.</p> <p>10 A Madam Chair, I wouldn't characterize it that</p> <p>11 way. Upon further evaluation of the program,</p> <p>12 we determined that we could safely execute the</p> <p>13 work with a smaller footprint, and that</p> <p>14 information was communicated in subsequent</p> <p>15 dialogue with the AER.</p> <p>16 Q You mean in this table? Point me to any other</p> <p>17 place in Exhibit 86.1 where you said that the</p> <p>18 size of the drill pads was now 20 metres by 20</p> <p>19 metres.</p> <p>20 A A. BEATTIE: Mr. Fitch.</p> <p>21 Q Yes.</p> <p>22 A We may have missed that step.</p> <p>23 Q All right.</p> <p>24 G. FITCH: I'd like to ask the</p> <p>25 AER to pull up the Livingstone Landowners Group</p> <p>26 Aid to Cross Number 2, which is an article</p> | <p style="text-align: right;">580</p> <p>1 titled "Legacy Coal Mining Impacts Downstream</p> <p>2 Ecosystems for Decades in the Canadian</p> <p>3 Rockies". It was the one -- it was sent</p> <p>4 yesterday around noon. There were two aids to</p> <p>5 cross. It was the second one.</p> <p>6 T. WHEATON: Tell us the title</p> <p>7 again.</p> <p>8 G. FITCH: "Legacy Coal Mining</p> <p>9 Impacts Downstream Ecosystems for Decades in</p> <p>10 the Canadian Rockies."</p> <p>11 T. WHEATON: One moment.</p> <p>12 G. FITCH: We'll just start on</p> <p>13 page 1.</p> <p>14 So if we can just actually scroll to the</p> <p>15 bottom of the page, please. That's good.</p> <p>16 Q G. FITCH: I'm going to direct</p> <p>17 these questions to you, Ms. Redburn, but, of</p> <p>18 course, anyone can answer.</p> <p>19 So this -- you can see that the article</p> <p>20 states that it was available online January 7,</p> <p>21 2024.</p> <p>22 You can confirm as Trace there's no</p> <p>23 reference to this article in the updated PDSA,</p> <p>24 which was done in October 2024?</p> <p>25 A J. REDBURN: That's correct.</p> <p>26 Q Okay. And were you aware of this article</p> |

| | |
|--|--|
| <p style="text-align: right;">581</p> <p>1 before you saw it yesterday?</p> <p>2 A We were not, as in Trace was not.</p> <p>3 Q What about Northback?</p> <p>4 A A. BEATTIE: Northback is aware</p> <p>5 of this article, yes, and has been.</p> <p>6 Q Okay. So we can go to PDF page 4, please.</p> <p>7 Bottom of the page.</p> <p>8 So you'll see there there's a paragraph</p> <p>9 that begins with the discussion of Blairmore</p> <p>10 and Gold Creeks, and I'll just quote:</p> <p>11 (as read)</p> <p>12 Blairmore and Gold Creeks, which drain</p> <p>13 the legacy Grassy Mountain mine, both</p> <p>14 flow into Crowsnest River downstream</p> <p>15 of our CR1 sampling station. In</p> <p>16 contrast to Crowsnest Creek, the</p> <p>17 Grassy Mountain mine is not a</p> <p>18 continuing source of solutes, nitrate,</p> <p>19 or selenium.</p> <p>20 With me so far?</p> <p>21 A (NO VERBAL RESPONSE)</p> <p>22 Q So that's the good news, I guess, that it's not</p> <p>23 a continuing source of selenium?</p> <p>24 A S. BROWN: Yeah.</p> <p>25 A A. BEATTIE: Yes.</p> <p>26 Q Okay. All right. So let's go down to PDF</p> | <p style="text-align: right;">582</p> <p>1 page 5. And then you'll see it says:</p> <p>2 (as read)</p> <p>3 One important exception was noted in</p> <p>4 late July 2022 when, for a brief</p> <p>5 48-hour period, water quality in</p> <p>6 Blairmore Creek changed markedly and</p> <p>7 the water turned a rusty orange</p> <p>8 colour. Total iron which had averaged</p> <p>9 0.15 milligrams per litre increased to</p> <p>10 16.80 milligrams per litre. This</p> <p>11 total iron concentration exceeds</p> <p>12 the 0.6 milligrams per litre federal</p> <p>13 water quality guideline for the</p> <p>14 protection of aquatic life by nearly</p> <p>15 30 times.</p> <p>16 Similar large increases were noted</p> <p>17 in many of the trace elements we</p> <p>18 measure as well as in total suspended</p> <p>19 sediment. As there is no active</p> <p>20 management of mine water, this</p> <p>21 discharge event was presumably due to</p> <p>22 an unknown natural hydrologic driver.</p> <p>23 The source of this orange water was</p> <p>24 traced back to water discharging from</p> <p>25 an underground mine adit on Grassy</p> <p>26 Mountain.</p> |
| <p style="text-align: right;">583</p> <p>1 End of quote.</p> <p>2 Northback was aware of this article. Was</p> <p>3 any assessment done by either Trace or</p> <p>4 Northback whether there could be a link between</p> <p>5 new exploratory drilling and this type of</p> <p>6 discharge?</p> <p>7 A So, Mr. Fitch and Madam Chair, the AER is well</p> <p>8 aware of this situation as it has happened</p> <p>9 several times here and at other locations in</p> <p>10 the province. The AER has reviewed the water</p> <p>11 quality analysis and did previously conclude</p> <p>12 that the orange discolouration was not related</p> <p>13 to any coal exploration activities on Grassy</p> <p>14 Mountain.</p> <p>15 Q Right. But the question is could new</p> <p>16 exploration activity potentially exacerbate or</p> <p>17 lead to a future event? That's my question.</p> <p>18 A Madam Chair, we don't see the linkage or the</p> <p>19 connection between the two.</p> <p>20 Q Have you assessed whether there might be a</p> <p>21 linkage or a connection?</p> <p>22 A No. We haven't made a thorough assessment of</p> <p>23 that.</p> <p>24 Q Okay. That's fine.</p> <p>25 G. FITCH: Madam Chair, could</p> <p>26 we please mark this article titled -- what is</p> | <p style="text-align: right;">584</p> <p>1 the title again? -- "Legacy Coal Mining Impacts</p> <p>2 Downstream Ecosystem for Decades in the</p> <p>3 Canadian Rockies" --</p> <p>4 THE CHAIR: No objection. No.</p> <p>5 G. FITCH: -- as the next</p> <p>6 exhibit, please.</p> <p>7 M. LACASSE: Okay. And that will</p> <p>8 be Exhibit 121.</p> <p>9 G. FITCH: Okay.</p> <p>10 M. LACASSE: You have no</p> <p>11 objection, Mr. Ignasiak?</p> <p>12 M. IGNASIAK: No. We're not</p> <p>13 objecting on a basis of relevance. We'll deal</p> <p>14 with that in argument.</p> <p>15 EXHIBIT 121 - Article titled "Legacy</p> <p>16 Coal Mining Impacts Downstream</p> <p>17 Ecosystem for Decades in the Canadian</p> <p>18 Rockies"</p> <p>19 Q G. FITCH: So I think I'm just</p> <p>20 about out of time. So I'm going to ask that we</p> <p>21 go back to Exhibit 62.02 and -- and</p> <p>22 paragraph 27 of Northback's written</p> <p>23 submissions. Thank you.</p> <p>24 So this is for anyone on the Northback</p> <p>25 front bench, so to speak. The position put</p> <p>26 forward in this paragraph that the potential of</p> |

