

THE ALBERTA ENERGY REGULATOR

PROCEEDING ID NO. 444

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

AER PROCEEDING

VOLUME 1

Pincher Creek, Alberta

December 3, 2024

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

3

4 December 3, 2024 Morning Session

5

6 P. Meysami The Chair

7 S.F. Mackenzie Hearing Commissioner

8 M.A. Barker Hearing Commissioner

9

10 M.G. LaCasse AER Counsel

11 S. Gibbons AER Counsel

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13 T. Wheaton AER Staff

14 E. Arruda AER Staff

15 D. Parsons AER Staff

16 A. Stanislavski AER Staff

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18 M.K. Ignasiak, KC For Northback

19 Holdings Corporation

20 J.D. Eadie For Northback

21 Holdings Corporation

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23 D. DiPaolo, CSR(A) Official Court

24 S. Murphy, CSR(A) Reporters

25

26

1 (PROCEEDINGS COMMENCED AT 9:04 AM)

2 Opening Remarks

3 THE CHAIR: Please be seated.

4 Good morning, everyone, and welcome. Thank you
5 for taking the time to participate in this
6 hearing.

7 My name is Parand Meysami, and I will be
8 chairing this hearing. The other Panel Members
9 in this proceeding are, on my right,
10 Commissioner Meg Barker, and on my left,
11 Commissioner Shona Mackenzie.

12 My colleagues and I respectfully
13 acknowledge that we are holding this part of
14 the proceeding in the town of Pincher Creek and
15 in the traditional and ancestral territories of
16 people of Treaty 7. This territory is shared
17 traditional and ancestral home of Blackfoot
18 Confederacy, consisting of Kainai, Piikani, and
19 Siksika Nations as well as the Tsuut'ina and
20 Stoney Nakoda nations, which includes the
21 Chiniki, Bearspaw, and Goodstoney
22 First Nations. Pincher Creek is also home to
23 Métis Nation of Alberta District 1.

24 We are holding this proceeding in two
25 parts. Today and tomorrow is the first part of
26 the hearing, and we will hear from the limited

1 participants and community members in
2 Pincher Creek. The second part of the hearing
3 will start on January 14th, and we will hear
4 from full participants in Calgary, AER's Govier
5 Hall.

6 Next, I will introduce the AER staff. I'd
7 like to ask you to identify yourself, perhaps
8 wave or stand when I call your name so the
9 participants can identify you.

10 The staff assisting the Panel today are
11 Meighan LaCasse and Shauna Gibbons from AER law
12 branch. We have Elaine Arruda and Tara Wheaton
13 as our hearing coordinators. We have Denise
14 Parsons and Anastasia Stanislavski of hearing
15 services.

16 We have Mr. Graham White with AER media for
17 media questions. We have Resolve Collaboration
18 and Van Mechelen Sound, who will be supporting
19 us today and tomorrow with live stream and
20 audio.

21 The Hearing Panel and all the AER staff in
22 the hearing room are wearing nametags. If you
23 have questions, please approach the staff
24 supporting the hearing for assistance.

25 Communication with Panel, however, must be
26 on record. Therefore, please do not approach

1 the Panel to speak to the Panel Members unless
2 it is part of the proceeding.

3 We are not trying to be unfriendly, but in
4 our role as quasi-judicial decision-makers, any
5 communication that we have with the hearing
6 participants must happen openly, transparently,
7 and on the record. We appreciate everybody's
8 understanding and observance of this request.

9 In addition to AER staff, we have court
10 reporters to transcribe the proceeding. We ask
11 the hearing participants to speak slowly and do
12 not interrupt or talk over each other for the
13 court reporter's benefit so we have a clean
14 transcript.

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 produce the only official
20 transcript of the hearing.

21 To any viewers who are observing the
22 videocast, we advise that recording or
23 rebroadcasting of the hearing, audio or video,
24 is strictly prohibited. And the same goes with
25 people who are in the hall.

26 Those of you in this hall should be aware

1 that there is a possibility that you could
2 appear on the videocast. If you have concerns,
3 please speak to one of the hearing staff at one
4 of the breaks.

5 To make the audio webcast work well,
6 everyone must speak to the microphone when
7 speaking during the hearing.

8 Now, I will ask Ms. Arruda to please tell
9 us the safety procedure as well as the
10 particulars of this part of the proceeding and
11 publication of the notice. Thank you.

12 E. ARRUDA: Thank you,
13 Madam Chair.

14 If we need to evacuate, please use the exit
15 closest to you. There is one exit on the
16 left-hand side of the stage and two exits at
17 the front of the building. There is a fire
18 extinguisher and an AED located on the wall
19 outside of the kitchen.

20 In the event of a medical emergency, call
21 911, and then alert an AER staff member.
22 Myself, Ms. Wheaton, and Ms. Stanislavski are
23 all first aiders.

24 As a reminder, the community hall has two
25 mezzanine spaces: The mezzanine on the
26 northeast side of the building will be open for

1 limited participants to use; however,
2 participants should be aware that this is a
3 shared space, so privacy is not guaranteed.

4 The subject of today's proceeding is
5 applications under the Public Lands Act, Coal
6 Conservation Act, and the Water Act for a coal
7 exploration program A10123772 and a deep drill
8 permit 1948547 and a temporary diversion
9 licence 00497386 submitted by Northback
10 Holdings Corporation.

11 For the purposes of the hearing record, the
12 notice of hearing and the notice of scheduling
13 of hearing have been marked as Exhibit 6.01 and
14 94.0 and were distributed directly to all
15 parties, and the notice of hearing was
16 advertised in the Crowsnest Post Herald and the
17 Pincher Creek publication Shootin' the Breeze.

18 This summarizes the details of giving of
19 notice for this hearing, Madam Chair. I would
20 like to remind the participants that the
21 materials filed in the proceeding have been
22 marked as exhibits prior to the hearing. Thank
23 you.

24 THE CHAIR: Thank you,
25 Ms. Arruda.

26 We will now register the participants who

1 are present at the hall for the first part of
2 the morning. After each break, we will
3 register the participants who are scheduled to
4 speak at that time slot. Please speak clearly
5 and not too quickly into the microphone so the
6 court reporters can hear your name. Please
7 state your name for the record and confirm the
8 party you're representing if you're
9 representing any parties.

10 Who's representing Northback Holdings?

11 J. EADIE: Good morning,
12 Madam Chair and Panel Members. My name is
13 Jayce Eadie with the law firm Bennett Jones LLP
14 representing Northback Holdings Corporation in
15 this proceeding.

16 THE CHAIR: Thank you very much.

17 Are you planning to sit any witnesses?

18 J. EADIE: (NO VERBAL RESPONSE)

19 THE CHAIR: No. Not today.

20 Okay. Thank you.

21 Now, I would like to briefly explain the
22 procedure we will use at this hearing.

23 According to Section 21 of the Alberta Energy
24 Regulators Rules of Practice, all witnesses
25 must give evidence under oath or affirmation.

26 The court reporters will provide for this at

1 different times during the day when witnesses
2 come forward to give evidence.

3 On November 19, 2024, the Panel issued a
4 schedule for the community session for
5 Proceeding 444, Exhibit 95.1, which was updated
6 on November 28th, 2024. We will follow the
7 order of presentation set in that schedule.

8 We will first ask Northback Holdings to
9 come forward and present its brief
10 introduction.

11 After Northback, I will call limited
12 participants to give -- to come and give their
13 presentation in the order that was listed in
14 the schedule. After each participant's
15 presentation, Northback, AER counsel, or the
16 Panel may have questions for the participants.
17 Once we have heard from all participants, we
18 will then provide an opportunity for Northback
19 to provide any replies, if they wish.

20 For today's schedule, we plan to break for
21 lunch at 2 -- 12. We will reconvene at 1 PM.
22 We will also take breaks midmorning and
23 midafternoon. We are planning to hold an
24 evening session tonight which should start at
25 6:45 and wrap up approximately at 7:30. All of
26 this of course is subject to various

1 developments that can change the schedule.

2 Because the schedule may shift slightly and
3 change, we request that the participants be
4 flexible with their time and be prepared to
5 speak at times slightly different than they're
6 listed in the schedule.

7 In case of an unforeseen issue that may
8 arise in advance of your scheduled time, please
9 speak to one of the hearing staff to adjust
10 your time.

11 Just a reminder, we are here to listen to
12 all of your concerns. We may take notes from
13 time to time, but that doesn't mean we are not
14 listening. I would like to remind everyone
15 that this community session is part of the
16 formal hearing. While it is not a courtroom,
17 similar etiquette to a courtroom is expected
18 from everyone. I ask everyone to keep their
19 devices on silent, and if you have to take a
20 phone call, please leave the hall.

21 Lastly, I request that everyone listens
22 with generosity, kindness, and respect to all
23 without interrupting speakers; and please wait
24 until it is your turn to speak.

25 Are there any questions about the process
26 we are intending to follow?

1 Hearing none, is there any preliminary
2 matters that the parties wish to bring to our
3 attention?

4 Hearing none, now I would like to ask
5 counsel for Northback to proceed.

6 Direct Evidence of Northback Holdings
7 Corporation

8 J. EADIE: Thank you,
9 Madam Chair. As I mentioned earlier, my name
10 is Jayce Eadie -- that's E-A-D-I-E, first
11 initial 'J' -- with Bennett Jones. With me
12 from Bennett Jones is Martin Ignasiak.

13 On behalf of Northback, we thank the AER
14 for taking the time to organize and hold this
15 portion of the hearing. At the outset,
16 Northback would also like to thank the AER for
17 its earlier land acknowledgement. Northback
18 thanks the Piikani Nation for hosting us on
19 their traditional territory for the next two
20 days and also thanks all other Treaty 7 Nations
21 and Métis Nations within Alberta. Northback
22 remains committed to developing and fostering
23 relationships with all Treaty 7 First Nations.

24 Northback looks forward to hearing the
25 views of all limited participants over the next
26 two days. Northback takes these views as well

1 as the views of all who live and work in the
2 local community incredibly seriously. In this
3 regard, Northback has ensured that the
4 following officials who will also be appearing
5 as witnesses for Northback in Part 2 of the
6 hearing commencing January 14th, 2025, are in
7 attendance, and I'd ask them to identify
8 themselves perhaps by standing up or waving
9 their hand when I call on them.

10 In the front row, we have Mike Youl,
11 executive vice president business development.
12 In the second row, we have Angela Beattie, vice
13 president development regulatory approvals;
14 Tyler Riewe, senior manager safety health and
15 environment; Kyle Trumpour, manager Indigenous
16 partnerships. Also in attendance from
17 Northback is Mike Young, chief executive
18 officer, and Rina Blacklaws, manager of
19 communications.

20 Northback requests that any media in
21 attendance who have inquiries of Northback
22 direct those inquiries to Ms. Blacklaws. In
23 accordance with the process established by the
24 AER in this proceeding, Northback will not be
25 making any substantive submissions today but
26 instead remains available to the Panel should

1 any questions arise. Thank you very much.

2 THE CHAIR: Thank you, Counsel.

3 So next on the agenda, we have Mr. Allan
4 Garbutt or Garbutt.

5 Am I pronouncing your name correctly, sir?

6 A. GARBUTT: Butt as in what you
7 sit on.

8 THE CHAIR: Sorry. I didn't
9 hear you.

10 A. GARBUTT: It's Garbutt.

11 THE CHAIR: Garbutt. Thank you.
12 Please proceed.

13 ALLAN GARBUTT, Affirmed

14 Direct Evidence of Allan Garbutt

15 A. GARBUTT: Well, as you've
16 heard, I'm Allan Garbutt. A bit of background
17 on myself, I first began to visit the Oldman
18 River basin a bit more than 60 years ago. Dad
19 brought us down when we were barely higher than
20 the grass.

21 I've been in many parts of Canada over the
22 past 65 or 70 years. I keep coming back to
23 this part of the world. I love it here. I
24 want to save it, particularly from folks like
25 Northback.

26 In my travels, I picked up a PhD in

1 zoology. I worked in environmental consulting
2 for several years, then went back to school,
3 became a rural doctor, and worked in that
4 capacity in Crowsnest Pass for 26 years. I
5 retired just over five years ago, and since
6 then, I've been volunteering with various
7 organizations that share my love of this
8 country and the natural world.

9 I've -- you'll hear a lot from Northback
10 about the wonderful things they're going to do.
11 Their largess is a drop in the bucket. It
12 simply overwhelms anything that the
13 environmental groups I work with have any hope
14 of -- of matching. For instance, they pledged
15 \$75,000 to a school lunch program. I looked at
16 the net worth of the individual who is the
17 ultimate owner of this company, compared it to
18 mine, and it's nothing. The 20 bucks I'm about
19 to put on the table is more than equal on a
20 net-worth basis to what they have pledged. The
21 Livingstone Range folks can pick up the
22 20 bucks, and I'll keep giving as long as
23 Northback keeps giving.

24 The meat of my presentation is basically we
25 shouldn't be here. This is not a proposal
26 about exploration. This is a "break it into a

1 million pieces" attempt to go back and
2 relitigate a mine that was turned down years
3 ago. The mine went before the Joint Review
4 Panel. They turned it down. Two cabinets
5 turned it down. Several Courts turned it down.

6 We had a coal committee struck to review
7 the -- the whole of coal mining in the east
8 slopes. Their recommendation was that it
9 should not happen. The populus was
10 outstandingly over -- overwhelmingly in favour
11 of banning mining except in a very few, very
12 specific circumstances, that is, an advanced
13 coal project. It's really hard to see how a
14 dead parrot of a mine, one that's been rejected
15 by two cabinets, a joint review panel, and
16 several courts, can qualify as a -- as a
17 project, let alone an advanced project.

18 The -- that said, the minister kind of blew
19 the AER's claim to independence out the window
20 by sending a letter, and the AER decided that
21 it was indeed a -- a project and that they
22 should be looking at it. I applaud you for
23 actually looking at it and not just -- not just
24 issuing the permit.

25 After you get past the "we shouldn't be
26 here", there are multiple reasons to reject

1 this request. In the end, they all come back
2 to a single point, and that's water, both the
3 quantity and the quality of the water, the
4 water that flows off the east slopes and
5 nourishes those dry lands off to the east of
6 us. Water is the stuff of life, and that stuff
7 flows from the east slopes across the prairies,
8 through Saskatchewan, the marshes in northern
9 Manitoba, and ultimately into Hudson Bay at
10 Churchill. On its path, it supports every
11 major population centre south of Red Deer, east
12 all the way to Manitoba; and it supports many,
13 many, many more smaller centres, individuals,
14 ranches, farmers along the way.

15 The province is home to a growing and very
16 profitable agri-food complex, and that is
17 utterly reliant on clean water from the east
18 slopes. If that water either doesn't come or
19 isn't clean, we lose that agri-food complex.
20 Many of the crops that grow in southern Alberta
21 simply could not be grown without irrigation.

22 There's plans for more irrigation, big
23 irrigation projects in eastern Alberta and in
24 Saskatchewan. All of the water for that
25 irrigation comes from the eastern slopes. A
26 large portion of it comes from the Oldman.

1 That's the area that we're addressing in this
2 hearing.

3 The billions of dollars that come off those
4 farmlands and the agri-food complex and the
5 dreams of those who want to irrigate lands
6 further east are only possible if Alberta and
7 Alberta alone protects that small strip of land
8 along the mountain chain that harvests the
9 water that comes east from the Pacific.
10 Remember, that land -- that water strip in this
11 part of the world maybe is 20 miles wide; a lot
12 of it's only 15 miles wide. You screw it up,
13 and we're screwed.

14 Sorry. That was a little vernacular.

15 If Alberta, whether from ignorance,
16 stupidity, or greed, allows the water that
17 flows out of there to be degraded, millions of
18 people and billions of dollars will be in
19 jeopardy. The AER has a mandate to regulate
20 the orderly development of resources. I'm
21 assuming that that means the development of any
22 single resource should not compromise the
23 development of other resources, especially if a
24 threatened resource has far more current and
25 future value than any of the mine -- any mine
26 or mine complex could have.