| | |
|--|--|
| <p style="text-align: right;">585</p> <p>1 generating socioeconomic benefits from a 2 commercial-scale mine development at Grassy 3 Mountain is in scope, do you agree it follows 4 that if the potential of generating 5 socioeconomic benefits from commercial-scale 6 development at Grassy Mountain is in scope, so 7 too is the potential of generating 8 environmental impacts from a commercial-scale 9 development? 10 A A. BEATTIE: Both the 11 socioeconomic benefits and the environmental 12 impacts would be assessed in great detail as 13 part of a commercial mine development 14 application. 15 Q That's not the question I asked you. We've 16 already explored the fact that in this 17 paragraph Northback is asserting what I'm going 18 to characterize as the curious position that 19 the potential of generating socioeconomic 20 benefits from commercial scale development is 21 in scope in this proceeding. 22 So my question is doesn't it follow that so 23 too is the potential of generating 24 environmental impacts from commercial scale 25 development in this proceeding? 26 A S. BROWN: We don't see that as</p> | <p style="text-align: right;">586</p> <p>1 part of this proceeding. We think that the 2 environmental impacts will be assessed under a 3 revised application for -- for the mine 4 development. 5 Q Okay. So the AER should consider the potential 6 of economic benefits from a commercial-scale 7 development, but it is prohibited from 8 considering the potential of environmental 9 impacts from commercial-scale development. Is 10 that actually your position? 11 A Our position is it's not -- we're not going to 12 tell the AER what to do. Our position is that 13 we would like the exploration program assessed 14 on its merit. 15 Q You are telling them what they should do here. 16 You're telling them they should consider the 17 potential of generating socioeconomic benefits 18 from commercial-scale development in this 19 proceeding. That's what you're doing, aren't 20 you? 21 A Yes. I guess in that regard we are saying 22 that. 23 Q All right. Thank you. 24 G. FITCH: Madam Chair, that 25 concludes the cross-examination of the 26 Livingstone Landowners Group. I do note -- I</p> |
| <p style="text-align: right;">587</p> <p>1 think there -- is there an undertaking 2 outstanding? I believe there is. So subject 3 to the response and the undertaking, we are 4 done. Thank you very much, panel members. 5 THE CHAIR: Thank you, 6 Mr. Fitch. 7 Discussion 8 THE CHAIR: So we will wait for 9 the undertaking possibly after the break. But 10 before we take our next break, Mr. Emard is a 11 full participant and -- yes. If you may come 12 to the podium, please. 13 V. EMARD: Howdy. 14 THE CHAIR: You have been 15 scheduled to provide your direct evidence on 16 Thursday since we didn't have confirmation if 17 you would attend or not. But this panel, after 18 we are done with questioning them, they will be 19 gone. Do you think you may have any questions 20 for this panel? Because we didn't allocate 21 time for you on the schedule. 22 V. EMARD: I'm just about to 23 tell my story. I don't really care what they 24 have to say, so I would say no. 25 THE CHAIR: So you have no 26 questions?</p> | <p style="text-align: right;">588</p> <p>1 V. EMARD: No questions. 2 THE CHAIR: Okay. Thank you. 3 So with that, we are going to take our 4 break. Let me consult with my schedule, see 5 how much we allocated. So we have allocated 6 roughly about 15 minutes. I'll see what 7 counsel needs, and then we come back after the 8 break. Or do you need more? 9 M. LACASSE: If we could have 10 perhaps 20 or 25 minutes, that would assist us. 11 We may be able to eliminate many of our 12 questions and make up that time. 13 THE CHAIR: For sure. Okay. So 14 why don't we come back at 3:00. Thank you. 15 (ADJOURNMENT) 16 THE CHAIR: Thank you. Please 17 be seated. 18 You may proceed. 19 Alberta Energy Regulator Staff Questions 20 Northback Holdings Corporation Witnesses 21 S. GIBBONS: Thank you, Madam 22 Chair. Good afternoon, Commissioners and 23 participants. Good afternoon, witnesses. My 24 name is Shauna Gibbons, G-I-B-B-O-N-S for the 25 record. My pronouns are she/her, and I'm one 26 of the AER counsel to the commission Panel in</p> |

| | |
|---|--|
| <p style="text-align: right;">589</p> <p>1 this proceeding. 2 I have a few questions for you witnesses, 3 and I will be referring to you as "Northback". 4 I also have some questions for the expert 5 witnesses on your panel. I will do my best to 6 refer them to the correct person, but if I've 7 mistaken and addressed you incorrectly, please 8 correct me. 9 My purpose in asking these questions is to 10 clarify the record. 11 I will be assisted by AER staff seated 12 beside me here and will do some shuffling as I 13 move from topic to topic. I believe they have 14 been introduced to you. 15 So I will begin with drill holes. And 16 Mr. Xu is assisting me in these questions. 17 I'd like to turn to Exhibit 62.02, PDF 21, 18 and I will also eventually be referring to 19 Exhibit 4.02. But first, PDF 21. 20 Q S. GIBBONS: So in this table 21 could you please confirm -- whoever on the 22 panel is appropriate -- please confirm that 23 this is the final version of drill holes? 24 A A. BEATTIE: Yes, we will confirm 25 that. 26 Q Thank you.</p> | <p style="text-align: right;">590</p> <p>1 Would you please confirm that the total 2 number of proposed drill pads is 23, among 3 which 11 drill pads are on Crown land and 12 4 are on private land? 5 A Yes, we confirm that. 6 Q Thank you. 7 Would you please confirm the total number 8 of proposed drill holes is 33, among which 14 9 are on Crown land and 19 are on private land? 10 A Yes. 11 Q And there are two drill holes on each of eight 12 drill pads. I believe in this particular PDF, 13 23PDP003, 23PDP006, 23PDP008, 23PD012, 23PD013, 14 23PDP017, 23PDP019, 23PDP026. And two drill 15 holes on each of these drill pads have the same 16 coordinates and directions, depth, inclination, 17 and azimuth. 18 Would you please explain that there appear 19 to be two drill holes with the same coordinates 20 and directions on each of the drill pads and 21 why that is? 22 A So those drill holes include one reverse 23 circulation hole and one large diameter core 24 hole. 25 Q One moment. 26 Thank you.</p> |
| <p style="text-align: right;">591</p> <p>1 Okay. Those are the questions that I have 2 from Mr. Xu's assistance. So we're just going 3 to shuffle, and I will turn to a topic on 4 hydrology. And I will be referring to 5 Exhibit 62.02. And I'll start at PDF page 22. 6 This map appears to show drill holes that 7 are included and removed. Can you point to 8 me -- or point me to a map in your documents 9 and any exhibit that shows the final placement 10 of just the final drill holes, and if not, is 11 that something that you could provide? 12 A Yes, we can provide that information. 13 Q Okay. So will you undertake to provide a map? 14 A Yes. 15 Q Thank you. 16 UNDERTAKING 3 - To produce a map in 17 Northback Holdings Corporation 18 documents and any exhibit that shows 19 the final placement of the final 20 drill holes 21 Q S. GIBBONS: These questions may 22 be for Dr. Bewley, but there may be for others. 23 Did I pronounce your name correctly? 24 A D. BEWLEY: Yes. Thanks. 25 Q You're welcome. 26 I'm going to turn to Exhibit 4.03, PDF</p> | <p style="text-align: right;">592</p> <p>1 page 4. Is this PDF page 4? Page 3. Okay. 2 My apologies. PDF page 3. 3 So here you will see the proposed temporary 4 diversion licence application is for 1,500 5 cubic metres of water at a pumping rate of 0.5 6 cubic metres per second; correct? 7 A Correct. 8 Q Is that .5 meant to be .05? 9 A T. RIEWE: Ms. Gibbons, I 10 believe you're correct. .5 cubic metres per 11 second would not be the intended withdrawal 12 rate. 13 Q So what would be the intended withdrawal rate? 14 A In previous temporary diversion licences, we've 15 seen a withdrawal rate of .04 to .01 cubic 16 metres per second. More recently the .01 cubic 17 metres per second. 18 Q So would it be somewhere in the range of .04 to 19 .01 -- 20 A Yeah. We -- 21 Q -- cubic metres per second? 22 A We would anticipate the .01 cubic metres per 23 second which I believe was the rate in the two 24 most recent temporary diversion licences. 25 Q Okay. Could you confirm the exact number for 26 us or undertake to confirm?</p> |