1 If indeed AER has a duty to protect all of
2 the resources, not just the single resource,
3 there will be times when it must re --
4 disappoint a single applicant and its
5 supporters. This hearing pertains to one of
6 those cases where AER should be advancing the
7 interests of the whole, of all those people
8 between here and Churchill who need your
9 support to continue to do their jobs, whereas
10 Northback is asking that we sacrifice those
11 people on their pursuit of additional dollars
12 and to support a relatively small numbers of
13 its supporters.

14 Northback's going to argue that they're
15 only asking to do exploration. That's at best
16 disingenuous. They're not asking to build
17 roads, drill holes, divert water so that they
18 can get more information to provide to the
19 Alberta geological survey. They already know
20 there's a coal deposit there that is good
21 enough to support their prior commitments to a
22 mine.

23 Their strategy here is transparent.
24 They're going to break that project into a
25 zillion pieces, and they're going to ask for
26 approval of each one. The approval of that one

1 step only brings us closer to the ultimate,
2 which is going to be to build a mine.

3 To take that back into my life as a doc,
4 it's like asking a surgical patient for
5 permission to make a small skin incision when
6 your real goal is to remove half of their large
7 bowel. The difference here is that in surgery,
8 we take out the cancer and save the patient.
9 In this setting, Northback is the cancer, and
10 they will kill the patient if you give them
11 permission for the first step and the ultimate
12 following steps.

13 You need to -- to deny Northback's
14 application to save southern Alberta and much
15 of the western prairies from the ultimate
16 impacts of that exploration. If you decide to
17 allow things to proceed, there are also a
18 number of negatives that could happen in the
19 execution -- that will happen in the execution
20 of that project. Their first step will be to
21 build roads. They'll tell you that they're
22 only going to use preexisting roads; but they
23 will have to reopen those roads, regrade them,
24 and create bare surfaces. Those bare surfaces
25 will be subject to a lot of erosion,
26 particularly from snowmelt and rainfall events.

1 The water will come down the -- the slope, hit
2 the roads, and follow the roads. They'll --
3 the roads will channel the flow.

4 Northback will tell you that they will put
5 up all kinds of sediment barriers and so on.
6 Unfortunately, those barriers do not very --
7 very often do not work. As an example,
8 TC Energy built a major pipeline over the
9 Livingstone Range within a few miles of
10 Northback's project. TCE has a ton of
11 experience in building in mountainous terrain.
12 They put up all kinds of sediment barriers.
13 They had, they said, the best of intentions. I
14 was actually on the pipeline talking to their
15 people. Everybody on that pipeline, as far as
16 I could tell, wanted the water to stay out of
17 the creek. I was one of the intervenors with
18 CER, Canada Energy Regulator. We told them
19 that the plans were not good enough, that there
20 would be trouble.

21 There was a small rainstorm in August two
22 years ago, a small rainstorm. Nothing like the
23 ones we have had here. It breached their
24 barriers. It put a ton of mud into that
25 stream, and it very seriously damaged the SARA
26 protected, we thought, westslope cutthroat

1 population. The stream has not recovered, and
2 that was from a single, short segment of
3 pipeline.

4 Those roads will probably be open in the
5 spring. Northback has said they want to get
6 drilling done and so on before the end of the
7 frozen season. Realistically, with the
8 hearings ending in February, their chances of
9 doing all of that drilling even if you issued
10 an immediate okay before we're into melt season
11 is very small. We're also almost certain to
12 experience some very warm chinooks in that
13 period, and they too will cause melt.

14 So we'll have a -- a hillside of streams
15 coming down, channeled by the roads, picking up
16 sediment, and turning into mud. Regardless of
17 how that goes, it's all going to go downhill,
18 and, ultimately, it's going to get to the
19 stream courses at the bottom of the hill,
20 whether that's Gold Creek or Blairmore Creek is
21 almost incidental.

22 When the mud hits the creek, a lot of it's
23 going to stop right there, but a lot of it is
24 also going to go downstream. It will fill the
25 interstitial spaces in the gravel beds. It
26 will smother fish eggs. It will smother baby

1 fish. It will damage the invertebrates, and
2 we're going to end up with reduced -- at best,
3 with reduced recruitment in a population of
4 SARA protected westslope cutthroat trout.
5 We're going to end up with reduced feed
6 supplies for the fish that do survive, and
7 we're going to end up with a water body that
8 has a whole lot more junk in it than it should.

9 Northback will tell you that they're going
10 to protect that water. Well, they've had at
11 least two major dumps of iron oxide out of a
12 mine, an old mine portal on that property that
13 I've personally witnessed in the time -- in the
14 last ten years. That iron oxide covers the
15 bottom, does bad things to stream biota. You
16 can refer to studies from Fish and Wildlife in
17 the 1970s by Duane Radford and friends on that.
18 Mr. Radford at that time presented an easy
19 solution to the iron. It's basically dig a
20 settling pond at the outlet; let the water go
21 in there; the iron oxide drops out; water
22 overflows and is pretty clean.

23 I know that that solution was presented to
24 Northback in 2017. Hasn't been done. There
25 was another flow a couple of years ago in the
26 spring. Turned the ice and snow over the creek

1 into a nice red mess. Still no settling ponds
2 as far as I can tell.

3 They will talk about they're only using a
4 small amount of water from the in-pit lake.
5 They make it sound as if the in-pit lake is
6 essentially a giant beaker. It's not. There
7 is groundwater flow in and out of those lakes.
8 The groundwater flow ultimately will end up in
9 the surface water flows at some point. They're
10 important to maintaining the base flow in
11 streams in this area. And those streams are
12 already at record lows. If you look at the
13 flow data for the larger streams, they have
14 been below the low points, the average low
15 points, for most of the last two years.

16 Blairmore Creek this year is lower than I
17 have ever seen it. I ran a couple of quick
18 numbers. I figure in the 26 years I worked in
19 that hospital and in the community, I crossed
20 that stream more than 7,600 days. I've never
21 seen it as low as it is now.

22 They will tell you that the drought has
23 eased. I would call BS on that. I live in the
24 Porcupine Hills and have lived there for
25 25 years. Many of our streams are dry for the
26 first time in decades. Effectively all of our

1 surface water has dried up. The ranchers we
2 know are hauling water to pastures that they
3 have never hauled to before. Their springs
4 have gone dry. People have wells that are no
5 longer producing or are at best producing far
6 low.

7 Any move that takes water out of the local
8 water system in whatever quantities poses a
9 significant risk to everybody downstream. If
10 the local water drops, everything downstream
11 will suffer from a drop. Making the drop
12 bigger, even by a small amount, endangers
13 everybody downstream, and all of those billions
14 of dollars that are coming out of our agri-food
15 process downstream.

16 The -- the company will talk about how much
17 benefit they're going to provide to the
18 community. That is at best challengeable. If
19 you look at reports done by Robin Allen and
20 others on the cost-benefit effects of coal
21 mines in northeast BC the results are not in
22 favour of Northback. The coal and so on in
23 that area is rather similar to Alberta's. It's
24 the same part of the mountain front.

25 Ms. Allen and her company pretty much
26 demonstrated that the claim to benefits were

1 far lower -- the delivered benefits were far
2 lower than the claimed benefits, the negatives
3 were much bigger than the claims, and the
4 cost-benefit analysis at the end of the day was
5 strongly negative, despite the glowing
6 recommendations.

7 The same sort of thing is happening with
8 pollution. There's been recent studies by
9 Mandy Olsgard, who's a toxicologist with some
10 pretty good credentials, despite what Northback
11 said in some letters to you. She showed that
12 removing 99 percent of the selenium from a
13 waste stream would not prevent bioaccumulation.
14 And that will happen downstream of the source.

15 If you can't get 99 percent of the selenium
16 out of the thing, you're at risk of
17 bioaccumulation.

18 There's a letter by Lee Eddy in Western
19 Stockman a couple of years ago that clearly
20 shows the risk to forage crops, feedlot
21 operators, all of that, if the inlet -- input
22 water is contaminated with even low levels of
23 selenium.

24 I'm about at the end of my time, so I'll
25 wrap up by asking the Commission to turn this
26 down. Save Alberta, save the agri-food stuff,

1 save the prairies, and save us from those
2 foreign-funded eco vandals that are here.
3 Thank you.

4 THE CHAIR: Thank you,
5 Dr. Garbutt.

6 A. GARBUTT: And if Livingstone
7 Range wants their 20 bucks, they can come and
8 find me.

9 THE CHAIR: Thank you.

10 Questions for Dr. Garbutt? No.
11 Counsel?

12 Thank you very much.

13 So next we have Mr. Andy Vanderplas. Do I
14 say your name correctly, sir?

15 A. VANDERPLAS: Yes. Do you have
16 Andy Vanderplas for the record?

17 THE CHAIR: Yes. Yes. Thank
18 you.

19 ANDY VANDERPLAS, Affirmed
20 Direct Evidence of Andy Vanderplas

21 A. VANDERPLAS: Good morning, Madam
22 Chair, Panel, ladies and gentlemen.

23 Quick background on myself, I am a 44-year
24 resident of the Crowsnest Pass, where my wife
25 and I have raised a large family. We
26 definitely enjoy the area, based on the fact

1 that we do work in the industry. And as full
2 transparency, I am a contractor to every mining
3 operation in the area. Based on that, we have
4 been able to provide our children, all 7 of
5 them, and all 15 grandchildren with a good
6 life, education, everything they would expect
7 out of a good life because of our work in the
8 industry.

9 We are -- we have been involved in the
10 industry directly for 31 years. We are very
11 fussy about our clientele because we want to be
12 able to, at the end of the day, have our people
13 feel good about where they work.

14 The mines on the British Columbia side and
15 the Northback operation on the Alberta side
16 have demonstrated to us a very strong safety
17 policy, as well as anything that -- where we
18 work, if there's anything involving any
19 environmental effects at all, they're very
20 strict; they're very straightforward, something
21 that we adhere to, which gives us a lot of
22 comfort, knowing that our employees, their
23 families, our children have that security in
24 front of them.

25 As another item of transparency, I am the
26 former chairman of a semi-judicial board,

1 subdivision and appeal, for 29 years. So I am
2 familiar with what is required by a board when
3 they make their deliberations. And speaking
4 from my experience as a chairman of the board,
5 one of the biggest drawbacks to any application
6 is evidence.

7 The program that Northback is involved in
8 at this time as the drilling program is to find
9 and provide that evidence. 'Cause there's
10 nothing worse than putting in a permit
11 application, being ready for it, and not being
12 able to back up what you have to say.

13 We over the years have rejected many
14 applications simply because these appellants
15 were not prepared with the evidence,
16 scientific, physical, et cetera, to answer the
17 questions that the board had and from thereon
18 any person who had an issue with that. Many
19 times they were sent away to go get that
20 evidence at -- at their cost, time for
21 everyone.

22 So what they're asking for here right now
23 is this drilling program to provide that
24 evidence and whatever that evidence may be. It
25 could tell everybody that this is a wonderful
26 situation, or it could tell everybody that what

1 they thought was there isn't there. But they
2 don't know that, and I -- and I agree with
3 Dr. Garbutt -- Mr. Garbutt; there is a coal
4 seam up there. How much, quantity, quality,
5 this is what the drilling program is all about.
6 They need to be able to provide that evidence.

7 And the second item on that is -- I mean, I
8 think there's not a person alive who hasn't
9 seen all the media, the publicity, and all the
10 social media about this coal mine. This is not
11 an application for a coal mine; this is an
12 application for a drilling program. So if we
13 can get past that smoke and let these folks get
14 the evidence they require to make an informed
15 decision so they can inform the panels of that
16 evidence and present it all, then we can all
17 move forward.

18 I don't need 20 minutes to explain
19 everything. Statements of facts can usually go
20 fairly quick because I've sat in your position,
21 and you don't need all that extra time.

22 So they want to do their due diligence, and
23 I'm requesting on their -- for them, as a
24 resident of the community -- I mean, we are
25 directly affected by everything that happens
26 there. We live downwind and downstream of

1 their intended operation. Five of our seven
2 children live in a semicircle around that
3 entire operation. We understand the risks. We
4 also understand the possible benefits to the
5 future because as we -- as a -- from a family
6 basis, are entering into a succession phase of
7 our business. Our children now are taking over
8 and looking to continue that as the next
9 generation is already training to take over
10 from them.

11 So to get all the masses raised up at this
12 time and scream "Coal mine, coal mine, coal
13 mine", step back for a minute. We're talking
14 about a drilling program. So it's too easy to
15 get everybody excited about a mine when we're
16 not there yet. These folks need to be allowed
17 to go get the evidence, present the evidence in
18 an orderly manner, following every
19 environmental requirement that the government
20 has laid out -- and I agree with that; I don't
21 want to live in a contaminated environment any
22 more than anybody else does. But I think they
23 need to be given that opportunity to prove that
24 they can do this right.

25 If they're going to prove it, then it's
26 going to be approved; or they're not going to

1 be able to prove it, and it's going to be
2 disallowed. But of all fairness, people need
3 to be able to have the opportunity to present
4 the evidence that is needed for people to make
5 a proper informed decision.

6 And I really don't think I've got an awful
7 lot to say about that except for the fact that
8 we -- as a family, as a business, we agree to
9 it. We look forward to them proceeding with
10 this so that we all know, we all have an
11 informed decision to make, not a decision based
12 on hype and scare tactics and stuff that comes
13 from all over the world in other countries and
14 books and things that were written; we're
15 talking about one drilling program in one
16 location. We agree with them getting the
17 evidence together to present it to allow you to
18 make your decisions.

19 That's the end of my presentation. Thank
20 you very much.

21 THE CHAIR: Thank you very much,
22 sir.

23 Next I have Mr. Brent Koinberg. Is that
24 correct?

25 B. KOINBERG: Yes, that is
26 correct.

1 THE CHAIR: Thank you.

2 Please --

3 B. KOINBERG: Thank you.

4 THE CHAIR: Please proceed.

5 BRENT KOINBERG, Affirmed

6 Direct Evidence of Brent Koinberg

7 B. KOINBERG: Thank you.

8 Welcome to Pincher Creek and in -- on our
9 behalf, anyways. My name is Brent Koinberg. A
10 little bit about myself is I was born and
11 raised in the Crowsnest Pass. I resided there
12 for 16 years, moved to Calgary, moved back
13 home, Crowsnest Pass, left again, came back.
14 And that's my story for about 20 years of my
15 life, is leaving the Crowsnest Pass and coming
16 back home.

17 Crowsnest Pass has always been my home. It
18 didn't matter where I slept that night, worked;
19 it's always been my home; it's where my family
20 was.

21 So when I returned just over six years ago
22 again -- the Crowsnest Pass is basically a
23 shell of what it used to be when we -- when we
24 had industry, when we had businesses, in
25 comparison to what it is now. Like, we had
26 convenience stores in -- in every town. We had

1 multiple in Blairmore. We had two in Coleman,
2 Hillcrest, Bellevue. We all had convenience
3 stores. We all had two different grocery
4 stores.

5 So when I returned, I also came up with
6 Crowsnest Adventures through some help with
7 some friends, stuff like that. So I own an
8 actual tourism company in the Crowsnest Pass.
9 A lot of people on both sides of the
10 fence'll -- will say, you know, We need
11 industry; we need tourism; we need this; we
12 need that. In all honesty, we need everything.
13 Crowsnest Pass is mainly -- I think it's, like,
14 82 percent, 85 percent residential-based tax
15 base. My taxes have gone up a thousand dollars
16 in three years, four years, which is unheard of
17 in a lot of areas, especially for small areas.