| | |
|---|--|
| <p style="text-align: right;">593</p> <p>1 A Yeah. Just one moment, and I can confirm. 2 Q Sure. 3 A Thank you. 4 Yes, I can confirm the last three temporary 5 diversion licences have been at a rate of .01 6 cubic metres per second. 7 Q And that's your anticipated withdrawal for this 8 particular TDL application? 9 A Yes, that's correct. 10 Q Thank you. 11 Could you please provide the mean annual 12 outflow of the pit lake source? 13 A D. BEWLEY: There has not been 14 any long-term mean annual calculation as such 15 since monitoring has just started. We are very 16 confident that there is no outlet -- surface 17 outlet from Pit Lake 2. There is no obvious 18 indentation through which water would flow and 19 out, so it would basically be zero, but there 20 is conceivably some overflow especially during 21 the height of freshet and/or with rain on top 22 of that. 23 So it's essentially -- could be zero 24 through some years but with a possibility of 25 some small surface runoff at very, very short 26 periods of the year corresponding to high-flow</p> | <p style="text-align: right;">594</p> <p>1 events. 2 Q So when you say "small", do you have a rough 3 estimate of what that might amount to? 4 A It would be very small, and we know this 5 because there is no inside channel coming from 6 the pit lake. So if I can use a simple 7 analogy, let's say you're filling up a bathtub; 8 you get distracted; it starts overflowing. You 9 end up with a millimetre, centimetre, or inch 10 of water on the floor, but you catch that in 11 time. There's no damage done to the floor. 12 If it starts to overflow, and you end up 13 with a foot, a metre of water, then your 14 ceiling -- your floor starts to collapse; 15 right? We don't see any scour in the outflow 16 environment where the lake is overtopping 17 regularly to scour away into a channel. So 18 that is why we think any overflow is very 19 limited. It's going to be very thin if it does 20 overflow. 21 Sorry. If I could just add another point 22 to that. 23 Q Sure. 24 A So anyone can download Google Earth imagery, 25 and that software has available imagery of the 26 pit lake going back to 1985. There's about</p> |
| <p style="text-align: right;">595</p> <p>1 eight images of the pit lake that anyone can 2 look at. 3 The first one back in the first days of 4 satellite coverage is very poor. It's 5 unusable. But then -- I think it's 2005 6 onwards. There's, like, seven images that 7 anyone can publicly see of the pit lake. And 8 through that time, there is no evidence of an 9 outflow channel growing or receding. The 10 surface area of the lake is extremely constant 11 over time. 12 If I measured the surface area of the lake 13 in seven of the eight images, except for the 14 first one which was too poor, and they're all 15 in the 191,000 metre squared range. So the 16 lake level is very stable. There's no evidence 17 that an outlet channel is developing over the 18 course of the last 20 years. So it's just 19 another line of evidence to add. 20 Q And does that include groundwater outflow or is 21 that -- do you have an estimate on the 22 groundwater outflow in -- in combination or 23 separate to the surface area? 24 A I'm not a hydrogeologist, but I can make some 25 high-level assumptions. The Pit Lake 2 is 26 higher than surrounding terrain on three sides</p> | <p style="text-align: right;">596</p> <p>1 essentially. Basically the terrain drops off 2 to the west towards the Blairmore Valley. It 3 drops off to the east to the Boisjoli Creek 4 drainage, and it drops off to the south also to 5 the Blairmore Creek drainage. 6 This is important because if a study area 7 is higher than surrounding terrain, that limits 8 the contributing area of, you know, 9 precipitation that would run off the landscape 10 and either flow through the surface or 11 infiltrate into the ground and then run off as 12 groundwater. Okay. 13 We -- Northback have not completed a 14 detailed hydrological assessment for the 15 purposes of this program, so we don't know 16 exactly the underlying geology or the 17 hydrogeological characteristics, factors such 18 as depth to groundwater, hydraulic 19 conductivity. 20 But given that the -- so we don't know if 21 the groundwater table near or at the pit lake 22 is -- is based on the regional groundwater 23 level or whether the pit lake is perched and 24 disconnected from the regional groundwater. 25 So it's all to say that we think -- we 26 don't know exactly, but groundwater in and out</p> |

| | |
|--|---|
| <p style="text-align: right;">597</p> <p>1 as a flowthrough system could be very small 2 just based on the limited contributing area and 3 low hydraulic conductivity. 4 Q Okay. Thank you very much. One moment, 5 please. 6 Mr. Kerkhoven informs me that we're good. 7 So we'll do another shuffle, and I'll move to 8 Mr. Teichreb assisting me on questions on 9 erosion. And I'll turn to Exhibit 86.1, PDF 10 page 56. And if you can scroll to the bottom. 11 There we go. 12 In Northback's response document, this 13 Exhibit 86.1, there is a reference to erosion 14 and sediment control -- and sediment control 15 plan which Northback indicates would: 16 (as read) 17 ... be effective in mitigating the 18 potential for drainage from access of 19 drill sites in reaching water bodies. 20 The AER could not find any further details on 21 this erosion and sediment control plan in this 22 exhibit. 23 Can Northback please describe to the Panel 24 what the content of this plan would include? 25 A T. RIEWE: Madam Chair, 26 Ms. Gibbons, in context to erosion control, it</p> | <p style="text-align: right;">598</p> <p>1 would include the deployment of erosion control 2 structures or tools if -- if required given the 3 approach to limit disturbances to -- or pardon 4 me -- drilling activities to existing 5 disturbances. 6 We would utilize the boots-on-the-ground 7 monitoring of environmental monitors for the 8 duration of the program to identify any 9 locations where erosion or sedimentation may 10 pose a potential risk, but some simple controls 11 to prevent erosion risk would include things 12 like training for contractors coming to site, 13 about staying to designated work areas, 14 following posted speed limits, avoiding 15 travelling on ground that may be prone to 16 potential disturbance, so monitoring for ground 17 conditions on an ongoing basis. 18 And where a risk is present, we would look 19 at deploying silt fence, erosion control logs, 20 or other instruments to minimize the risk of -- 21 of sediment mobilization, but largely limiting 22 the -- and focusing activities to remain on 23 existing disturbance footprint would be a 24 primary factor in minimizing potential sediment 25 mobilization. 26 Q Thank you.</p> |
| <p style="text-align: right;">599</p> <p>1 And when would this plan be developed? 2 A The plan would be finalized in conjunction with 3 our contractors. It's a document that we would 4 consider alive but something that we would have 5 prepared before the commencement of any field 6 activities and taking due consideration into 7 when a potential approval or associated 8 conditions may arise, we would incorporate 9 those into the finalized plan. 10 Q But prior to any activities taking place? 11 A Yes, certainly. 12 Q Okay. Thank you. 13 Can Northback provide more details on how 14 this plan would be shared? 15 A Generally any plans related to environmental 16 protection or safety and health considerations, 17 these are shared as pre-read material for all 18 contractors and staff related to the project. 19 With respect to contractors who may be 20 tendering a bid submission to work, these 21 documents and information would be included in 22 those tender packages and would be finalized 23 and reviewed in detail as part of a project 24 kickoff prior to any mobilization onto site, 25 which is standard practice for all of our 26 field-related activities.</p> | <p style="text-align: right;">600</p> <p>1 Q If requested, would you share that with the 2 AER? 3 A Yes, if requested. 4 Q Would the plan cover all stages of the proposed 5 drilling program, or in other words, the 6 construction of roads and pads during the 7 drilling itself, during reclamation? Would the 8 plan cover all of those stages? 9 A Yes, the plan would comprise all stages, and, 10 being a living document, it would be reviewed 11 and updated regularly. 12 Q And shared in the manner that we just -- you 13 just described? 14 A Yes, absolutely. Communications with anybody 15 related to field activities is -- is a 16 recurring element of how we operate on-site. 17 Q Okay. Thank you. 18 Those are all the questions on erosion. 19 Ms. Wajda-Plytta is joining me on questions 20 regarding wildlife. And these questions may be 21 for Ms. Redburn or Mr. De La Mare, but it could 22 be directed to anyone. 23 I'll turn you to Exhibit 4.01, PDF page 31. 24 And we'll just scroll through to page 35, and 25 you'll see that there are maps there. So keep 26 your electronic finger on those maps.</p> |

| | |
|--|---|
| <p style="text-align: right;">601</p> <p>1 And then we'll turn to PDF page one one 2 zero, 110. And we'll scroll through to PDF 3 page 113. And you'll see that these are maps 4 of the proposed drill sites. These maps have 5 limited information -- some information but 6 limited information on wildlife. 7 And then if we turn to Appendix C, which is 8 PDF 135. So there's a lot of electronic 9 fingers going here. You will see this diagram 10 of the predisturbance site assessment provides 11 a report and a high-level map. 12 Can you clarify for me where exactly 13 perhaps in any one of those maps we've scrolled 14 through or some other place in this exhibit or 15 another exhibit -- can you clarify for me where 16 exactly the wildlife sensitivity layers overlap 17 with the proposed coal exploration program? 18 A J. REDBURN: Are you referring to 19 wildlife sensitivity zones? 20 Q Yes. 21 A So on PDF page 135, and this would be the 22 results from -- of FWMIS search. There are -- 23 some of the layers are discernible on that 24 figure. Not very well perhaps because of the 25 data. So the mountain goat and sheep area is 26 visible as well as the grizzly bear zone there.</p> | <p style="text-align: right;">602</p> <p>1 Q Any other zones? 2 A Those are the ones that are apparent on this 3 figure. 4 Q Okay. Thank you. 5 So in those overlaps, is it an overlap over 6 the entire exploration program or certain 7 parts? Is there some way to delineate that or 8 clarify that for us? 9 A We could certainly provide a figure that has 10 those zones on there perhaps with less of the 11 data that's generated by that FWMIS report. 12 Q Would you undertake to do that, to provide a 13 map that clarifies those wildlife zones? 14 A Yes. Well, I should -- yes. Yes. 15 A S. BROWN: Yeah, you can. 16 Q Thank you. 17 UNDERTAKING 4 - To provide a map that 18 clarifies the wildlife zones, 19 including, with the map with the 20 wildlife sensitivity areas, where 21 cameras are located or how many are 22 included (Amended on Page 604) 23 Q S. GIBBONS: So I'm going to turn 24 to PDF 102 in this Exhibit 4.01. And in this 25 exhibit and also in Northback's reply at 26 Exhibit 86.1 -- I don't think we need to pull</p> |
| <p style="text-align: right;">603</p> <p>1 that one up, but we might. 2 PDF 18, 53 and 54. Northback submits an 3 expert report and rebuttal from Trace 4 Associates Incorporated, or "Trace", and these 5 reports are regarding a predisturbance site 6 assessment. 7 And then actually I will turn to 8 Exhibit 86.1, PDF page 3 -- 53, pardon me. I 9 misspoke. 10 S. GIBBONS: Can we scroll 11 down -- or scroll up. Yeah. 12 Q S. GIBBONS: I want to take you 13 to a quote, but we're having difficulty finding 14 it on a screen that doesn't have the whole 15 page. Can you perhaps truncate -- oh, okay. 16 There we go. At the top? 17 In this particular document, you state and 18 I quote: (as read) 19 In addition to the above work, 20 Northback has been monitoring wildlife 21 through a remote camera program 22 on-site that consists of 33 cameras 23 and has not been implemented -- and 24 has been -- [pardon me. I misspoke] 25 and has been implemented since 26 April 2016.</p> | <p style="text-align: right;">604</p> <p>1 End quote. 2 Can you please point to me on a map where 3 the wildlife camera program is in relation to 4 the exploration program? 5 A T. RIEWE: Ms. Gibbons, we do 6 have a map showing wildlife locations. It's 7 not part of this submission. We could 8 undertake to provide that map if -- if it would 9 be helpful, but generally wildlife cameras are 10 distributed across Grassy Mountain and 11 surrounding areas. So not focalized to one 12 particular region; it is, you know, across the 13 landform in the adjacent areas in Blairmore and 14 Gold Creek basins. 15 Q Okay. Just hold on a second. 16 Would you be able to include that as part 17 of the other map with the wildlife sensitivity 18 areas where those cameras are located or how 19 many are included? 20 A Yes, we'll be able to do that. 21 (UNDERTAKING 4 AMENDED) 22 Q S. GIBBONS: Thank you. 23 I'm not sure if this is a question that you 24 can answer now or if it needs to be as part of 25 the undertaking response, but I will ask it. 26 Out of the cameras that are associated with</p> |