18 So I believe that -- like my friend Andy
19 here said, I fully believe in the process that
20 we should allow the drilling program to go on.
21 And the reason for it is when we have numbers,
22 when we have actual data, we -- we can look at
23 the bigger picture; right? If -- if the mine
24 goes through, if it doesn't go through, I -- I
25 believe personally in the process. I
26 believe when -- the process of it going through

1 last time, I believe -- I believe they got it
2 right, right, with -- with denying the mine
3 because there was a lot of holes in it, in
4 my -- in my opinion, that were not addressed.

5 And through talking with Northback, some of
6 its employees, even family that have gone
7 through Northback and stuff like that, they
8 like to fill in those holes; and this drilling
9 program is one of those ways to fill in those
10 holes.

11 Now, I'd also like to fill in some of the
12 holes from Dr. Garbutt's presentation. Now, as
13 I said, I grew up in the Crowsnest Pass. My
14 family owned property that was purchased by
15 Northback when -- when they first come into the
16 Crowsnest Pass looking at opening up the Grassy
17 mine. Now -- excuse me -- my family owned this
18 property called Bozley, and we've had it in our
19 family for over 50 years. It -- it was our
20 little safe haven. It was our little touch of
21 paradise. We could go there. We could relax.
22 We could camp. We can bring friends up. We
23 can, you know, get away from the hustle and
24 bustle. With my aunts living in -- in the
25 city, you know, you got the family at home
26 in -- in Crowsnest, we could all gather there.

1 When Northback came in and bought up all
2 the property around us, they just approached
3 and said, you know, Would you guys be
4 interested in selling? And of course my family
5 said, Well, no, this is our paradise. However,
6 they also recognized that the Crowsnest Pass
7 needs something more; right?

8 So they were like, Okay. We can either
9 help them so this way maybe there will be
10 prosperity not just for the family. Don't get
11 me wrong; I didn't see -- when they sold the
12 property, I didn't see anything from it. I
13 just lost my childhood place of safety, I
14 guess, right?

15 But it was for the prosperity for the
16 municipality, for people, for jobs, to bring
17 more people in to hopefully bring back what we
18 had as a community back a little bit.

19 Now, I know that's more addressing for the
20 mines; however, at least with this step, we can
21 see if a mine is even viable with the drilling.

22 Now, Mr. Garbutt mentioned the water.
23 Water's been there for as long as I can
24 remember. It's also been leaching that iron
25 oxide forever. There's been many times that --
26 not just in the last ten years, but for as long

1 as I can remember -- I'm 46 years old -- that
2 that river is frozen over by the hospital that
3 he used to work at, and it was red from this
4 leaching. And that's from the previous mines
5 not being reclaimed properly.

6 Now, my understanding with Northback is
7 they come in; if they're able to mine the coal,
8 great; and when the coal's gone, they have an
9 obligation to reclaim it. For me, it's not so
10 much about the coal; it's about that
11 reclamation. Like I said, my family owned
12 property up there. I've spent years -- I lived
13 up there for months at a time watching Grassy
14 literally from my kitchen window up there. I
15 can tell you it doesn't sustain life. Very,
16 very few animals actually stay on that -- on
17 that mountain, on that ridge side. The cattle
18 even on it, they'll go on it; they'll be gone
19 within a few days through the Cattle
20 Association, and that's from watching the
21 cattle for over 30 years that I can remember.

22 And then also too the leaching.

23 Dr. Garbutt can also maintain that a lot of
24 my injuries -- he was my personal doctor for
25 many, many years till he retired -- that a lot
26 of my injuries were from actually up in those

1 mines. There's -- there's quite the network
2 of -- of previous tunnels and stuff like that
3 that as, you know, a youth, I would go in
4 and -- not tell my parents where I was, of
5 course, because that's just not safe, but I
6 would go in those tunnels and see what I could
7 find. And I've been in a lot of those tunnels
8 up there, and sure enough, cuts, scrapes I'd
9 get to go to the hospital, get stitches. And
10 that was 30 years ago.

11 Roughly about 15, 20 years ago, they
12 imploded a lot of those mine shafts.
13 Unfortunately, there was -- they missed a few.
14 There's still a few more up there. But I'd
15 like to see the reclamation of that whole area
16 from the scars it's got from that leaching into
17 the water, from those old legacy mines into
18 seeing something beautiful that will hold life
19 again, that'll hold crystal clear water again.
20 That would be my personal goal.

21 As a tourism operator, I do almost weekly
22 tours into the old ghost town Lille, which was
23 a boom-and-bust coal mining town, right. Now
24 there's nothing up there but a couple of
25 basements, some old piping, and I thought about
26 it as a business owner, and as that is one of

1 my most busiest of guided hikes I do, am I at
2 the risk of losing that if the mine goes
3 through? Some days I might, if it's a little
4 windier; other days it'll actually probably
5 help me because now I'm being able to give
6 people a visual of what they're seeing as to
7 what happened kind of to Will, right. As a
8 tourism operator, I'm able to adapt and not
9 necessarily lose, but I can actually use that
10 as a way of saying, Now we can see something
11 active, provided it does come onto the eastern
12 side. If not, from what I understand -- it
13 sounds like things stay on the western side of
14 the mountain to mitigate Gold Creek. If that's
15 the case, well, then I don't lose anything. I
16 still have my little thing. We don't really
17 see much from the mine at all.

18 But, like I said, it's -- it's -- I'd like
19 to see it, in the end, reclaimed. I don't
20 expect anyone to reclaim it for free. That
21 just doesn't make any sense.

22 As for the water, absolutely. I'm a very
23 big advocate for the water. We do fishing and
24 stuff like that, and we grew up drinking the
25 water.

26 I think Mr. Garbutt's missing one

1 common-sense aspect with his water on his side
2 of the prairies, is he mentioned it: They're
3 punching more holes for water. When they're
4 tapping into their own reserves, their own
5 reserves are going to go down. Just in the
6 last five years alone, two, three different
7 pivots -- waterlines have been installed just
8 on Highway 22 alone, south of Maycroft Hill.
9 That draws a lot of -- a lot of water.

10 So I imagine it's not just -- they're not
11 drawn off the Oldman River. They're drawn
12 right off the aquifer in the ground, which in
13 turn does make common sense as to why water
14 will be going down.

15 As for our flow, we don't have a great
16 flow. We've never had a great flow here.
17 Grassy doesn't have a whole lot of trees on the
18 front side to hold much for snow.

19 I'm an advocate for snowmobiling and stuff
20 like that. We get maybe a week, two weeks a
21 year of snowmobiling on that hill, and the
22 reason for it is it's a lot of grass.

23 Backside's got some trees and stuff like that,
24 but for the most part, yeah, it doesn't hold a
25 whole lot of snow back in there. Further back
26 up in the valley, it holds more snow as it's a

1 little higher elevation, a little bit more
2 trees. But for the most part, Grassy doesn't
3 hold much snow at all.

4 So I'd like to put the idea of it into
5 perspective. Now just hearing, Oh, it's been
6 bad for ten years. It hasn't. It's been like
7 that ever since I can remember.

8 Once again, yeah, I am for Northback
9 drilling to getting a bigger picture. I'd love
10 to see the mine go through because it would
11 help our local economy; it would help locals
12 period with more jobs, better tax base,
13 hopefully giving some of us that own the houses
14 in town a little bit of a tax break on our
15 residence.

16 So thank you.

17 THE CHAIR: Thank you,
18 Mr. Koinberg. I appreciate it.

19 So we are at the break, but we are ahead of
20 time.

21 M. LACASSE: Madam Chair, we've
22 been advised that Mr. Petrone is in the room,
23 so if you wanted to proceed with him, you
24 could.

25 THE CHAIR: Mr. Petrone, would
26 you be so kind to come to the microphone,

1 please.

2 M. LACASSE: He needs to be sworn
3 in still.

4 THE CHAIR: Okay. Thank you.

5 CHAD PETRONE, Affirmed

6 Direct Evidence of Chad Petrone

7 C. PETRONE: Thank you for your
8 time today.

9 Finding a way to express my support of
10 Northback and what their business means to our
11 community and my family has been emotional.
12 Each generation of the Petrone family, dating
13 back 100 years, has benefitted from coal
14 mining. And it is now trickled down to the
15 fifth generation.

16 My 18-year-old daughter has prepared the
17 following words in honour of the history that
18 has shaped our family and the opportunities
19 that coal mining has provided to us. Off
20 script, I look around the demographic of this
21 hall, and her generation is not represented at
22 all, and it's very important that a 18-year-old
23 gets her voice in terms of the economic impact
24 to her life: (as read)

25 Today I'm honoured to share my
26 perspective on the coal mining

1 industry and the profound effect it
2 has had on my family. But first allow
3 me to introduce myself. My name is
4 Kiera Petrone, and I'm currently a
5 marketing major at the University of
6 Lethbridge. I spent my early
7 childhood living in the
8 Crowsnest Pass, specifically Bellevue.
9 The first eight years of my life
10 consisted of swimming for the Pass
11 Piranhas, skiing Pass Powderkeg, and
12 attending Horace Allen elementary.

13 Although these memories make up a
14 lot of my childhood, when I look back,
15 they are not all I see. Through my
16 life, one string has thread its way
17 through its core value that I hold,
18 and that string is made of coal. In
19 1928, my grandfather Riccardo
20 immigrated from Italy to Canada.
21 Travelling all through Canada, my
22 family made their eventual stop not in
23 Ontario or Québec, but in Hillcrest,
24 Alberta. From there, my great grandpa
25 and family adjusted to the harsh
26 weather and began to make the small

1 Albertan town their home. As he grew,
2 he began to see our home as more than
3 a quaint snow-filled town.

4 My grandfather eventually gained
5 interest in the Tent Mountain strip
6 mine. He shared many stories of his
7 time working at the mine, how he would
8 catch a ride on empty coal trucks and
9 spend time lodging with his fellow
10 coworkers. The entrepreneurial
11 passion for coal and Canadian
12 resources began to grow within my
13 great grandfather, and in 1942, he
14 purchased a 2-ton Dodge which will be
15 the first of many vehicles operating
16 for his business: Ric Petrone
17 Trucking.

18 From there, my grandpa -- sorry --
19 my papa, his son, and many other
20 community members drove this enormous
21 coal truck to maintain their
22 livelihood. Coal wasn't an attempt to
23 destroy our beloved town. It was a
24 strenuous effort to flourish it. The
25 Crowsnest Pass was built on the backs
26 of coal miners. Without them it's

1 uncertain how thousands of Albertans
2 would have provided for their
3 families.

4 Western Canadians were able to
5 distinguish themselves from the rest
6 of Canada and provide a means to which
7 to sustain themselves. Without the
8 hard work of my grandfather and great
9 grandfather and others alike, we would
10 have no community to debate this issue
11 in.

12 It is simple: Our livelihood
13 cannot flourish and expand without the
14 strength of Western Canadian coal
15 mines.

16 Many say that Albertan --
17 Albertans do not have culture. I
18 strongly disagree with this. Our
19 province in its inception was built
20 upon the hard work and dedication of
21 coal mines. Coal's not just a symbol
22 of economic prosperity, but it's a
23 motif in which represents Albertan
24 grit and pride. One of my earliest
25 memories is watching pridefully as my
26 papa, Ken Petrone, drove his big blue

1 coal truck all through Coleman during
2 Canada Day.

3 Today I sometimes bring my city
4 slicker friends to observe this blue
5 beast in its glory. Every time my
6 papa offers them to take a seat, and
7 every time they offer to take it.
8 Even in their early 20s, my friends
9 all found this piece of Alberta
10 fascinating. It is a common thread
11 shared between many Western Canadians
12 as many of our families would not have
13 survived without the efforts of coal
14 mining and its industry.

15 As a child, I took great pride in
16 the fact that I had roots in this
17 small Alberta town. As Paul Brandt
18 said "it's a pride that's been passed
19 down to me knee deep as coal mines and
20 as wide as farmers' fields". I
21 remember feeling this astonishing
22 sense of excitement watching the
23 Alberta Bound music video and seeing
24 the Old Dairy which was just down the
25 street from which -- where I was
26 raised. This excitement resonated

1 from within me as I felt this
2 unbreakable connection with my home
3 and the history which came along with
4 it.

5 Flourishing and expanding our
6 previous coal mines will not only just
7 boost our economy, but it will further
8 the connections we have within our
9 home, history, and the community
10 members within it.

11 Over the last ten years, I've
12 continued to visit the Pass. It seems
13 every time I come a business has
14 closed and the population has fallen.
15 Back when coal was mining in full
16 swing, each community had its own
17 school system, hockey rink, community
18 centre, and more.

19 Today, many businesses have been
20 left abandoned. I believe that the
21 further we limit coal mining, the
22 further our culture and community is
23 restricted.

24 In order to grow and not diminish
25 our culture, it is essential that we
26 bring back what once made us a strong

1 and prosperous municipality. The
2 resource that single-handedly provided
3 an industry to my dirt-poor family who
4 immigrated from Italy is coal.

5 Coal has not just supported my
6 family through the 20th century, but
7 it has extended its hand into the
8 21st. My father has built
9 relationships with the coal mining
10 companies who have purchased from his
11 company. These businesses have
12 purchased various merchandise from my
13 father. In fact, they are among the
14 largest clientele.

15 I, myself, have spent time
16 counting hundreds of hoodies, decals,
17 knives, and even belt buckles for
18 them. My first ever order that I
19 packaged for a coal mine had my name
20 signed on the packing slip. I
21 remember my dad telling me that just
22 my name signed at the bottom of the
23 page would create opportunities and
24 that it was pretty cool that my name
25 had a chance to be seen. At first, I
26 was like, Yeah, yeah. Okay, Dad. But

1 now I'm graced with the opportunity to
2 share my family's history with coal
3 and how it can continue to provide for
4 Alberta.

5 As much as it pains me to say, my
6 father was right. It is clear that
7 coal is both directly and indirectly
8 responsible for creating opportunity
9 for our community. From poor Italian
10 immigrants trying to make a living to
11 a young business student grasping for
12 opportunity, the efforts of coal have
13 been profoundly impactful. Whether
14 it's the livelihood it provides, the
15 culture it creates, or the opportunity
16 it fertilizes, coal is undoubtedly a
17 strong asset to Alberta.

18 I'm just going to take a minute --

19 THE CHAIR: Take your time,
20 please. Take your time.

21 C. PETRONE: -- from her -- from
22 her words and express that it is an emotional
23 time for her to write this. This isn't just
24 about the sentiment and legacy that we're
25 trying to continue. My family has employed
26 hundreds, if not thousands of people in the

1 last hundred years, and I think it's important
2 that that continues. I've been in the
3 Crowsnest Pass for 48 years, and it's gone
4 downhill ever since I was a kid; and we need
5 this opportunity to give us another -- one more
6 generation to experience what we experienced
7 and make enough money to continue operating in
8 the Crowsnest Pass.

9 Like the Alberta Energy Regulator, I feel I
10 can contribute to -- to ensuring that -- that
11 Northback and any other resource-driven
12 business will continue to respect the
13 environment of the Crowsnest Pass. We don't
14 want it destroyed. And I considered running
15 for council and being a part of that; and if it
16 works, I'd like to join the governments in
17 maintaining that integrity of our -- our
18 environment.

19 Thank you very much for your time.

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

22 So we still have a bit of time before the
23 scheduled break. We can take the break now; or
24 if the next presenters, Citizens Supportive of
25 Crowsnest Pass Coal, are here, we can swear
26 them in.

1 So I'd suggest we take the break now. It's
2 ten past 10, and we will be back at perhaps
3 10:30. So five more minutes added to the
4 break. Thank you very much, everyone.

5 (ADJOURNMENT)

6 THE CHAIR: Please be seated.
7 Can I get everyone's attention, please? Please
8 take your seats.

9 I believe next we have Citizens Supportive
10 of Crowsnest Coal, and they have been sworn in.
11 So who do we have? Would you please come to
12 the mic and introduce yourself. Thank you.

13 T. LINDERMAN: Hi. I'm Troy
14 Linderman, and this is my wife Carmen
15 Linderman; and we're here for Citizens
16 Supportive of Crowsnest Coal.

17 THE CHAIR: Thank you,
18 Mr. Linderman. Thank you, Ms. Linderman. So
19 please proceed.

20 CARMEN LINDERMAN, Affirmed

21 TROY LINDERMAN, Affirmed

22 Direct Evidence of Citizens Supportive of
23 Crowsnest Coal - Troy Linderman

24 T. LINDERMAN: Thank you.

25 So I'm just going to do a small
26 presentation around our group and -- and some

1 of the -- the -- the beliefs and things that
2 we've been doing over the last few years, and
3 then my wife, Carmen, will make a -- a speech
4 statement piece, and we'll be all done.

5 So quickly through the PowerPoint, we are
6 Citizens Supportive of Crowsnest Coal -- oh,
7 that's doing that -- Citizens Supportive of
8 Crowsnest Coal, so CSCC, was formed by a group
9 of passionate people who live in the Pass and
10 wanted to see the community succeed so our
11 children and grandchildren can have
12 opportunities in their hometown. We are
13 citizens that want to see the benefit that
14 industry and steelmaking coal can bring to our
15 community.

16 We can promote the tourism opportunities of
17 southwestern Alberta alongside a developing and
18 prospering metallurgical coal industry and, of
19 course, to protect the environment that makes
20 our home so special.

21 Canada is a global leader in resource
22 extraction and has the highest environmental
23 standards, and Alberta's leading the way. We
24 trust the regulatory process is sound and will
25 hold industries to account. We trust modern
26 mining practices and advancements in technology

1 to mine resources responsibly and protect our
2 environment, trust that our natural resources
3 can be developed and responsibly and
4 sustainably developed in partnership with all
5 our stakeholders.

6 We love the Crowsnest Pass. We call it
7 home. I'm born and raised there and been there
8 for 57 years, and my wife joined me in 2004 and
9 moved to the Crowsnest Pass with me.

10 Coal facts. Two types of coal: thermal and
11 metallurgical. Crowsnest Pass has
12 metallurgical coal, or "met", it's
13 high-ranking, steelmaking coal. The
14 Crowsnest Pass is home as -- to our neighbours
15 to the west in Sparwood in the Elk Valley, have
16 one of five of the greatest metallurgical coal
17 deposits in the world, right in our backyard.

18 Society's need for steel: Global demand
19 for steel and coal needed -- needed to produce
20 is growing. So what you see there is -- the
21 blue line is your demand -- or -- sorry -- the
22 supply, and the grey line is the demand.

23 So in twenty -- in and around twenty --
24 2031 [sic], we're hitting a critical point
25 where demand is going to outweigh production.
26 And that's a significant problem 'cause steel's

1 in everything. We need it for everything, and
2 there's no viable alternatives right now to
3 make steel. They're working on it, and we hope
4 they succeed, but nothing is on the horizon.

5 Why we want mining: Grassy Mountain was
6 mined 60 years ago and has never been properly
7 reclaimed. It's not pristine wilderness. When
8 it is done in a responsible environment manner
9 and active reclamation is done during post-mine
10 life; when it generates jobs and economic
11 well-being for the communities and its
12 residents in which residents resides, and
13 impacts, to be endorsed and supported by our
14 citizen -- citizenry, neighbours, and partners,
15 and we saw that with a vote recently in the
16 Crowsnest Pass where 72 percent are in favour
17 of industry development in the Crowsnest Pass;
18 when the facts support a viable mine not when
19 unsupportive rhetoric is against it.

20 Coal is a four-letter word. Modern mining
21 practices and technologies can mitigate
22 environmental and mining operational risks:
23 water quality, water management, and dust
24 control, et cetera. It's 2024. We are not
25 mining like we did in 1970, 1960, or even in
26 the early '80s when I, myself, was a coal miner

1 before moving on to a different career.

2 Steel is required in the construction of
3 pretty much everything, including all things
4 for the green transition, windmills, carbon
5 capture, electrical transmission, solar panels,
6 electric vehicles, et cetera. Steel requires
7 metallurgical coal. This is a trade-off to
8 achieve overall reduced carbon emissions.

9 Progressive reclamation. As areas are
10 mined out, this area's reclaimed into a similar
11 state like the surrounding ecological --
12 ecological systems, including aquatic habitat.
13 As the mining process continues, reclamation
14 bonds can be issued to ensure work is done
15 properly and can be done safely.

16 Mining in Canada that has strong
17 environmental and ethical standards versus
18 jurisdictions that not -- results in a net gain
19 for the decarbonation of the world. We do it
20 the best in Alberta and Canada. Why would we
21 want to push that out to someone -- or else in
22 the world? We all live on this big blue
23 marble, and if we do it bad in other areas, it
24 still has a negative effect to us.

25 Talk a little bit about the Crowsnest Pass.
26 And I think you've heard a little bit about

1 this in -- with other presenters today. In the
2 Crowsnest Pass, 85 percent of our tax base --
3 that's of 2020 -- is residential. So what's
4 our future? How is that sustainable?

5 Municipal property tax and service costs
6 continue to increase. We just got a letter in
7 the mail yesterday from the municipality of the
8 Crowsnest Pass that our mill rate is going up
9 yet once again. In 2007, when I moved into my
10 current home, my taxes were \$2,500. They're
11 now 7,000, in a short 15 years.

12 So is the Crowsnest Pass sustainable?
13 Industry has left the Crowsnest Pass. We don't
14 have any viable industry right now other than
15 tourism. Our schools and youth sports have
16 less children. Our senior service supports are
17 lacking. We have less permanent residents. So
18 currently close to -- from my understanding,
19 close to 30 percent of the households in the
20 Crowsnest Pass are owned by people that don't
21 live there.

22 So how is that sustainable in a community?
23 We have -- in -- is tourism a viable industry
24 here? It can be. We have waited a long time
25 thus far, but it has just not shown the
26 economic benefits to provide mortgage-paying

1 jobs and infrastructure needed for the
2 community.

3 We've been waiting 50 years for this.
4 We've been talking about this for 50 years. I
5 was 7 when that started. A steelmaking coal
6 mine can provide these -- those mortgage-paying
7 jobs, infrastructure, and support for our
8 industries and services like seniors' living
9 and tourism. It's a balance, and we -- it's a
10 balance between tourism and industry, and
11 that's what works best, and it's proven across
12 many communities in southern Alberta and other
13 areas in BC and in Alberta as a whole.

14 It -- we already have a great example of
15 that within the Crowsnest Pass. We have a golf
16 course that would have never been built outside
17 of Northback coming in and working with the
18 golf course and the community to build a -- a
19 \$26 million golf course with access, new
20 clubhouse, and we went from a small volunteer
21 more or less, run golf course to now being one
22 of the top 50 golf courses in Canada. We are
23 top five in Alberta. 27 of that -- excuse me.
24 Twenty -- 27,000 rounds of golf are played
25 there, and almost 70 percent of those are by
26 tourists or people that are paying green fees.

1 That's a huge influx of people. It's only for
2 five months out of the year, though.

3 Let's talk a little bit about our
4 neighbours because we hear a lot of rhetoric
5 about how bad Sparwood and Fernie are. As of
6 2020, the municipal tax rate for residential in
7 Sparwood was 47 percent. The other 53 percent
8 is made up of industry that supports tech or
9 what's now called "EVR". Tech and surrounding
10 communities have what's called the "Elk Valley
11 Property Tax Sharing Agreement". So they've
12 worked together to make benefit for all there.

13 Tech and community of Sparwood have the
14 Socio-Community and Economic Effects Advisory
15 Committee, so they work directly with the mine,
16 so there's no reason that can't happen here.
17 And I'm sure, I'm positive that Northback would
18 be more than willing to explore those options.

19 Millions of dollars of community support
20 initiatives and donations to various groups,
21 including the municipality of Crowsnest Pass,
22 for folks -- from the Pass that work for EVR.
23 Partnership with the First Nations,
24 neighbouring municipalities, and businesses to
25 share all of the wealth generated.

26 This is just a quick slide. I won't get

1 all into it, just in the sense of time. But
2 Elkford and district, 640 jobs provided by EVR;
3 Sparwood, 825; Fernie, 755. So you always hear
4 that Fernie is the big tourism town. Tell that
5 to the 800 families that live in that
6 community, that work in coal mining.
7 Cranbrook, 470 jobs; and Crowsnest Pass,
8 475 jobs.

9 Community investment. Crowsnest Pass has
10 already benefitted from various initiatives,
11 local employment programs and supporting local
12 businesses. In the ten years of exploration
13 and mine planning that companies have been
14 working in our community, we have seen millions
15 of dollars invested already into the community.
16 The golf course, as I mentioned, Livingstone
17 Range School Division lunch program, Australia
18 days, funds to various charities, high school
19 scholarships, youth ski programs, sponsorship
20 to a plethora of groups and clubs in the
21 community.

22 They're not trying to buy our support;
23 they're trying to be part of the community.

24 Bottom line: Responsible coal mining
25 generates mortgage-paying jobs, supports
26 development and infrastructure and economic

1 well-being for the communities and its
2 residents. Yes, coal mining can be done
3 environmentally responsible. There's many
4 examples of that.

5 Yes, there are legacy practices that were
6 not awesome. But they're just that; they're
7 legacy practices.

8 If you go for a knee replacement to the
9 hospital, you don't ask for the one that they
10 put in in 1980. You ask for the one that's in
11 2024.

12 A balance of industry and tourism can
13 exist, and we can get the infrastructure needed
14 for tourism so when this project is complete,
15 we actually have a viable community that can
16 support the tourism that's needed to support
17 the community.

18 Grassy Mountain can be reclaimed. It's
19 never been reclaimed. I grew up there. I
20 hiked around there. It's not pristine
21 wilderness.

22 Our group has gotten the word out in
23 several different -- different modes: media,
24 social media, stakeholder medias, farmers
25 markets, presentations, signs and more signs
26 that we've put up. And we've had a lot of

1 support, not only in the Crowsnest Pass but
2 across southern Alberta. Thank you for that.

3 We are a coal town, and the web pages are
4 there. I'm going to turn it over to my lovely
5 wife, and she has a statement. Thank you very
6 much.

7 THE CHAIR: Just before you
8 leave the mic, I have a question.

9 Sorry. Ms. LaCasse.

10 M. LACASSE: I just wanted to
11 remind witnesses to not speak too quickly. I
12 know it's particularly tough when you're
13 reading script, but just so that the court
14 reporter can capture everything you're saying.

15 T. LINDERMAN: I was trying to save
16 time.

17 THE CHAIR: Thank you.

18 I have a question for you, before you sit
19 down. Sorry. I will give you a chance to have
20 your statement.

21 The Panel Questions the Presenter

22 Q THE CHAIR: You talked about
23 your membership. Would you help me understand,
24 what's your membership number of your
25 organization, and where do they primarily
26 reside? Is it in Alberta, split between

1 Alberta and BC?

2 A T. LINDERMAN: So our membership
3 is -- varies, but the vast majority reside in
4 the Crowsnest Pass. We have a group of about
5 ten of us that act as a -- a chair and board in
6 the sense of a grassroots, non-profit
7 organization. Right now I believe we have
8 close to 400.

9 A C. LINDERMAN: So we have almost
10 900 Facebook followers, and our email
11 membership goes out to about 600 people.

12 THE CHAIR: 600 people. Thank
13 you.

14 Thank you very much.

15 Q COMMISSIONER MACKENZIE: Sorry. I just had
16 one quick one as well before you sit down.

17 I noticed that in the early part of the
18 presentation, you had a YouTube video embedded,
19 and I know you didn't play it today, but could
20 you maybe explain what the video is?

21 A T. LINDERMAN: The video is right
22 off of the Northback website.

23 Q Okay.

24 A So it's a video -- drone footage of the actual
25 mine site and what it looks like today.

26 Q Okay. So we are familiar with that. Thank

1 you. I just wanted to check.

2 M. LACASSE: Madam Chair, can we
3 have that marked as the next exhibit, 99?

4 THE CHAIR: Any objection from
5 Northback? No. Yes, please.

6 EXHIBIT 99 - Citizens Supportive of
7 Crowsnest Coal Presentation

8 THE CHAIR: Please proceed.
9 Direct Evidence of Citizens Supportive of
10 Crowsnest Coal - Carmen Linderman

11 C. LINDERMAN: Okay. So my name is
12 Carmen Linderman. I'm acting on behalf of the
13 group of Citizens Supportive of Crowsnest Coal,
14 CSCC. I'm director of this nonprofit
15 organization that supports metallurgical
16 steelmaking coal mining in our region, the
17 Crowsnest Pass, where the Grassy Mountain
18 project and the specific drilling program has
19 been proposed.

20 Our group has submitted a statement of
21 concern in support of Northback's application
22 for a drilling program to achieve the
23 necessary -- to receive the necessary
24 information to support environmentally
25 responsible development of Grassy Mountain met
26 coal. 300 members of our region signed a

1 petition attached with our statement of concern
2 in just a few short days.

3 The majority of local residents believe
4 that they will be directly and inversely
5 negatively impacted if the drill program
6 development does not proceed by not benefitting
7 from the high-paying jobs, providing industrial
8 tax base that will reduce residential taxes,
9 diversify our economy, and provide sustainable
10 regional age population dynamics and build the
11 necessary infrastructure to maintain and
12 develop our community to help complement and
13 support our industries such as tourism.

14 Our organization represents businesses and
15 people that are currently profiting from local
16 mining companies like Northback. These folks
17 either work with companies that do mining or
18 businesses that mining companies are procuring
19 goods and services from. Additionally, some of
20 our members just want to see the benefit and
21 economic expansion that a project like this
22 could bring. Even a drilling program stands to
23 economically support businesses and residents.

24 Our region has been blessed with high
25 quality metallurgical coal. We believe that
26 modern mining practices, mine design, and

1 advancement in technology, we can and should
2 mine our resources responsibly and protect our
3 environment that we love and call home. We
4 need to see the reclamation of Grassy Mountain
5 coal mine that was previously abandoned when
6 they didn't have any environmental standards
7 and responsibility that we do today.

8 None of this can happen without taking the
9 first step, a step specifically instructed by
10 the JRP of 2021 by the Alberta government to
11 take. Let Northback do the initial studies and
12 exploration required to push this project
13 forward in the future to design a line that
14 will protect the citizens' waterways and
15 landscapes of Alberta. This leads us to
16 question why there's a public hearing on this
17 drilling program to begin with.

18 Our group attended a trade show in
19 Pincher Creek, our neighbouring community, to
20 the east of us in April 26 and 27. We received
21 overwhelming positive response on our petition
22 of support that will go to legislature
23 presented by our MLA: 320 signatures from the
24 trade show in just two days.

25 We had another 1,400 -- sorry -- our group
26 attended -- our group attends Crowsnest Pass

1 communities farmers' markets where we received
2 another 1,400 in-person face-to-face
3 signatures. This has so much more weight than
4 an online petition because we had the
5 opportunity to personally speak to hundreds of
6 people. 1,700-plus agreed with our position,
7 and on November 25th, full-time residents
8 headed to the polls and voted 72 percent in
9 favour of the Grassy Mountain project.

10 As a local leader who represents other
11 local residents, businesses, and stakeholders
12 in support of this project, we feel backed
13 against a corner, having our chances to prosper
14 extinguished over unfounded fear.

15 Local residents are frustrated by anti-coal
16 campaigns causing unnecessary delay of a
17 drilling project causing significant economic
18 consequences. Anti-coal campaigns have zero
19 proof or evidence of any negative impact and
20 use speculative language like "maybe" and
21 "might". It is the Alberta Energy Regulator's
22 duty to assess each project under its own
23 merits and not use the examples from projects
24 with legacy issues.