| | |
|--|--|
| <p style="text-align: right;">605</p> <p>1 the exploration program, how many were used to 2 support Trace's conclusions on wildlife 3 mitigation and wildlife impacts? If you don't 4 have that information, is that something you 5 could also provide?</p> <p>6 A J. REDBURN: The scope of the 7 PDSA didn't include explicitly a review of 8 the -- the wildlife cameras but staff who 9 were -- we were retained by Northback to assist 10 with the wildlife camera work, and so staff 11 involved with that were also those who were 12 on-site doing the PDSA, and, certainly, that 13 information can help evaluate wildlife use and 14 space and time on the greater site as well 15 specifically.</p> <p>16 Q Thank you. 17 So I'm now going to turn to Exhibit 86.1, 18 PDF page 55. And here Northback submits the 19 technical memo as a rebuttal and states -- at 20 the top. Thank you. (as read) 21 According to the Alberta Grizzly Bear 22 Recovery Plan, the road threshold for 23 grizzly bear secondary zone is 24 0.75 kilometres per square kilometre. 25 Note that although the density 26 provided in the Fitch report is called</p> | <p style="text-align: right;">606</p> <p>1 "road density", the density 2 calculation appears to be linear 3 disturbance density which accounts for 4 trails and roads. 5 Our calculations show that when 6 using only roads, the road density is 7 approximately 1.5 kilometres per 8 square kilometre or two times the 9 suggested threshold of 0.75 kilometres 10 per square kilometres for grizzly bear 11 secondary zone. 12 And then a little further down in that 13 paragraph: (as read) 14 As there are not anticipated to be new 15 access roads construction for the CEP, 16 there would be no change to existing 17 road density. 18 And then two paragraphs down, the rebuttal 19 continues: (as read) 20 Highway 3 is likely the largest source 21 of grizzly bear mortality in the area 22 surrounding the project due to traffic 23 volume and traffic speed on the 24 highway. Northback's CEP application 25 has a negligible effect on Highway 3 26 traffic volumes.</p> |
| <p style="text-align: right;">607</p> <p>1 So my question to you is: In your calculation, 2 does road density mean roughly all-weather 3 gravel or paved roads, does it mean roads or 4 trails that receive motorized use, or something 5 else? What do you mean by "road density"? To 6 be clear, the definitions that I'm using are 7 found in the Alberta Grizzly Bear Recovery 8 Plan, but I can quote them for you again if 9 that's helpful.</p> <p>10 A C. DE LA MARE: Thank you. It's 11 Corey De La Mare. In response to what's being 12 used for road density, yeah, we use a database 13 from the provincial government, the Altalis 14 database, and that -- that defines different 15 types of road. As you mentioned: Highways, 16 recognized roads, secondary roads, township 17 roads, range roads, versus trails which might 18 be used for off-highway vehicle use, so there's 19 a distinction there.</p> <p>20 Q Do you know if you followed the recovery plan, 21 the Alberta Grizzly Bear Recovery Plan, in 22 calculating or providing your advice? 23 A Correct. Yeah. 24 Q Thank you. 25 Do you know or can you tell me what is the 26 expected traffic volume in and out of the</p> | <p style="text-align: right;">608</p> <p>1 exploration site? And that can be general or 2 high level.</p> <p>3 A S. WIPF: From past 4 exploration projects on-site, we have a 24-hour 5 operation. We would do a crew change at 6 morning and crew change at night. Crew change 7 would consist of the entire drill crew that 8 supports the drilling operation. So we're -- 9 two -- two vehicles per shift would be 10 travelling up and down the hill.</p> <p>11 A T. RIEWE: To add to Mr. Wipf's 12 comment, obviously, there are other supporting 13 site services. Northback would be coming to 14 these sites on occasion including our 15 environment monitors, but we're talking about 16 single trips per day in some cases in and out 17 following posted speed limits and following our 18 wildlife reporting program.</p> <p>19 Q Did you have anything you wanted to add, sir? 20 A Sorry. My colleague was just also pointing out 21 that, yeah, other support services may be 22 travelling on other portions of the site. 23 Like, our main access road, Piikani Security 24 Services as an example for managing access 25 control. So access on-site is -- is managed 26 through our private road system at a locked</p> |

| | | | |
|-----|---|-----|--|
| 609 | <p>1 gate.</p> <p>2 Q Okay. But that -- that addition of external or</p> <p>3 contract is not a significant addition. Is</p> <p>4 that fair to say?</p> <p>5 A That's accurate.</p> <p>6 Q Okay. Thank you.</p> <p>7 So would it be accurate to say that the</p> <p>8 volume -- the additional volume of traffic is</p> <p>9 low?</p> <p>10 A Yes, that's an accurate statement.</p> <p>11 Q Okay. Do you have an estimate of the duration</p> <p>12 of that additional traffic?</p> <p>13 A As mentioned earlier in the hearing, the</p> <p>14 estimate of approximately 105 days for the</p> <p>15 duration of the drill program subsequent to the</p> <p>16 completion of field activities, it would reduce</p> <p>17 significantly, but we are present on-site</p> <p>18 monitoring locations but down to extremely low</p> <p>19 frequency or travel density at that time.</p> <p>20 Q Sure. So that approximate 105 days, that's</p> <p>21 all-inclusive, or is there some -- I'm a</p> <p>22 lawyer, so for lack of a technical term, setup</p> <p>23 and takedown on the other ends, or is 105 days'</p> <p>24 estimate all-inclusive?</p> <p>25 A Just one moment.</p> <p>26 Q Sure.</p> | 610 | <p>1 A I think generally that would be all-inclusive</p> <p>2 from site mobilization to demobilization for</p> <p>3 the drilling activities.</p> <p>4 Q Okay. Thank you.</p> <p>5 Thank you very much witnesses.</p> <p>6 S. GIBBONS: Madam Chair, those</p> <p>7 are all my questions.</p> <p>8 THE CHAIR: Thank you,</p> <p>9 Ms. Gibbons. I'm going to suggest a brief</p> <p>10 break. There were a couple of undertakings</p> <p>11 that --</p> <p>12 M. IGNASIAK: Thank you, Madam</p> <p>13 Chair. I was just going to say a brief break</p> <p>14 would be great. I think we can verify the</p> <p>15 response to Undertaking 2 that was given to</p> <p>16 Mr. Fitch during his questioning, so we will be</p> <p>17 able to provide that if we have a short break.</p> <p>18 And I thought it might be worthwhile just</p> <p>19 to make sure that we quickly confirm the other</p> <p>20 undertakings that were given. I understand</p> <p>21 it's -- a map of drill holes was Undertaking 3;</p> <p>22 a map clarifying the wildlife zones was 4; and</p> <p>23 the wildlife cameras was Number 5. That's what</p> <p>24 I have. I just want to make sure we're on the</p> <p>25 same page.</p> <p>26 S. GIBBONS: That's correct,</p> |
| 611 | <p>1 although Undertakings 4 and 5, sir, could be</p> <p>2 combined if that's easier. It's entirely how</p> <p>3 your client wants to provide that information.</p> <p>4 M. IGNASIAK: That's fine. And</p> <p>5 the only caveat is my understanding is those --</p> <p>6 Undertakings 4 and 5 might not be ready until</p> <p>7 tomorrow, but we're optimistic we can provide</p> <p>8 the others.</p> <p>9 S. GIBBONS: That's fine.</p> <p>10 THE CHAIR: Okay. That's fine.</p> <p>11 We'll take 15 minutes' break. If you need more</p> <p>12 time, please let us know through Ms. Wheaton or</p> <p>13 counsel. Thank you.</p> <p>14 (ADJOURNMENT)</p> <p>15 THE CHAIR: Thank you very much.</p> <p>16 Please be seated.</p> <p>17 So, Mr. Ignasiak, was that sufficient time</p> <p>18 and do you have ...</p> <p>19 M. IGNASIAK: No, regrettably, it</p> <p>20 was not. We're still working on that</p> <p>21 undertaking. We'll advise the -- we'll advise</p> <p>22 the AER as soon as it's complete. We're still</p> <p>23 working on that undertaking. Thank you.</p> <p>24 THE CHAIR: Okay. You're</p> <p>25 welcome.</p> <p>26 So we have some questions for you. The</p> | 612 | <p>1 Panel for -- the Panel. Why don't we start</p> <p>2 with Commissioner Barker.</p> <p>3 The Panel Questions Northback Holdings</p> <p>4 Corporation Witnesses.</p> <p>5 Q COMMISSIONER BARKER: Thank you, Madam</p> <p>6 Chair. I'm not exactly sure which individual</p> <p>7 is best to answer this, so I will just toss it</p> <p>8 out, the question, to the entire witness panel.</p> <p>9 My questions pertain to the proximity of</p> <p>10 some of the boreholes to the underground</p> <p>11 workings, and I noticed that on your list of</p> <p>12 proposed pads and well site locations, there</p> <p>13 are two wells -- or two proposed boreholes that</p> <p>14 are in close proximity or likely to intercept</p> <p>15 the underground workings. And they are -- I</p> <p>16 believe it is 23PDH, Drill Holes 031 and 032, I</p> <p>17 believe.</p> <p>18 And I'm just wondering are there any</p> <p>19 environmental or safety risks associated with</p> <p>20 those two boreholes if they intercept the</p> <p>21 underground workings, and if there are any</p> <p>22 risks, how do you plan to mitigate them?</p> <p>23 A A. BEATTIE: That's a good</p> <p>24 question, and thank you for that.</p> <p>25 So, yes, you are correct that there are two</p> <p>26 boreholes in proximity to the underground mine</p> |