25 It is also the duty of the AER to make sure
26 that all statements of concerns are relevant

1 and specific. We fail to understand why
2 Josefine Singh from Edmonton, 600-plus
3 kilometres away north of a project, is directly
4 impacted. It's also hard to understand why
5 blanket statements made -- made by
6 environmental activist groups such as CPAWS,
7 Alberta -- Alberta -- Alberta Wilderness
8 Society, Canada Parks and Wilderness Society,
9 Timberwolf Society, and -- I'm sorry. I don't
10 know how to say this one -- Pekisko Group are
11 being considered. Corb Lund, a country music
12 singer who claims that he will be -- that he is
13 well aware of the specifics and yet refuses to
14 acknowledge the provincial, federal, and US
15 regulatory studies and reports and continues to
16 say that it's very selfish to continue to act
17 like downstream users are not affected,
18 generating fear and division against the --
19 fear and division in Alberta against the
20 Crowsnest Pass.

21 Northback's first application was denied in
22 2021, and in December of 2021, the coal policy
23 Committee's final report qualified Grassy
24 Mountain as an advanced coal project on
25 Category 4 land. The denial of this program
26 will have detrimental impacts to investment

1 Alberta -- detrimental impacts to investment in
2 Alberta. There is no reason why we shouldn't
3 move forward with this project.

4 In Alberta, we are global leaders in
5 resource extraction and exploration, doing it
6 more environmentally friendly and more
7 regulated than anywhere else in the world.

8 So with all that being said, how do we move
9 on from this? How do we move forward? We stop
10 listening to unfounded fear and unproven fear,
11 and we follow the rules and regulations put in
12 place by the Alberta Energy Regulator. Thank
13 you.

14 THE CHAIR: Thank you very much.

15 Any questions? No?

16 Thank you. Thank you very much.

17 So next on the schedule we have Coal
18 Association of Canada.

19 ROBIN CAMPBELL, Affirmed
20 Direct Evidence of Coal Association of Canada -
21 Robin Campbell

22 R. CAMPBELL: Good morning. My
23 name is Robin Campbell --

24 THE CHAIR: Could you move the
25 microphone closer, please.

26 R. CAMPBELL: Oh, there we go.

1 THE CHAIR: Thank you.
2 R. CAMPBELL: Can you hear me now?
3 THE CHAIR: Yes.
4 R. CAMPBELL: Okay.
5 THE CHAIR: Thank you.
6 R. CAMPBELL: Okay. Thanks to the
7 Panel for allowing the Coal Association of
8 Canada to present today.

9 My name is Robin Campbell, and I'm the
10 president of the Coal Association. While I
11 will not get into the intimate details of the
12 drilling application program, I believe it is
13 important for the Panel and the audience to
14 understand what is going on in the coal
15 industry at home and abroad. It is within this
16 context I hope the Panel sees the importance of
17 this drilling application and the subsequent
18 mine application as it relates to the people of
19 the Crowsnest Pass, the surrounding
20 municipalities, the province, and the country.

21 While coal field industrial revolution is
22 important, it is no less today than it was at
23 the turn of the 19th century, its importance
24 through two world wars and countless conflicts,
25 even as we see today. Think about the conflict
26 in the Ukraine right now and the steel that's

1 being used to produce the ammunition and the
2 weapons so the people of Ukraine continue to
3 have their freedoms. Think of what's going on
4 in Israel and the Gaza Strip right now as we
5 continue to watch those fights continue; that's
6 all steel. They're going to need the steel to
7 build the infrastructure that you know has been
8 destroyed unfortunately because of the war and
9 the bombs that have been dropped over the
10 coming years.

11 THE CHAIR: Sorry, Mr. Campbell.
12 Can I ask you to speak slowly because I see --

13 R. CAMPBELL: Yes. No -- yeah.

14 THE CHAIR: -- fume coming up
15 over there.

16 R. CAMPBELL: I can honestly say
17 that I have burnt out more than one court
18 reporter. I apologize. I -- my time doing all
19 this stuff, yeah, I understand the importance
20 of talking slowly, and I -- if you just go like
21 that, I'll slow down. Okay?

22 THE CHAIR: Will do.

23 R. CAMPBELL: Thank you very much.

24 THE CHAIR: Thank you.

25 R. CAMPBELL: To be able to defend
26 our freedoms, to continue to develop our

1 countries and continue to enjoy the lifestyle
2 we now lead, we need steel. We need
3 high-quality coal that is prevalent along the
4 eastern slopes of the Rockies, and none is
5 better than in the Crowsnest Pass area.

6 I'd like to address six points: Number 1,
7 the types of coal: anthracite, bituminous,
8 subbituminous, and lignite. And the reason I
9 want to talk about this is people get thermal
10 coal and steelmaking coal mixed up. All they
11 think about is the coal for power -- a power
12 development, and they don't understand the
13 difference. So I think it's important for the
14 Panel to understand the difference.

15 Probably the cleanest burning coal is, of
16 course, anthracite, and it was used widely for
17 heating homes, but its reserves have now been
18 widely exhausted. So if you think of the
19 Appalachia area, Pennsylvania, Ohio, West
20 Virginia, all were anthracite-developed States
21 and was used -- and that coal was used
22 worldwide.

23 The lowest quality, of course, is lignite,
24 and that's -- was primarily used for
25 electricity. So in Alberta, Saskatchewan, you
26 get into Nova Scotia, you have a lot of lignite

1 reserves, and of course in Alberta we're using
2 that to produce power for -- for a number of
3 years.

4 In this region, we're widely blessed with
5 huge reserves of coking coal or metallurgic
6 coal or we like to call -- use [sic] it as
7 steelmaking coal. It is a subbituminous coal,
8 and it's a hard coking coal and some of the
9 best in the world.

10 This quality of coal and this great of coal
11 can produce good quality coke, and coke is
12 essential in the blast furnace process of
13 making steel. So to have high-quality steel,
14 you need high-quality coke. Of course, the
15 demand for this type of coal is coupled with
16 the demand of steel.

17 The coal we have in Alberta along the
18 eastern slopes is in comparison to the coal
19 fields of Australia. And the reason I bring
20 that up is 'cause Australia is one of the
21 largest metallurgical coal exporters in the
22 world, and we can compete with them when it
23 comes to quality.

24 Our coal burns well. It's low in sulphur,
25 ash, phosphorous, and moisture. Of course, as
26 I said before, there are several types of

1 steelmaking coal. There's hard, medium,
2 semi-soft, and pulverized. Again, we're
3 blessed with the fact that we have hard coking
4 coal along the eastern slopes.

5 In 2018, Alberta was the leading coal
6 producer in Canada. Unfortunately, because of
7 policies set by a previous government in 2023,
8 BC was able to take over as the leading coal
9 producer. In Alberta, it is low to medium
10 volatile ranked coal.

11 It is important to note that there's
12 33 billion tons of coal in Alberta.
13 29.3 billion is subbituminous, and 3.8 billion
14 are bituminous, and these are AER numbers.

15 When we look at the steel industry, we
16 continue to see growth around the world,
17 especially in developing countries, of course
18 led by India. In fact, steel production in
19 India is going through the roof. In fact,
20 steel production will grow by 30 percent by
21 2050. Think about the number of tons of steel
22 that are produced now. We're talking millions
23 of tons. That number's going to increase by
24 30 percent. And those numbers I think are
25 conservative. I've read where there's people
26 saying that the steel industry will increase by

1 50 percent.

2 Of course, this directly relates to the
3 increase in coal production of which investors
4 will continue to look towards coal reserves in
5 Western Canada. Everything we use in everyday
6 tasks uses steel: infrastructure,
7 transportation, agriculture.

8 If you're a fan of renewable energy, you're
9 a fan of steel. Each new megawatt of solar
10 panels requires between 35 to 45 tons of steel.
11 Each new megawatt of wind power requires 120 to
12 180 tons of steel. It also takes 600 to
13 1,000 tons of concrete which needs fly ash for
14 its production. And, of course, you get fly
15 ash from coal.

16 So a 2-megawatt turbine is made up of -- of
17 260 tons of steel that requires 300 tons of
18 iron ore and 170 tons of coking coal. All of
19 it needs to be transported and produced with
20 hydrocarbons. And, of course, as you come down
21 into Pincher Creek, what do you see? Wind
22 turbines. So think about the number of
23 turbines you're looking at and think about the
24 amount of steel and the amount of coal that had
25 to go into that process to make sure that those
26 turbines were standing.

1 When it comes to solar, stainless steel is
2 the preferred option. And so, again, you know,
3 good quality steel, good quality coal. If you
4 like your toaster, thank coal. If you drove
5 here, thank coal. Your phone, your tablets,
6 your computer, coal made it happen.

7 In 2022, Canada produced 47 million tons of
8 coal. 59 percent was steelmaking coal. Coal
9 provides jobs for over 40,000 Canadians. Think
10 about that number: 40,000 Canadians. When you
11 look at wage earners that pay taxes in Canada,
12 coal miners were in the top 5 percent of
13 Canadians.

14 Next door in BC, 6,500 jobs created;
15 \$137,000 average annual compensation.
16 28 million of government revenue generated. I
17 spent the majority of my working life in the
18 coal industry. I'm a fourth-generation coal
19 miner. So people say, you know, you're the
20 president of the Coal Association; you're a
21 lobbyist. No. I'm a coal miner.

22 I started in the mines in 1978 in Hinton,
23 Alberta, and I worked in those mines until
24 2008. You know, I started my -- I started my
25 mining in 1972 in Sudbury, Ontario, as a nickel
26 miner, and when I graduated from university, I

1 moved from there to the iron ore mines west of
2 Thunder Bay, Ontario, in an area called
3 Atikokan, and from there, I came to the coal
4 mines. Broke my mother's heart. I was the
5 first person in our family not to go to the
6 coal mines. I went to university. Left
7 university, went back to the mines.

8 She couldn't understand why, and I can tell
9 you that, you know, it's in your blood. If
10 you're a coal miner, you're a coal miner. Our
11 family's been through all kinds of tribulations
12 in the coal industry. I've lost uncles to
13 death through black lung, through mine
14 collapses. We've lost, you know, family
15 members through layoffs, but we've always been
16 resilient, and we've always come back.

17 And, you know, when I worked for the United
18 Mine Workers of America, I looked after this
19 region. I used to come down here all the time
20 into the Crowsnest Pass area and into Fernie
21 and into Sparwood. I've looked after people
22 with black lung claims. I did all their
23 compensation. You know, I know the rich
24 history in this area that was here.

25 When we go to Hillcrest every year and
26 celebrate Miner's Day, the Hillcrest disaster,

1 people do not forget.

2 So I think it's important, you know, as
3 a -- as a past miner and -- you know, the mines
4 were good to my -- my -- my children. My
5 daughters worked in the mines and put
6 themselves through university by working summer
7 jobs, and, you know, one's a doctor now. One's
8 in communications with the Alberta Government,
9 and they've done quite well, but they were able
10 to get a good education because of the coal
11 mines.

12 And when I look at this -- look at this
13 area and I think about all the people that I
14 used to visit when I came down here and I think
15 about the rich history and I think, you know,
16 about the projects that could be back in this
17 area and the jobs it will create and the chance
18 for people with families that want to stay here
19 can stay here and have a good living.

20 You know, it's interesting, our individuals
21 from Crowsnest Pass talking about tourism. I
22 live in Jasper, Alberta. Well, I did live in
23 Jasper, Alberta. I just lost my house in a
24 fire, the forest fires that went through there.
25 But, you know, you talk about tourism, and, you
26 know, I'm lucky. I run a guiding business, but

1 I have other income, so I do quite well.

2 But I talk to a lot of people that come to
3 Jasper to work in the tourism industry, and a
4 lot of them are foreign workers. They come
5 from Mexico; they come from the Philippines.
6 They don't have the ability just to work one
7 job in the tourism industry. They're working
8 three, some of them four jobs, and they're
9 living with four, five, six people in a house
10 because that's what it takes to pay the rent.

11 And -- you know, so is there a chance for
12 tourism and can tourism survive? I think
13 there's probably a niche for it, but I think
14 that tourism can also survive with the coal
15 mine.

16 I remember going through the Cheviot
17 hearings in Hinton, Alberta, when I worked at
18 Cardinal River and we were developing the
19 Cheviot mine, and everybody talked about how
20 the Cheviot mine was going to impact Jasper
21 National Park. And we went through two full
22 hearings. We went through a number of judicial
23 reviews, and at the end of the day, the Cheviot
24 mine got built. And the Cheviot mine had no
25 impact at all on Jasper National Park or the
26 tourism industry.

1 As a matter of fact, you know, one of the
2 things that miners at Cardinal River were proud
3 of was the environmental standards that we set.
4 The fact that when I went to the mine in 1978
5 there was no elk on the property. There's now
6 a herd there of over 250 elk. Bighorn sheep
7 that were -- that were brought into the area,
8 and they came, and they lived in the mine site.
9 Because of the high walls, they had ability to
10 escape their predators. With the ungulates
11 came the carnivores, so grizzly bears, wolves,
12 coyotes, all of these animals came into the
13 mine site. And it's quite the ecosystem.

14 And so I think when you look down here at
15 the Crowsnest Pass, I think you have the
16 ability to do all that down here, and that's
17 why I think it's important that we move
18 forward.

19 I want to talk about blast furnaces and
20 EAF, which is electronic [sic] arc furnaces,
21 and there's lots of talk about green steel.
22 And I can say to you right now that green steel
23 is a pipe dream. The amount of energy, the
24 electricity that you're going to need to run an
25 electric arc furnace, we just don't have it,
26 and we're not going to have it.

1 If you look at the United States right now
2 where they're talking about going electric arc
3 furnace, they don't have the energy right now
4 to run AI. And a number of the coal-fired
5 generating plants in the United States that
6 were supposed to be shut down now are not going
7 to be. They're going to continue to burn coal
8 because they need the energy.

9 So when I look at -- you know, when you
10 hear about green steel, you know, there's no
11 way that the costs of producing green steel are
12 going to be able to compete with traditional
13 steel producers, and of course, as you know,
14 one of the largest steel producers in the world
15 is China. And China has the ability to sell
16 their steel at whatever market price they want,
17 and so, you know, that's one of the reasons you
18 have the Rust Belt in the States.

19 The American steel industry that was
20 through Ohio, you know, through Cleveland,
21 through the Great Lakes, they just couldn't
22 compete with Chinese steel because of labour
23 costs and the fact that the dollar was -- was
24 so high. The Chinese just took over the
25 industry.

26 So when you talk about funding for green

1 steel, right now they're talking about
2 23 billion euros to have in place for research
3 by 2030. 23 billion euros. Think about that.
4 Where that money's going to go?

5 Carbon steel is still the best steel in the
6 world. So as I said earlier, when I looked at
7 the Crowsnest Pass and the Elk Valley, it's an
8 area of rich coal mining history, and it's rich
9 in future projects. There's a number of areas
10 along the eastern slopes that will provide
11 tremendous economic opportunities for people in
12 this region. These people deserve the
13 opportunity to continue that rich history.

14 One last point to consider, when tech
15 resources solid their assets, it was no
16 surprise that Glencore, one of the largest
17 mining companies in the world, bought it.
18 What's overlooked by many, though, is the
19 5 percent ownership by both Nippon Steel of
20 Japan and POSCO out of South Korea, they are
21 securing a supply of good coking coal. They
22 would not be investing in Canada if they didn't
23 think there was going to be a need for that
24 coal moving forward.

25 This drilling application is the first
26 step, but it's an important first step. So I

1 ask the Panel to look at the evidence, look
2 what's happening down in this area from an
3 economic point of view, and realize the
4 importance of the drilling application and the
5 subsequent application as we move forward.

6 Thank you for listening to me. I'd be
7 happy to answer any questions you might have.

8 THE CHAIR: Thank you,
9 Mr. Campbell.

10 I have no questions. Thank you very much.

11 So next on the agenda, I have Mr. Corb
12 Lund.

13 CORB LUND, Affirmed

14 Direct Evidence of Corb Lund

15 C. LUND: Morning.

16 THE CHAIR: Good morning.

17 C. LUND: To start with, I'd
18 like to thank our previous environment minister
19 for his ringing endorsement of the coal mines.
20 My name is Corb Lund, and I'm a sixth
21 generation -- we're just waiting a minute to
22 swear in our next expert.

23 THE CHAIR: So just a quick
24 procedural matter. I hear that Mr. Lee Eddy
25 will be providing some evidence; is that
26 correct --

1 C. LUND: Yes.

2 THE CHAIR: -- with you?

3 I need to ask Northback if they have any
4 objection because it's a bit off script.

5 M. IGNASIAK: Thank you, Madam
6 Chair. Martin Ignasiak for Northback.

7 We weren't aware of this. What I would
8 propose is we simply treat this as the ongoing
9 limited participant session. Mr. Eddy -- I'm
10 not sure what his area is, but I think we just
11 treat it as limited participant time, as
12 Mr. Lund's time, and we'll make submissions at
13 the end of the technical hearing in terms of
14 how to treat all expert or alleged expert
15 evidence and what to do with it at that time,
16 if that's appropriate for the Panel.

17 THE CHAIR: Yes. Thank you.

18 Please proceed.

19 C. LUND: Thank you. Yeah, my
20 name's Corb Lund. I'm a sixth-generation
21 Albertan. Both sides of my family have been in
22 the ag industry for 120 years. I'm a
23 landowner. I help with the family ranch that
24 we've had in the family since the turn of the
25 century. I play music for a living. I write
26 songs about this area, this region, and I sing

1 them all over the place, all over the world.

2 I was brought into this issue by some
3 similar generational family ranching people
4 further north on the slopes when they were
5 concerned about coal mining that was
6 potentially happening back in 2020.

7 In my 30 years of public -- being, I guess,
8 a public figure, an entertainer, I've never
9 ever spoken publicly on a political issue.
10 I've stayed out of the fray and remained an
11 artist and not weighed in on anything.

12 I'm nonpartisan. I don't have any
13 affiliation or love for any of the political
14 parties. I'm also not anti-resource. I
15 understand that in the modern world we need
16 things. We need raw materials. We need
17 manufactured goods. That doesn't mean that
18 every project is automatically worth doing.
19 Every project obviously has to be assessed on
20 its own merit, including this one.

21 I also don't like it when entertainers
22 weigh in on issues that they don't understand.
23 So when I was first approached by the -- the
24 ranching families to support them in their
25 fight against coal mines, I spent about six
26 weeks educating myself. I wasn't touring. I

1 was home. I spent hundreds of hours of my own
2 time meeting with many, many people, dozens and
3 dozens of people from all sides of the issue.
4 I think I met with more pro-coal people than
5 anti-coal people. I met with -- I've met with
6 a couple of coal CEOs, Mr. Campbell himself, at
7 least four government ministers, MLAs from both
8 sides of the aisle, MLA -- MPs, rather --
9 federal MPs from both sides of the aisle, as
10 well as scientists, conservationists, hunters,
11 ranchers, irrigating farmers, toxicologists;
12 and I gave it a fair shot. I didn't -- I
13 didn't have a dog in the fight going into it.
14 I -- I wanted to understand the issue before I
15 spoke on it.

16 So I gave it a fair shake, and I -- I
17 looked at it, and as a thinking person, I
18 have -- had to come to the conclusion that
19 having a coal mine at the headwaters of our --
20 of our Oldman River is just a terrible idea,
21 both economically and for our water. And I
22 don't understand why we're doing it, frankly.
23 I -- I mean, the Oldman, it's -- it's never --
24 I don't think it would ever be a good idea, but
25 particularly now when anyone in agriculture can
26 tell you that we're in a -- a multiyear drought

1 and the water allocations are overallocated
2 already.

3 I also know this hearing's about
4 exploration, but as Mr. Garbutt mentioned, it's
5 clear to everyone in the room that the
6 exploration is with mining and mines. So I
7 understand that. I'm -- I'm -- I'm aware of
8 the purpose of this. I'm -- I'm still going to
9 speak about the effects of mining itself.

10 I also understand that everything has a
11 cost. People have spoken up about agriculture
12 having a cost; certainly does. So does oil and
13 gas. So does your iPhone. Anything in a
14 modern society with 8 or 9 billion people is
15 going to have a cost. But on a scale of risk
16 versus reward, the -- the spectrum of -- of,
17 you know, benefits for Albertans versus costs,
18 in my opinion, coal mines are way beyond
19 anything I've ever seen before. I'm going
20 to -- the -- I don't think it makes sense --
21 sense for our water or economically -- I'm
22 going to attack the water part first or address
23 it.

24 Coal mines -- open-pit coal mines
25 traditionally and historically pollute our
26 water.

1 Is there a timer here, or do you just tell
2 me?

3 THE CHAIR: I'm keeping time.

4 C. LUND: Okay.

5 THE CHAIR: Don't worry.

6 C. LUND: Sorry. Yeah.

7 Coal -- coal mines historically pollute water
8 sources, both river water and -- and
9 groundwater. And no matter what Northback or
10 any of the other mining companies I talked to a
11 couple of years ago tell us, I don't see the
12 evidence that there's any way to mitigate
13 selenium in groundwater or rivers, especially
14 groundwater. When it gets under the water,
15 there's -- I don't see how you can get rid of
16 it. It's -- it's miles under -- underground.
17 So you can --

18 We've been talking about Teck a little bit
19 this morning over in the Elk Valley in BC. You
20 don't -- you don't have to go halfway across
21 the globe to see Alberta's future if we let
22 these mines in at the headwaters of our rivers.

23 I talked to an old-timer a couple weeks ago
24 in Cranbrook who's lived most of his life in
25 and around the mines since -- since they've
26 been put in. He says he's hearing identical

1 statements from Northback and the
2 Alberta-facing coal companies as he did from
3 Teck years ago when Teck went in. He says that
4 Teck promised there would not be contamination.
5 If there was, they would mitigate it. They
6 would be stewards of the water, et cetera, et
7 cetera. They've done none of that. I keep
8 hearing people talking about Sparwood and --
9 and Fernie. No matter what you think about
10 Sparwood and Fernie, my understanding is that
11 you can't drink the well water there anymore
12 because of selenium contamination.

13 Also, I think the proof is in the pudding
14 because Teck has been fined record levels of
15 fines over and over and over for polluting, and
16 apparently the fines aren't big enough because
17 they just treat it as a line item and just keep
18 on mining. The -- the fines really should be
19 big enough to bankrupt the company if they have
20 pollution transgressions, I think. But Teck
21 has recently divested of that mining area. I
22 don't know why, but they decided it's a better
23 idea not to be there for whatever reason.

24 I did meet with Mr. Young and Mr. Campbell,
25 as well as a fellow named Doyle from -- from
26 Montem, another coal company, and I -- we

1 had -- they're all nice people; this isn't
2 personal. But I didn't hear any -- any
3 definitive solutions from them on mitigating
4 selenium contamination.

5 Water -- water is a huge -- everyone drinks
6 the water, and there -- there are real threats
7 to the water. And someone recently -- one of
8 the pro-coal people mentioned evidence, I
9 think. There's plenty of evidence to show that
10 selenium comes from coal mines, contaminates
11 the water, ruins the aquatic life environment,
12 is toxic to humans, is bad for agriculture
13 down the -- downstream. This whole thing --
14 I'll get into the economics of it.

15 I have to address this referendum issue
16 in -- in Crowsnest Pass. The mines are not
17 going to be -- my understanding is that the
18 mines are not going to be located in the
19 municipality of Crowsnest Pass. They're going
20 to be located in Ranchland [sic] MD. Ranchland
21 MD's city -- town council, whatever you --
22 county council, whatever it's called, has --
23 has unanimously voted against having the mines.
24 And if you want to have a referendum, if they
25 have one in Ranchlands, I'm almost certain that
26 the results would be almost the opposite. And,

1 as well, it's -- to me -- I -- I -- forgive me.
2 I don't remember her name, the lady that spoke
3 before me -- mentioned me -- mentioned people
4 talking about the selfishness of the
5 Crowsnest Pass's interests in this. I'll --
6 I'll -- I'll reiterate it; I think it's
7 breathtakingly selfish -- and I have nothing
8 against people in the Crowsnest Pass, but it's
9 got to be proportional. Like, it's
10 breathtakingly selfish to me for them to talk
11 about their jobs and their families and pull
12 your heart strings about emotional family
13 stories about mining.

14 I mean, I have no problem with the history
15 of mining. I get it. Like, Lethbridge was
16 founded on mining decades ago. I -- I
17 understand that. It doesn't mean it has a
18 place in our future.

19 Anyway, it's -- it's very selfish to me
20 when there are 200,000 people downstream using
21 the water, huge economic interests using the
22 water, including agriculture, which has
23 traditionally been a steadfast and steady
24 income for -- for Albertans for 120 years,
25 unlike mining, which is much more sporadic.

26 There are millions and millions and

1 millions of dollars' worth of food processing
2 plants in Lethbridge, where I live, and the
3 water from the Oldman is used directly for
4 Lethbridge water drinkers. I drink it myself.

5 This is another issue. A couple people
6 this morning have referred to me as a country
7 singer or an entertainer, and that's totally
8 true; but I'm also a water drinker. I'm not on
9 a jet from Hollywood coming in to -- to scold
10 people. My family's been here as long as
11 anybody as -- as Europeans, and I personally
12 drink the water. So do my family. So do my
13 friends. We irrigate out of it. We -- our --
14 our animals drink it. So we're very directly
15 affected by this.

16 And the scale of it is -- I mean, I have
17 sympathy for people who need jobs in the Pass.
18 I get it. But it's proportional. A few
19 hundred jobs versus the potential to ruin the
20 water for thousands and thousands and thousands
21 of people downstream as well as economically
22 is -- is -- just doesn't make any sense to me.

23 Fiscally, you have to weigh those jobs
24 against ag jobs and tourism jobs, and it's --
25 you know, it's a balancing act, of course.
26 But, you know, even aside from that, even if

1 that pencilled out, I personally guarantee as
2 a -- as a -- everyone knows where I live. I
3 live in Lethbridge; I'm easy to find. I -- I
4 will stake my reputation that if these mines go
5 in 10 years from now, 20 years from now,
6 30 years from -- some time -- at some point the
7 tax payer's going to be on the hook for a huge
8 cleanup bill. I -- I'm sure of it. In my
9 heart and my mind, I just know it's going to
10 happen. It happens all the time.

11 We're looking at -- we read constantly
12 about liabilities for orphan wells. I'm -- I
13 don't want to be aggressive, but the same AER
14 that I suppose is ultimately responsible for
15 that situation is responsible for controlling
16 and regulating these coal mines. And I'm
17 sorry. Albertans just don't trust it. And I
18 hate to say that, but a lot of us don't trust
19 it.

20 And -- and I don't -- I hear all the time,
21 Trust the process; we have the best
22 regulations; we have government in place to
23 protect us from these things. I don't think we
24 do. I really don't think we do.

25 When you look at a number of things that
26 have happened in Alberta and the amount of

1 pollution that's gone on -- and I'm not a
2 raging lefty eco person. My family are ag
3 people. But, I mean, we drink the water. The
4 water is the key thing here. And I just don't
5 trust that the companies care about it enough
6 to keep it clean or -- or our government has
7 enough teeth to prevent them from doing it.

8 And I gotta say too, I don't care how many
9 golf courses they build or how many park
10 benches they paint. I mean, Northback is a
11 corporation driven by profit. That's all they
12 care about. And it's ridiculously naïve to
13 think that painting a park bench and fixing up
14 a golf course when it's a tiny proportion of
15 what they're going to make on this from our
16 coal is enough to -- is enough to swing things.

17 This is an old story. This is a resource
18 company coming in, throwing money around
19 everywhere, buying people off, in my opinion,
20 and -- and -- and in influencing -- in my
21 opinion again, influencing the government,
22 like, to act against the interests of the
23 majority of Albertans. There's been poll after
24 poll that shows 70 to 80 percent of Albertans
25 want no part of any new mines in the Rockies.
26 So why are we here again.

1 It brings up another point. I don't want
2 to grandstand, but I've spent literally
3 hundreds of hours of my own time on this, and
4 the last thing I wanted to learn about was coal
5 mines. I have no interest in coal mines. I
6 understand we need steel. I understand all
7 those things. Again, it doesn't mean just
8 because we need steel for our vehicles and our
9 buildings -- doesn't mean that every mine is
10 appropriate. Okay? But I've spent much of my
11 own personal time on this and so have all the
12 ranchers involved in this, and a whole lot of
13 the people that are against coal have spent so
14 much of their own time on this.

15 And I'm sure these lawyers are being paid.
16 I'm sure Mr. Campbell's being paid. I'm sure
17 Mr. Young's being paid. I'm sure the
18 government people are being paid. We're not
19 being paid. And here we are again for the
20 second time having to fight the same exact mine
21 that we -- we thought we beat two years ago.

22 Like, as everyone here knows, the -- the
23 Grassy Mountain was -- was denied by the JRP,
24 the Joint Review Panel, which includes, I
25 believe, the AER as well as the federal people.
26 There were appeals, I believe, multiple

1 appeals. Those were not -- those were denied.
2 The polling among Albertans is so strongly
3 against these coal mines. I don't understand
4 why we're doing it. But here we are again
5 using our own time doing the job that our
6 government should be doing for us, frankly.
7 And I don't know if this is a function of money
8 being thrown around or why our government is so
9 bent on pushing these mines.

10 I've -- I've talked to so many MLAs, and
11 it's just push, push, push. And it doesn't
12 make any political sense to me. I guess maybe
13 I'm ignorant of the process, but I think
14 there's money involved, personally.

15 THE CHAIR: Mr. Lund --

16 C. LUND: I would ask the AER
17 to say no to this exploration on behalf of the
18 majority of Albertans.

19 THE CHAIR: So just since I'm
20 timekeeper as well, you're 15 minutes in, so if
21 you want your --

22 C. LUND: I'm sorry. Can you
23 repeat that?

24 THE CHAIR: You're 15 minutes
25 in.

26 C. LUND: Okay. Yeah, I would

1 like to paraphrase. I was asked by two groups
2 of First Nations people who have different
3 opinions than their leadership to read
4 statements. I don't have time to read this
5 one, but it's from the Piikani community group,
6 Mountain Child Valley Society. In a nutshell,
7 they say they are very much against the coal
8 mines. Though they're for economic
9 development, they don't think it should be at
10 the expense of our environment and our water,
11 and they say this on behalf of a great part of
12 their community, and they say they are not in
13 agreement with their chiefs.

14 Another person who's name is Terry Fox
15 who's a member of the Kainai Sundance Society
16 has a much more succinct message: His message
17 was: (as read)

18 Foreign coal companies, you're not
19 welcome in Blackfoot country.

20 I'm going to give the rest of my time to
21 Mr. Lee, who is an expert in the effects of
22 selenium of agriculture. Thank you.

23 THE CHAIR: Thank you, Mr. Lund.

24 LEE EDDY, Affirmed

25 Direct Evidence of Lee Eddy

26 L. EDDY: Yes. Hello, my name

1 is Lee Eddy. I'm with Blue Rock Animal
2 Nutrition, and I got interested in this --

3 THE CHAIR: You need to restart
4 so they can capture what you said. Can you
5 restart, please, and speak slowly?

6 L. EDDY: My name Lee Eddy,
7 and I am with Blue Rock Animal Nutrition. I'm
8 an owner of that and have 12 employees. We
9 deal with cattle producers, mainly cow-calf
10 operations, and my concern came when I looked
11 at the potential problems that could cause the
12 feedlots on feedlot alley.