| | |
|--|--|
| <p style="text-align: right;">613</p> <p>1 workings that could intersect abandoned 2 underground mine workings. 3 We don't see that there is a significant 4 environmental concern with intersecting 5 underground mine workings. This is a fairly 6 standard drilling procedure in areas of 7 abandoned underground mine workings, so it's 8 been done many times on Grassy Mountain, 9 Canmore, Grand Cache, Drumheller, et cetera. 10 One of the potential hazards is that gas is 11 encountered. And in order to mitigate that, we 12 would install a gas -- like, a methane monitor 13 on the drill rig, and then we would have a safe 14 work plan associated with that. So if the 15 methane rises or if methane is detected at a 16 certain level, there would be a plan to shut 17 down the drill rig, et cetera. 18 And then any other drilling safe work 19 procedures, of course, would be carried out for 20 those boreholes as well. I'm not sure if my 21 colleague Steve has anything to add -- or 22 Mr. Wipf. Sorry. 23 A S. WIPF: Madam Chair, the 24 risk of encountering underground mining work -- 25 mining work tunnelling has -- is certainly 26 possible. We have at times intercepted and had</p> | <p style="text-align: right;">614</p> <p>1 no risk of gas or nothing. 2 For us, the bigger risk is losing a drill 3 pipe. That is a concern. And we've 4 successfully managed to drill past the mine 5 tunnel on numerous drill -- numerous times on 6 different drill pads, so it's a process. The 7 risk, again, would be very minimal other than 8 the potential loss of stock pipe. 9 Q Okay. Thank you for that. Thank you for those 10 questions [sic]. 11 One of the things that I noticed, 12 especially in light of some of the discussion 13 earlier today with regard to historical 14 evidence of water flowing out of the mine 15 workings and through the -- the adit portals, 16 that sort of thing, is there any environmental 17 concern with any of the drill fluids, for 18 example, that could be entering the mine -- the 19 underground workings and then getting into 20 the -- the water that's then flowing out of the 21 workings? Is there any concern with that? 22 A A. BEATTIE: So at present we 23 plan to use water as the drilling fluid. If 24 necessary to maintain the integrity of the 25 borehole, we may use a product such as 26 bentonite, a commercially available drill</p> |
| <p style="text-align: right;">615</p> <p>1 product, which would be environmentally 2 friendly. 3 A S. WIPF: If I may comment on 4 that. So this is a reverse circulation drill 5 project which would -- the drilling is actually 6 done with air, compressed air. We inject a 7 small amount of water to lubricate and cool the 8 drill bit. The -- the risk of losing anything 9 into the -- like, fluids into the tunnel -- 10 tunnel or mine workings would be virtually 11 non-existent because it's reverse circulation, 12 phased return sampling. So any mineral -- any 13 material that the drill bit breaks up is 14 returned through the drill pipe along with the 15 water that we inject. So the risk of putting 16 anything into aquifer or formation is very low 17 to minimal. 18 Q Okay, great. That's all my questions. Thank 19 you very much. 20 THE CHAIR: Thank you, 21 Commissioner Barker. 22 Commissioner Mackenzie. 23 Q COMMISSIONER MACKENZIE: Hi there. Like 24 Commissioner Barker, I'm not quite sure who to 25 address some of my questions to, so please just 26 answer as appropriate.</p> | <p style="text-align: right;">616</p> <p>1 So my first question, and I would quite 2 like to pull this up, please, relates to 3 Exhibit 4.01, which is the coal exploration 4 program application, and it's pages 196 and 5 197. And that's a document from the -- yes. 6 Can you just scroll down a little bit further 7 to the bottom? Thank you. 8 It's a document from the Rangeland 9 agrologists for Alberta Forestry and Parks. 10 And it provides sort of in the second half of 11 the document that we've put up right now, there 12 are a list of conditions that Northback are 13 required to meet related to the Crown land 14 reservations review. 15 Can you confirm that you proposed to meet 16 these conditions? 17 A T. RIEWE: Yes, we can confirm. 18 Q Thank you. 19 My next question relates to the management 20 of drilling waste. Can you talk about how you 21 plan to deal with the drill cuttings and the 22 drill fluid at the end of the operations, 23 please? 24 A A. BEATTIE: So another good 25 question. 26 With the drill cuttings, generally we will</p> |

| | | | |
|-----|---|-----|--|
| 617 | <p>1 leave them in the proximity of the borehole. 2 So we -- unless we're taking samples -- which 3 we will in some locations and for some 4 formations -- the drill cuttings will be left 5 at the drill site. 6 In terms of the drilling fluid or the water 7 that comes back up from the drilling, we will 8 be constructing sumps at each drill pad. The 9 water will then go into a sump and will seep 10 into the ground at those locations. 11 Q And prior to doing that, do you have any plans 12 to analyze the waste before you decide how to 13 dispose of it? 14 A So we haven't done so in the past. As Mr. Wipf 15 mentioned, we're looking at using water -- or 16 there may be water as part of this. And in 17 terms of the waste rock cuttings or the drill 18 cuttings from the drilling program, we 19 hadn't -- or we don't have a plan to analyze 20 those except for what we're sampling, taking 21 off-site. 22 Q So the AER recently published Directive 050 on 23 drilling waste management, which, right now, 24 applies to exploration activities and drilling 25 activities as it relates to oil sands and to 26 oil and gas and geothermal.</p> | 618 | <p>1 And I wondered if you had any comments 2 on us asking you -- if we decided to approve 3 these applications, asking you to comply with 4 that directive on the analysis and testing 5 before disposal. 6 A T. RIEWE: Yeah. I can comment 7 on that. We have been in discussions with 8 service providers to assist with -- who are 9 very familiar with Directive 050, and, yeah, if 10 required, Northback would be prepared to meet 11 those requirements. 12 Q Thank you. 13 Okay. I have another question about weed 14 management. And I think it's probably for you, 15 Mr. Riewe. 16 This morning you had mentioned that you had 17 planned to clean equipment, and I think you 18 used the phrase "coming onto the project site". 19 And I just wondered, could you clarify, is the 20 project site the individual drill location, is 21 the project site something broader, and what 22 equipment are you talking about there? 23 A Thank you for that. I should clarify that the 24 access road to get onto Grassy Mountain 25 originates in the Crowsnest Pass at our private 26 property boundary. And at that boundary, we</p> |
| 619 | <p>1 have an access control point, a gate that is 2 locked, and version control keys are used to 3 access that location. 4 That access control point is on the 5 interface with a public road in the Town of 6 Blairmore. So a contractor would travel on a 7 public roadway and then right on our property 8 boundary would be the gate where we have our 9 security contractors assisting with monitoring 10 vehicle movements on-site. 11 In the community of Blairmore, we have a 12 primary office downtown; we also have a field 13 office immediately off of the highway. So 14 inspections of equipment and vehicles is done 15 even prior to gaining access onto Northback's 16 road that leads to Grassy Mountain. There is a 17 commercial cleaning facility right in town, so 18 if soil or suspected weed propagules might be 19 observed on a piece of equipment -- and this 20 applies for contractors and staff with highway 21 vehicles, off-highway vehicles, tracked 22 equipment, et cetera, we have a requirement 23 where it won't be permitted on-site; it has to 24 go to a cleaning facility, clean off all of 25 that debris, before it can even come onto any 26 of our private land.</p> | 620 | <p>1 Q Thank you for clarifying that. 2 In your reply submission Exhibit 86.1, and 3 I don't think we need to pull this up, but you 4 did make a couple of commitments regarding, 5 first of all, water withdrawal, where you 6 committed to using a filter screen while 7 withdrawing water from the pit lake. That was 8 paragraph 56, and then later on on weed 9 management, you also made a commitment around 10 the cleaning. 11 Again, not that we've decided anything at 12 this point in time, but if we did find ourself 13 in a position to approve these applications, do 14 you have any comments on these commitments 15 being converted to conditions attached to the 16 applications? 17 A No comments or concerns specifically. It's 18 something we attempt to incorporate into all of 19 our activities. 20 Q Thank you. 21 And then this one's maybe a question for a 22 combination of Trace and Northback. 23 Over the course of the process, there's 24 been a number of different submissions, and I 25 think one of our experts asked some questions 26 about it which had different well pad</p> |

| | |
|---|---|
| <p style="text-align: right;">621</p> <p>1 locations, different counts, different drill 2 sites, et cetera. I just want to make sure 3 that we fully understand where all the 4 different reports fit in time. 5 Now, in the updated Trace PDSA, which was 6 dated 18th of October on Tab 4 of Exhibit 86.1, 7 there's a table that starts on page 85 which 8 has 11 drill sites on it. I believe those are 9 the -- my first question is I believe those are 10 the drill pads, the proposed drill pads, but 11 then five -- there was recommendations from 12 Trace for five of the drill pads that the 13 locations would be moved. 14 And so what I'm trying to understand is 15 earlier on when one of our experts asked you 16 that the exhibit in 62.02 has the correct 17 locations in it -- but I just want to check is 18 that the case because the Trace report was 19 written later. So I just want to make sure we 20 have the right drill locations and then 21 borehole locations. 22 A Yeah. If I could just have one moment, and I 23 will provide a response. 24 Thank you. With respect to the 25 recommendations from -- from Trace, we have 26 adopted the recommendations for minor</p> | <p style="text-align: right;">622</p> <p>1 adjustments. The coordinates are provided for 2 the purpose of siting locations, but we have 3 adopted their recommendations for minor 4 movements. 5 A S. BROWN: Importantly, when we 6 provide the map that we committed to on one of 7 the undertakings, that will have the locations 8 of those drill pads, which will hopefully 9 clarify where things are at so there's not 10 misunderstanding. 11 Q Great. I think it's just -- it's a bit of a 12 version control issue. 13 So I think what you might be saying is 14 that -- that in -- sorry -- the locations that 15 are in Exhibit 62.02 -- that those may not 16 be -- the easterns and northern may not be 17 precisely correct because the Trace report came 18 after and made recommendations to slightly move 19 things; is that correct? And you're going to 20 provide us with a new list if that's correct. 21 A T. RIEWE: Yes, that's correct. 22 But we're talking about very minor movements. 23 Q I understand that. 24 A S. BROWN: But it's still yes, 25 correct. 26 Q Thank you. Thanks.</p> |
| <p style="text-align: right;">623</p> <p>1 And then my last question is this 2 discussion around the -- the condition of the 3 various access roads, and I wonder if you could 4 just maybe elaborate on, you know, are all 5 these access roads open? Do they need 6 regrading? Do they need widened? What do you 7 need to do to ensure that the equipment can 8 safely get where it needs to go? 9 A T. RIEWE: I would say 10 generally the width of the existing accesses 11 are sufficient for the class of equipment that 12 would be used for this program. In instances 13 where, you know, there may have been some 14 accumulation of -- of debris, rocks that have 15 rolled onto road surfaces, in those areas we 16 would do some minor surface improvements. 17 But I would say generally that access and 18 the existing disturbance where these locations 19 are sited generally would accommodate the 20 equipment that we would be using for this 21 program. 22 Q Thank you. That's all from me. Thanks. 23 THE CHAIR: Thank you very much, 24 Commissioner Mackenzie. 25 I have a few questions for you as well. If 26 you wish, you may caucus, you may talk to your</p> | <p style="text-align: right;">624</p> <p>1 expert witnesses. We have time. 2 Q THE CHAIR: So I would like to 3 begin with a reference to your reply 4 submission. It's Exhibit 86.1, PDF 66. We can 5 bring it up or I can try to read my bad 6 shorthand writing. 7 So we are talking about Northback will work 8 with the AER to understand the reclamation 9 requirements for areas that may -- am I on 10 the -- I may have my references mixed up maybe. 11 But requirements for areas that may be 12 disturbed by future programs and future pad or 13 even mine sites. Or maybe, rather, PDF 8. 14 Sorry. I apologize. It is in the submission, 15 62.02, but it doesn't matter. I think I 16 captured what I was going to say. 17 So if there is an overlap between today's 18 drill site and a future mine site, there's an 19 indication that you may want to talk to AER to 20 see what's the reclamation program; however, 21 this Panel only has very limited jurisdiction. 22 We are deciding these drill sites on public 23 land, on Crown land. So any future program we 24 can't have regards for. 25 So with that in mind, what is your plan, 26 specifics of your plan for the interim</p> |


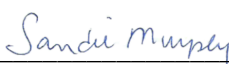
| | |
|--|--|
| <p style="text-align: right;">625</p> <p>1 reclamation in terms of the work you're 2 undertaking, the timelines for this exploration 3 program? 4 A T. RIEWE: Madam Chair, with 5 respect to this program, our intention is to 6 complete borehole abandonment and site 7 recontouring shortly after the completion of 8 the drill program and the necessary data 9 collection. So we don't envisage needing to 10 keep the sites open for an extended period of 11 time. We are -- we are planning the execution 12 of borehole abandonment in short order 13 following completion of the drill program and 14 then associated recontouring to follow shortly 15 after that. 16 Q Thank you. 17 So there were some -- hopefully I've got 18 this reference correct, PDF 101, Exhibit 86.1. 19 There are some photographs that, if you can 20 scroll down, some forested areas, and even 21 further down, and if I read correctly your 22 submissions, there was talks of salvaging logs 23 and -- like, for example, this photo, Photo 8. 24 Salvaging logs if they are salvageable. So 25 what's the plan because you mentioned filling 26 the drill holes. But what's the plan with</p> | <p style="text-align: right;">626</p> <p>1 those or what does Northback in these instances 2 define as "interim reclamation"? 3 A Madam Chair, in this instance, if you may -- or 4 if I may just address this photo very quickly. 5 Photo 8, the stake is clearly adjacent to a 6 trail. Some of those minor movements and 7 adjustments that we discussed in the previous 8 question, we would actually install the drill 9 collar on the road surface. When we send Trace 10 out to complete the PDSA, we give them a set of 11 coordinates, and they will work precisely to 12 that set of coordinates; however, the minor 13 adjustment to the actual drill collar in this 14 instance is on to the road. 15 With respect to interim reclamation 16 efforts, that would be borehole abandonment, 17 cutting the surface casing, and recontouring 18 the site. Because we are moving our locations 19 all onto existing disturbance, if coarse woody 20 debris isn't already present in that work 21 footprint, we wouldn't be replacing it. But if 22 there was any disturbance to coarse woody 23 debris, we would -- we would include that 24 following the surface recontouring. 25 Q So you don't receive any vegetation removal, 26 tree removal based on these adjustments that</p> |
| <p style="text-align: right;">627</p> <p>1 you mentioned? 2 A That's correct. 3 Q So it's going to be truly disturbed land with 4 no vegetation clearing? 5 A Yes, that is correct. 6 Q Okay. Perfect. Thank you. 7 So you spoke and we heard from members of 8 the community when we were in Pincher Creek 9 about the fact that whether there was 10 opposition to the project or the program or 11 support for it, there was a desire from 12 everybody to reclaim the land that's disturbed, 13 and you mentioned this morning that you see 14 upon yourself a duty of land and water 15 stewardship. 16 So in that context, and you may -- if you 17 may want to consult with each other, that's 18 perfectly fine -- in that context what do you 19 see -- or is Northback taking any initiatives, 20 undertaking any programs that would not only 21 leave minimal disturbance but also leave a 22 neutral -- net neutral or even net positive 23 impact? 24 A I would be happy to take the lead on this, and 25 then if any colleagues want to jump in, I 26 certainly encourage that.</p> | <p style="text-align: right;">628</p> <p>1 With respect to the broader context of 2 reclamation, the landscape, and the important 3 attributes of a healthy ecosystem, Northback is 4 invested in multiyear programs including a 5 rough fescue reclamation trial on our private 6 land. We're also looking at research 7 opportunities as it pertains to five-needle 8 pine species. We have a phytoremediation trial 9 that's gone through its first growing season 10 trial, but, more broadly, Northback has used 11 the time from the joint review panel decision 12 to expand our knowledge and understanding of 13 those important value components that were 14 highlighted in the public session in Pincher 15 Creek. 16 And some of these research programs that 17 I've described are part of our site tour that 18 we bring members of the public onto site. 19 These are multiyear programs. We continue to 20 collect data as it relates to the site 21 generally but also very focalized and specific 22 scopes as it pertains to reclamation and water 23 treatment research. 24 Q Thank you very much for that. 25 We have been summoned. Our counsel wishes 26 to talk to us. I have one final question which</p> |