13 And this is by bioaccumulation, which was
14 proven by the Kiersten [phonetic] -- I'm trying
15 to contract everything -- Kiersten reservoir
16 down in San Francisco. It's been well proven
17 that irrigation will bioaccumulate selenium.
18 The problem with it is we do not know how much
19 water in -- or how much selenium in the water
20 will cause this to happen. It's not very much.
21 It's like salt, sodium. You can kill the soil
22 with water that has high sodium, but it is okay
23 for people to drink.

24 The same thing can happen with selenium.
25 It will form selenium salts on the soil, and
26 when the runoff happens, it will go into --

1 back into the river and cause high selenium
2 levels. This has been shown at Belews Lake
3 down in North Carolina. The coal-powered fire
4 plant was shut down, but by bioaccumulation
5 downstream of that, it's going to take another
6 ten years to clean up the selenium, and it's
7 still toxic to fish downstream of the Belews
8 Lake in North Carolina.

9 The other one is Kendrick and Wyoming.
10 Irrigated alfalfa with high selenium levels in
11 the water. 15 percent of that alfalfa was
12 not -- was toxic to cattle because of the
13 selenium levels.

14 Now, I have not heard very much about
15 downstream bioaccumulation in any of this, and
16 this is where my concern is. Dr. Lemly in
17 Belews Lake also connected intensive livestock
18 operations with bioaccumulation 'cause what
19 happens -- it's much like DDT: The higher up
20 you go in the food chain, the more concentrated
21 the product comes, and selenium is this.

22 The thing is the manure is highly -- got
23 high levels of selenium which may run off into
24 the rivers. If you have a high water event
25 that will increase the selenium level going
26 back into the rivers, even though upriver of it

1 it might be a lot lower, and this is all a
2 result of bioaccumulation.

3 So -- and how much time do I have left?

4 THE CHAIR: Four or five
5 minutes, but take your time. Sorry.

6 L. EDDY: Four or five
7 minutes?

8 THE CHAIR: Yeah, 'cause
9 collectively you had 20 minutes, and we are
10 still not quite at 20 minutes.

11 L. EDDY: Okay. Yeah. Like,
12 this is my concern: We'll have a multiplier
13 effect downstream of selenium, even though it
14 might come out very low but still higher than
15 it is right now at the mine or wherever --
16 wherever the water comes from the mine. But as
17 it goes downstream, and especially in drought
18 conditions, it will increase its concentration
19 in the water which will get used for
20 irrigation. Then it bioaccumulates, and then
21 it raises it up.

22 Like, in the Wyoming situation, the -- it
23 raised -- the selenium and plant tissue was,
24 like, 10,000 times higher than the water. The
25 water that was irrigated -- the surface water
26 below was a hundred times higher than the water

1 that was in the original stream in the Kendrick
2 situation.

3 And basically -- and that's the reason
4 15 percent of the hay that came off that
5 irrigated pasture could not be used for feed.
6 It probably got burned.

7 And the case with Kiersten -- the Kiersten
8 reservoir -- and what's really interesting
9 about all these situations, it usually starts
10 not from seeing deformed fish but deformed
11 fledgling waterfowl. And that was the
12 situation with the Kendrick. They saw it in a
13 pond downstream of the mine in Wyoming, and it
14 was the same thing with the Belews. It was
15 first birds they seen, deformed fledgling
16 birds, and the same thing with Kiersten.

17 But Lemly has done quite a bit of work on
18 all this, and basically he says born off the
19 top of a mountain isn't worth the gain.
20 Short-term gain for the long-term pain. So I
21 would highly recommend we seriously look at the
22 downstream effects of this, potential effects
23 before proceeding any further. Especially
24 getting a baseline for selenium in, like,
25 manure packs, plant tissue, and water --
26 surface water levels, surface water. Not river

1 water but surface water under irrigation. I'd
2 highly recommend that we take a look at that
3 before we proceed any further.

4 And that's about all I have to say right
5 now. I was called in sort of late on this,
6 so -- but if anybody has any more questions,
7 I'm more than willing to answer.

8 THE CHAIR: Thank you very much.

9 Questions? Questions? No. No questions
10 from the Panel or counsel? No. Thank you.

11 And Northback is going to address in
12 January portion of the hearing. Thank you very
13 much.

14 L. EDDY: Thank you.

15 THE CHAIR: Thank you, Mr. Eddy.

16 So next on the agenda -- and we're still
17 25 minutes before lunch -- we have Crowsnest
18 Conservation Society.

19 BRENDA DAVISON, Affirmed
20 Direct Evidence of Brenda Davison

21 B. DAVISON: Hi.

22 THE CHAIR: Hello. Go ahead,
23 please.

24 B. DAVISON: I have a PowerPoint.
25 Thank you. Are you ready? Good morning. My
26 name is Brenda Davison, and I'm the president

1 of the Crowsnest Conservation Society. We
2 believe that the exploration program that
3 Northback is proposing may lead to significant
4 detrimental cumulative effects on an ecosystem
5 that is already very vulnerable to losing its
6 ability to produce water and to harbour
7 wildlife.

8 To be sure we're on the same page, we are
9 using the definitions set out on the federal
10 environment website that describes cumulative
11 effects as: (as read)

12 ... the combined effects from past,
13 present, and reasonably foreseeable
14 activities.

15 So part of that you need to also look at what
16 will happen in the future, so the coal mine.
17 The term generally refers to effects that may
18 be individually minor but are significant
19 collectively.

20 One of the reasons that we believe that the
21 headwaters of the Oldman are especially
22 vulnerable to cumulative effects is that it has
23 no protection. This is a slide from the
24 Alberta Government website that shows the
25 protected areas along the Continental Divide.
26 Starting from the north is Kakwa Wilderness,

1 Willmore, Jasper, Banff, White Goat, Siffleur,
2 and Ghost wildernesses, the five provincial and
3 four Wildland parks that make up K-Country,
4 Plateau Mountain, the Beehive Natural Area, the
5 Bob Creek wilderness, and to the south, Castle
6 provincial and Wildland parks and Waterton.

7 The only place without protection is
8 Livingstone. If you consider the fact that
9 Kakwa extends north into BC and Waterton
10 extends south into Glacier and Bob Marshall
11 Wilderness, then headwaters and wildlife
12 habitat have been protected for almost
13 1,000 kilometres, except here. And it hasn't
14 been a political issue.

15 In the US, it's been both republicans and
16 democrats. In Alberta, it's been both federal
17 and liberals and conservatives. And in Alberta
18 social credit, conservative, and new democrats,
19 but somehow Livingstone has not been protected,
20 and that means it is much more likely that
21 there will be excessive human impacts on water
22 and wildlife.

23 This map produced by Alberta Innovates and
24 the University of Lethbridge shows how much
25 water is produced in Alberta. In the
26 headwaters along the Continental Divide, you

1 can see that the dark blue says that the
2 mountains produce over 300,000 cubic metres of
3 water per square kilometre -- that's pretty
4 amazing -- except in Livingstone.
5 Livingstone-Porcupine, it is lower on that. It
6 is only between 150 and 300,000 kilometres. I
7 don't know if you can see where I'm -- where
8 that is. I wish I had a little pointer thing.
9 But Livingstone is the one place along that
10 divide, the Continental divide, that's lighter
11 blue.

12 Also farther north, if you look at the
13 large areas to the land east of the mountains,
14 that area produces the same amount as
15 Livingstone does. Here, there is little
16 extra -- sorry -- but down here, there is a
17 little extra water added to the system. Just
18 to the east of the proposed exploration, the
19 water production drops four categories to under
20 50,000, and just south of that to under 25,000.
21 And why?

22 The factors that need to be considered are,
23 first, size. The larger the area, the larger
24 the amount of precipitation that will land and
25 can be stored or used, and elevation matters as
26 well because the amount -- it increases the

1 volume of the storage.

2 Another advantage is that higher areas hang
3 onto the snowpack longer and thus distribute
4 water over a longer time period rather than it
5 being lost in flood.

6 And, finally, cover. Imagine the landscape
7 as a sponge absorbing water. So loss of cover
8 on the top of it from things like clear cutting
9 and roads and mines exposes the land to sun and
10 wind, increasing evaporation loss and drying
11 the land out. Also hard surfaces like roads
12 allow water to run off the land rather than
13 being absorbed.

14 So to see why the Oldman produces so much
15 less water than farther north, these are the
16 Bow River, headwaters is on the left and the
17 Oldman on the right. The Google Maps are to
18 the same size. They're both 70 kilometres
19 across.

20 So in terms of size, the Bow River
21 headwaters are 45 kilometres wide in the south
22 and 70 kilometres in the north. It is
23 buffered -- the Bow headwaters is buffered to
24 the east by Foothills. I haven't shown them
25 all here 'cause they go so wide. On the right
26 is the Oldman headwaters. It's just

1 25 kilometres wide. And the Porcupine Hills
2 cover much less space than the Foothills in the
3 north.

4 In terms of elevation, in the Bow Valley
5 headwaters on the left, there are six or seven
6 high mountain ranges. Along the Continental
7 Divide, the mountains average around 1,000 feet
8 in elevation, and the front ranges are about
9 9,000. Foothills cover the landscape in the
10 east, which is also high.

11 But here in the -- in the headwaters here
12 down in the Oldman, the mountains on the
13 Continental Divide are much lower. They
14 average 9,000 feet of elevation, which is
15 2,000 feet lower than in the north.

16 And Livingstone, the front range -- so
17 that's the little piece kind of just in, if
18 you -- I wish I had a pointer, but the
19 Livingstone Range -- and I'll include Turtle
20 Mountain and Hillcrest Mountain there -- they
21 average about 8,000 feet in elevation. But
22 there is not a high rock range either north or
23 south of Livingstone. You can actually walk
24 from here in Pincher Creek to the Continental
25 Divide along Highway 507 without crossing a
26 high mountain.

1 That lack of elevation is part of the
2 reason that Livingstone produces only the same
3 amount of water as the Foothills in the north.
4 Most of that is about elevation. It's only as
5 high here as those -- those Foothills are up
6 north.

7 The reason -- and the reason that the
8 production drops four categories to under
9 50,000 cubic metres just to the east of the
10 proposal is that it drops immediately to
11 prairie here. And that prairie has -- lacks
12 cover. And so it loses a lot of -- a lot of
13 stuff to evaporation, and it doesn't have the
14 elevation to hold on to water.

15 To appreciate just how narrow the
16 headwaters is, this is a picture standing at
17 Grassy Mountain looking east. That's
18 Livingstone Range, that little range in the
19 front, and this is a photo looking west from
20 the same place. That's all there is.

21 This very narrow and very low mostly
22 Foothills area is responsible for providing the
23 water for the prairies of southwestern Alberta.
24 The mountains you're looking in the background
25 are the Continental Divide. Alberta gets the
26 water on this side, and BC gets the water on

1 the other side. And that's all there is. It's
2 not much water.

3 But talking about cover -- so this is a
4 picture -- the -- that little green thing in
5 the middle says "Oldman headwaters", so the
6 headwaters of the Oldman River are in a
7 clear-cut. This is 25 kilometres farther
8 south. Still a lot of it's been clear-cut.
9 There's roads; there's exploration sites.

10 Cover to the south, it's still
11 surrounded -- oh, sorry. The Crowsnest River
12 to the south -- so this is the Crowsnest River.
13 It's harder to see, I think, on these maps.
14 It's also heavily impacted, but this time by
15 residential use. Most of the 30 kilometres --
16 the headwaters is only 30 kilometres here.
17 Most of the 30 kilometres of the headwaters is
18 surrounded by residential development, again,
19 greatly affecting the cover. You can see that
20 it is also logged in the top picture to the
21 south of the residential. You can see it's
22 been logged. And the little green -- that's --
23 the other inset is Blairmore, and you can see
24 from there that little green line that's kind
25 of in the top third of the picture is the
26 Crowsnest River. It runs right along

1 Highway 3.

2 Last winter, a lack of water led to the
3 Oldman reservoir drying up. It's a bit better
4 this year, but CCS believes activities that
5 reduce water production in the Oldman
6 headwaters will like -- make this scenario
7 likely to happen again. Those activities
8 include the destruction of cover and the
9 diversion of water during exploration, but also
10 there's the foreseeable cumulative impact of a
11 coal mine that will remove hundreds of acres of
12 cover and also take large amounts out of the
13 system for processing coal and dust control.

14 And this is going to affect other
15 Albertans. Oh, my gosh. These look so much
16 better on my computer. They're -- they're far
17 away. That's the Oldman River from Fort
18 Macleod to Taber. The circles that you see are
19 irrigation.

20 This is from Taber to Medicine Hat. Again,
21 there are a lot of existing communities,
22 ranches, farms, and businesses that are
23 dependent on the Oldman River for their water.
24 And Albertans have been very clear about how
25 they feel about coal mines in the mountains
26 over the years.

1 In 1974, Peter Lougheed -- then a
2 wide-reaching and lengthy consultation which
3 resulted in the coal policy to protect water in
4 the headwaters. In 2014, again, wide public
5 consultation created the South Saskatchewan
6 Regional Plan, which says, and I will quote:
7 (as read)

8 Watershed management and headwaters
9 protection are priorities for both
10 water supply and water quality.
11 Again, Albertans were asked in 2021 by the coal
12 committee what they thought about this. And
13 this is -- these are quotes from the Alberta
14 website. (as read)

15 The majority of the respondents
16 expressed concerns about coal
17 exploration and development. Their
18 concerns revolved around the
19 environmental impacts and if and where
20 coal could be mined. Albertans
21 have -- are very concerned about their
22 waters and place a high value on the
23 eastern slopes region.

24 That's from the government website. CCS shares
25 the concerns of those Albertans.

26 Another big issue for the Crowsnest

1 Society -- sorry -- Crowsnest Conservation
2 Society is the value of Livingstone as wildlife
3 habitat and as a critical wildlife corridor
4 that could be lost through exploration and
5 mining. I'm going to talk about grizzly bears,
6 but I want you to remember that as I do, it is
7 because they're an umbrella or indicator
8 species, and they represent the whole
9 ecosystem's health -- health.

10 If we can -- we can't study every animal,
11 so we study the -- sorry. Maybe I could put my
12 glasses on. That might make this go better.
13 We can't study every animal, so we study the
14 Apex species like bears because if a
15 countryside can still support grizzlies, it
16 will be good and whole and rich and wild and
17 free enough to support all the other creatures
18 struggling to hold on to a place in this world.

19 So how are grizzlies doing? You can see
20 they used to roam most of western
21 North America, but they have been pushed back
22 until they are just a small line in this area
23 where the mine is going to be. They're just
24 right along there.

25 But species don't actually die out in just
26 a single line, so you can see in 1600 that's

1 what it was. In 1922, it was small islands.
2 But what happens is those islands tend to wink
3 out for a number of reasons. It can be natural
4 reasons like a fire or a bad berry year
5 followed by a harsh winter or sometimes loss of
6 genetic diversity. It is estimated that there
7 are only between 900 and 1,000 grizzlies in
8 Alberta. So in-breeding can become a big
9 problem if a small population is confined.
10 But, most often, those islands wink out because
11 of increased human impact. It is crucial to
12 the survival of large mammals that they are
13 able to move to find mates and food and
14 security, and to do this, they need landscapes
15 that aren't broken into islands.

16 As grizzlies are an indicator species,
17 let's look at some of the other big ones. This
18 is elk range. You can see they've also lost
19 large amounts of usable habitat across
20 North America, and their -- their population is
21 getting broken into islands. Again, we still
22 have them along the divide just about where the
23 coal mine is going to go. We also have wolves.
24 Again, they have been backed into the mountains
25 in southwest Alberta, though.

26 How do we know how much space, then, we

1 need to leave to have these animals survive?
2 Well, as it turns out, quite a lot. And the
3 reason we know that is the story of Pluie the
4 wolf. In 1991, Pluie was collared in Peter
5 Lougheed Park, and her collar sent daily
6 signals to a satellite, and the researchers put
7 an 'X' on their map.