| | |
|--|--|
| <p style="text-align: right;">629</p> <p>1 I will ask you after we see what's going on. 2 Thank you. 3 (ADJOURNMENT) 4 THE CHAIR: Thank you. Please 5 be seated. 6 Q THE CHAIR: So I have one last 7 question for the Northback panel. And, again, 8 if you wish to caucus, feel free. 9 And my last question is: What would be the 10 impact on Northback, on you, should we find 11 ourselves in a position to deny these 12 applications? 13 A S. BROWN: Thank you, Madam 14 Chair. From our standpoint at this -- I think 15 it would be -- I couldn't confirm what exactly 16 would happen if the program would be denied. I 17 think it's something that we would need to 18 assess as an executive team in combination with 19 Hancock. 20 I do know from a high-level perspective 21 that we would consider whether we -- not to 22 proceed with the project in general if we could 23 not get a drill program approved. So, 24 therefore -- and if that was the case, 25 Northback would be, I guess, folded and there 26 would be job losses in the Blairmore office and</p> | <p style="text-align: right;">630</p> <p>1 Calgary office. 2 Q Do you have anything to add? 3 A Oh, no. Sorry. I don't, no. 4 Q Your colleague. 5 A A. BEATTIE: Oh, no. I don't 6 have anything to add. I just found the 7 clapping to be a bit surprising. 8 A S. BROWN: Sorry. Nothing 9 further, Madam Chair. 10 Q Thank you very much. Thank you for that 11 answer. 12 And I think that concludes our questions 13 for you. 14 Discussion 15 THE CHAIR: My understanding is 16 you would need further time for your 17 undertakings for tomorrow, which is fine. You 18 will figure out if there are questions from 19 Mr. Fitch to the panel. I don't know. Do you 20 want to reseat your panel, or ... 21 M. IGNASIAK: Yeah. No. Madam 22 Chair, what we would propose is that the panel 23 be stood down. We don't have any redirect. 24 We'll provide the undertaking answers as soon 25 as we can. If Mr. Fitch has questions, then 26 we'll reconvene whoever is necessary to answer</p> |
| <p style="text-align: right;">631</p> <p>1 that question. I expect it wouldn't be more 2 than one or two people from the panel, but, 3 otherwise, we'd ask that the panel be allowed 4 to stand down and be released. 5 THE CHAIR: Okay. Thank you. 6 You mention you don't have any redirect; is 7 that correct? 8 M. IGNASIAK: That's correct. 9 THE CHAIR: Thank you. 10 Just housekeeping. Tomorrow we have a 11 rather shorter day, so I was going to ask 12 Mr. Fitch, who is scheduled for Thursday, is 13 there any possibility that we could shift the 14 schedule and have you tomorrow? 15 G. FITCH: Yeah. So I did 16 discuss this with Ms. Wheaton. We have three 17 witnesses, as I'm sure you know. Two are 18 expert and one is lay. Mr. Trafford, the chair 19 of the Livingstone Landowners Group. 20 So one of our experts is in Lethbridge. So 21 he would need some notice if we're going to get 22 him up tomorrow instead of Thursday. My 23 suggestion is that we could easily put up 24 Mr. Trafford tomorrow afternoon, stand-alone, 25 without Mr. -- or Dr. Stelfox and Mr. Fitch, we 26 could -- he could give his direct evidence and</p> | <p style="text-align: right;">632</p> <p>1 be cross-examined and ask questions, and we 2 could get him up and down, so to speak, 3 tomorrow, and then that would shorten our 4 direct and, presumably, the cross as well on 5 Thursday. 6 THE CHAIR: The challenge with 7 that would be if a panel chooses to caucus or 8 they need to ask questions of Mr. Ignasiak -- 9 and others may want them all here, that may 10 pose some challenges. 11 G. FITCH: Mr. Ignasiak informs 12 me he has no concern with Mr. Trafford being -- 13 I mean, he is a lay witness, not an expert 14 witness, so the fact that he would be 15 testifying separately shouldn't be an issue, I 16 wouldn't think. 17 THE CHAIR: Okay. 18 M. LACASSE: Staff has no concern 19 with that proposal. 20 THE CHAIR: Thank you. 21 Alternatively, I could have asked Mr. Emard to 22 probably get shifted to tomorrow, but they 23 indicated they have somebody assisting them; 24 therefore, I don't know -- he's not in the 25 room, is he? No. Okay. Never mind, then. 26 G. FITCH: And I would add I've</p> |

633

1 discussed this with Mr. Trafford, and he's just
 2 as happy to go tomorrow. So I think it works
 3 for everybody.
 4 THE CHAIR: Okay. Let's see how
 5 the day unfolds, then.
 6 G. FITCH: Okay. Thank you.
 7 THE CHAIR: Thank you very much.
 8 And thanks, panel, for your patience and
 9 participation in this hearing, and thanks to
 10 everybody. See you, everybody, tomorrow at 9.
 11 (WITNESS PANEL STANDS DOWN)
 12 _____
 13 PROCEEDINGS ADJOURNED UNTIL 9:00 AM,
 14 JANUARY 15, 2025
 15 _____
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26

634

1 CERTIFICATE OF TRANSCRIPT:
 2
 3 We, D. DiPaolo and S. Murphy, certify that
 4 the foregoing pages are a complete and accurate
 5 transcript of the proceedings taken down by us
 6 in shorthand and transcribed from our shorthand
 7 notes to the best of our skill and ability.
 8 Dated at the City of Calgary, Province of
 9 Alberta, this 14th day of January 2025.
 10
 11 
 12 _____
 13 D. DiPaolo, CSR(A)
 14 Official Court Reporter
 15 Commissioner for Oaths Appointee No. 0751145
 16 ASRA Membership No. 386
 17 NCRA Membership No. 1003835
 18
 19 
 20 _____
 21 S. Murphy, CSR(A)
 22 Official Court Reporter
 23 Commissioner for Oaths Appointee No. 0703370
 24 ASRA Membership No. 170
 25
 26