8 Now, most of those 'X's were closer to the
9 Continental Divide, but sometimes she'd go down
10 a river valley quite far east. So that red
11 line is just the outside 'X's. They've joined
12 them together. Pluie went through Alberta,
13 west of Calgary, into Montana, Idaho,
14 Washington, and back near Fernie, to Banff and
15 Kootenay Park. Unfortunately, she left the
16 park and was killed in a legal hunt.

17 The researchers, though, were astonished,
18 at how much landscape she covered, and that
19 data has inspired a new understanding about the
20 need for landscape-level conservation
21 strategies to save species, and this is all
22 around the world now. We know that we have to
23 somehow link large spaces of wilder
24 well-protected habitat like those national
25 parks in Canada and the US -- so those green
26 spaces -- we know we need to link them using

1 functional animal movement corridors if
2 wildlife is going to persist and not be broken
3 into islands.

4 Some of the people here will have driven
5 past Rock Creek, which isn't far from here,
6 while they're building an underpass, and that's
7 a part of that strategy to join those spaces.

8 Research has also shown us that grizzly
9 bears don't persist on landscapes that have
10 greater than .6 kilometres of linear disruption
11 per square kilometre. So linear destruction
12 means things like roads for cars, quads,
13 forestry, hiking, biking trails, seismic cuts,
14 pipelines, power lines. Of course it's not the
15 linear destruction that gets rid of the bears;
16 it's the human influx that follows the
17 opened-up spaces. These are the kind of
18 cumulative impacts that could be seen as
19 individually minor but become significantly
20 collective -- collectively -- sorry --
21 significant.

22 Oh, gee. This doesn't show it. Sorry.
23 It's a government map of Dutch Creek area in
24 the Oldman watershed. If you look at this
25 later -- the AER, you look at this later,
26 you'll see there's an awful lot of little tiny

1 red lines in there. Those are logging roads
2 and miner roads and quad roads and all those
3 kinds of things -- pipelines. Right now much
4 of the valley bottoms is -- and upslope areas
5 are covered with that. And, in fact, much of
6 the usable habitat is already well beyond the
7 .6 kilometres per square kilometre.

8 Down here, there are also a lot of
9 recreational impacts. So that's the
10 Livingstone valley -- the length of the
11 Livingstone valley. The map on the left shows
12 summer motorized trails for OHVs. The one on
13 the right is for winter motorized trails for
14 sledding. In the middle is a little pull-out
15 of the Allison-Chinook trails for hiking,
16 biking, cross-country skiing; and there are
17 many more biking and hiking trails as well.

18 This map -- it's harder to see too. This
19 map shows the forestry management areas, the
20 ones that were clear-cut in those first ones,
21 and west Fraser will operate -- in all of that
22 yellow and dark green area, there will be
23 forestry. But do notice that farther north and
24 south, those lands don't have forestry. That's
25 the wild lands we're hoping to connect through
26 that valley with all the forestry. The map on

1 the right shows the grazing leases, most of
2 which are on the base at the eastern edge of
3 Livingstone Range.

4 These are the coal mining leases again on
5 the left. You can see the land north and south
6 of here is well protected for wildlife, but the
7 land on the right here has coal mining leases.
8 And you can see the Grassy mine lease is on the
9 right-hand map, that little rectangle in red.

10 Oh, sorry. But, you know, when you see
11 that little picture of Alberta, it looks like
12 it's ocean to the east or something. It isn't.
13 It's BC. Couldn't the animals just get to --
14 from north to south going through BC? And
15 you'd think so, but the answer is no because,
16 unfortunately, a recent study found that the
17 Elk Valley accounts for less than 1 percent of
18 bear range in BC, but it is where 33 percent of
19 grizzly deaths involving vehicles happen and
20 42 percent involving trains.

21 Like the prairies, the Elk Valley has
22 become developed and industrialized with coal
23 mines, and the adverse cumulative effects in
24 there are causing big problems.

25 So to the east, we have private land used
26 for ranching and farming that will likely

1 become denser with human activities over time.
2 Carnivores are likely also to get in trouble
3 with livestock and waste and may have to be
4 euthanized or shot. To the west -- and you can
5 see the coal mines on there all along the
6 Continental Divide -- those dark spots are the
7 coal mines. To the west, the land is used for
8 coal mining and is dangerous for grizzlies.

9 So you can see -- sorry. Consequently,
10 Livingstone has become the crucial remaining
11 link for wildlife movement between the
12 protected areas in the south and the protected
13 areas in the north if we don't want to have
14 islands that will wink out.

15 The AER wrote in the executive summary from
16 the joint panel review: (as read)

17 We find that the project is likely to
18 contribute to existing significant
19 adverse cumulative environmental
20 effects on westslope cutthroat trout,
21 so the water; little brown bats, small
22 mammals; grizzly bears, large
23 carnivores; and whitebark pine.

24 Remember again that grizzly bears are an
25 indicator species. I'm going to skip that one
26 'cause I'm running out of time.

1 This is a map of the landscape east of
2 Grassy Mountain. So to the left you can see
3 the mountains there and the front range,
4 Livingstone. You're looking at this map east
5 of Grassy that grizzly bear, buffalo, elk,
6 wolves, wolverines have lost. Their last
7 toehold is that little bit of green along the
8 Continental Divide.

9 I misspoke when I said that grizzlies are
10 the apex species because, of course, it's us.
11 We have taken all this from them, and we can
12 take their last 30 kilometres of habitat if we
13 wish. It wasn't a single farm or ranch or road
14 or business or small town or city or mine that
15 removed the habitat necessary to maintain
16 wildlife. It was the thousands cuts, the
17 cumulative impacts. There just isn't a large
18 enough wild space open there left anymore
19 anywhere to support wide-ranging wildlife
20 species.

21 The Livingstone, that little piece there,
22 still however has an almost complete complement
23 of wildlife species. But we need to remember
24 that diversity can be lost just like it was on
25 the prairies. That ecosystem can be broken.
26 Just because we have wildlife here now doesn't

1 mean that it will persist here, and it can't if
2 we don't leave enough big -- space big enough
3 and wild enough landscapes for them to find
4 enough food, security, and mates.

5 The decision you are making about
6 exploration is also a decision about whether or
7 not grizzlies and all the other animals under
8 their umbrella have value and whether they
9 deserve a place in this world.

10 Approval of Northback's application for
11 coal exploration, deep drilling, and water
12 diversion will increase the linear footprint
13 and the industrial disturbance of land,
14 irreparably affecting the landscape for many
15 generations. The Crowsnest Conservation
16 Society urges the AER Panel to reject these
17 applications to prevent additional cumulative
18 effects and instead preserve the water and
19 protect the wildlife.

20 Thank you.

21 THE CHAIR: Thank you,
22 Ms. Davison.

23 Sorry. Ms. Davison, we have a question for
24 you, if you may --

25 B. DAVISON: Sure. Sorry. Now
26 that I'm done, I'm much calmer. That was hard.

1 THE CHAIR: Go ahead.

2 The Panel Questions the Presenter

3 Q COMMISSIONER MACKENZIE: Yeah. Similar
4 question to the one we asked earlier on to the
5 other society. Could you tell us a little bit
6 about your membership and who it's made up of,
7 where they live, et cetera?

8 A B. DAVISON: I -- so I swore I
9 would tell the truth, and I don't actually have
10 the full facts, so I don't want to give
11 numbers. I know that we have somewhere around
12 150 members. Some of those are lifetime
13 members. They bought memberships a long time
14 ago. And some of those now we've started just
15 collecting money every year, so we have yearly
16 members as well.

17 Most of them -- a lot of them live in the
18 Crowsnest Pass, but some of them are wider
19 ranging but not that many of them. Yeah.
20 90 percent of them probably from the area.

21 COMMISSIONER MACKENZIE: Thank you. Thank
22 you very much.

23 THE CHAIR: Thank you very much.

24 So before the break, I --

25 M. LACASSE: Madam Chair, sorry
26 to interrupt, but if we're going to have that

1 entered as an exhibit, her presentation, it
2 would be Number 100.

3 THE CHAIR: Thank you. Yes,
4 please.

5 Any objection? No?

6 So enter it as an exhibit.

7 EXHIBIT 100 - Crowsnest Conservation
8 Society Presentation

9 THE CHAIR: We have Mr. Chris
10 Spearman who has requested to speak for five
11 minutes. It's again offscript. If you wish to
12 come forward, we can allow for your speech
13 before lunch. We are at lunch, but hopefully
14 everybody will forgive me.

15 C. SPEARMAN: I hope I can keep it
16 to five minutes. I do thank you for allowing
17 me to speak.

18 THE CHAIR: Just before you
19 proceed, has he been sworn?

20 C. SPEARMAN: Do I have to be
21 sworn in?

22 THE CHAIR: Yes.

23 C. SPEARMAN: Okay.

24 THE CHAIR: Sorry. Before you
25 get sworn in, I'd like to -- sorry. I
26 apologize. Any objection to have him speak?

1 J. EADIE: Northback has no
2 objection, but we'd just appreciate getting the
3 name for the record. Thank you.

4 THE CHAIR: Pardon?

5 J. EADIE: Northback doesn't
6 have an objection, but we'd appreciate getting
7 the name for the record. Thank you.

8 THE CHAIR: Okay. Thank you.
9 So would you kindly swear the witness.

10 CHRIS SPEARMAN, Affirmed

11 Direct Evidence of Chris Spearman

12 THE CHAIR: Please proceed.

13 C. SPEARMAN: Thank you for
14 allowing me to speak and address the hearing
15 today. By way of introduction, my name is
16 Chris Spearman, and I served as the mayor of
17 the City of Lethbridge from October 2013 to
18 October 2021. Before being elected as mayor, I
19 was a senior manager with a large
20 Lethbridge-based food processor for 32 years.

21 My employer obtained certification to the
22 ISO 9000 quality management standard and also
23 the ISO 14001 environmental standard. As part
24 of our ISO 14001 certification process, we
25 retained an environmental consultants who
26 conducted thorough assessments and then advised

1 us on new objectives in order of priority
2 importance. It was an excellent system for
3 identifying risks and for making improvements
4 to existing processes. The assessment
5 identified environmental risks to the
6 surrounding areas and the impact our operation
7 had on the environment. Strategies were then
8 developed to mitigate the risks.

9 I also served on the executive of an
10 organization known as the Industrial
11 Association of Southern Alberta for more than
12 30 years, including 10 years as chair. I
13 noticed the media campaign leading up to the
14 recent nonbinding plebiscite vote on the theme
15 that the Crowsnest Pass is a coal town.

16 You might also be aware that Lethbridge was
17 once a coal town, originally called
18 "Coalbanks". The name was changed more than a
19 hundred years ago as the city became a regional
20 centre in southwest Alberta. Like many other
21 former coal towns, Lethbridge progressed and
22 evolved. The last coal mines were -- in the
23 area were -- ceased operating more than
24 70 years ago, and Lethbridge began developing
25 into a regional hub for agriculture and
26 agricultural processing.

1 The first large food processors of note
2 included the historic Sick's Lethbridge
3 Brewery; Ellison Milling, known now as Parrish
4 & Heimbecker; Catteli, since closed; and
5 Western Seed Processes, now known as Richardson
6 Oilseeds.

7 The City of Lethbridge began planning for a
8 series of industrial parks in the northeast
9 corner of the city to support food processors
10 and other industries. This was important
11 because food processors require large water and
12 wastewater infrastructure in addition to
13 industrial access to electricity and natural
14 gas.

15 The City upgraded its water and wastewater
16 treatment plant as more food processors located
17 to Lethbridge. Lethbridge is now the home to
18 the following food production plants:
19 Richardson Oilseeds, Sunrise Poultry, Maple
20 Leaf Pork, Pepsi - Frito-Lay, Sakai Spice,
21 Bonduelle Frozen Foods, Black Velvet Distilling
22 Company, Let's Pasta, Parrish & Heimbecker
23 Milling, Parmalat Canada, and Cavendish Foods,
24 and some smaller operations as well.

25 Lethbridge supplies -- the City of
26 Lethbridge supplies potable water to several

1 nearby towns. Some of them are also home to
2 food processing facilities. An example would
3 be the McCain's potato processing facility just
4 outside of Coaldale. These are international
5 food production facilities shipping food
6 products for humans not just within Canada, but
7 also around the world.

8 I attended the Borealis Environmental
9 selenium session on June the 12th in Blairmore.
10 Borealis Environmental told the group assembled
11 that they were representing Northback Holdings.
12 I was surprised to hear them say when concerns
13 were expressed about selenium that the Oldman
14 River was not used for drinking water. Is
15 Northback not aware that the municipal water
16 treatment facilities process Oldman River water
17 to create potable water for drinking, cooking,
18 and for the large number of food processors
19 located in southwestern Alberta?

20 In June 2021, when another coal company
21 presented to Lethbridge city council, our city
22 engineers advised city council that there was
23 no known technology to remove harmful excess
24 selenium from the water.

25 So I have a number of questions for
26 Northback, and I hope that these questions will

1 be received by the Alberta Energy Regulator and
2 that we might get answers for them.

3 Since the selenium session on June the 12th
4 in Blairmore, I was writing to Borealis
5 Environmental with my questions and not getting
6 answers. Last week, I received an email from
7 Borealis Environmental saying that they could
8 not answer my questions without the cooperation
9 of Northback.

10 So my questions are -- and I can submit
11 these to the Panel and to Northback. I've
12 given a copy of my letter to Mr. Young and to
13 the lady responsible for publicity, media
14 relations, but my questions are in the letter,
15 and it -- these are the ones I've been asking
16 Borealis Environmental: Can Northback give
17 examples of municipalities that have
18 successfully removed excess selenium from the
19 water using their municipal water treatment
20 plants?

21 My second question is: Did Borealis
22 Environmental's environmental assessment for
23 Northback identify that two-thirds of Canada's
24 irrigated agricultural land depends on water
25 from the Oldman River?

26 Are you aware that southwestern Alberta is

1 the home to Canada's largest intensive
2 livestock industry with large numbers of farms
3 raising animals for beef, pork, and poultry?

4 Is Northback aware of the potential impact
5 of windblown coal dust on lakes, snowmelt, and
6 ultimately groundwater?

7 Has Northback assessed the risks associated
8 with our volatile chinook winds, and have you
9 developed a credible plan to contain windblown
10 coal dust?

11 What rivers, streams, and lakes east of
12 Grassy Mountain could suffer the same fate as
13 Window Mountain Lake, a pristine mountain lake
14 that has been contaminated by coal dust?

15 A study by scientists from the Alberta
16 government and the University of Alberta
17 concluded cancer-causing chemicals are being
18 blown downwind in concentrations that are
19 comparable to those next to oil sands. Can
20 Northback assure everyone that Borealis
21 Environmental has completed a thorough
22 environmental assessment? Has it been made
23 available to the AER with answers to my
24 questions? Has it developed detailed
25 strategies to ensure that harmful levels of
26 selenium do not impact the Oldman River water

1 system?

2 The federal environmental assessment of the
3 Grassy Mountain Coal Project in 2021 concluded
4 that developing a coal site that had a 20- to
5 30-year expected life was just not worth the
6 risk compared to the agricultural investment in
7 the Oldman River basin. Has that changed?

8 Given the substantial private and public
9 investment in agricultural food processing and
10 irrigated farming over the last 70 years, why
11 is Northback proceeding despite the risks that
12 have been identified?

13 What has changed since 2021 that makes
14 Grassy Mountain a viable project?

15 I can assure you when we attracted food
16 processors to Lethbridge -- I was mayor when
17 Cavendish relocated a \$450 million plant to our
18 city. They export a significant number of
19 frozen potatoes to countries around the world,
20 including Japan. I don't know how many people
21 remember the mad cow disease issue? If the
22 government of Japan rejects a load of Cavendish
23 potatoes at any point due to excess selenium in
24 the product, it will shut down the food
25 industry in southwestern Alberta.

26 Please ensure that you provide full and

1 detailed answers to these questions as part of
2 your decision. I look forward to finally
3 hearing and receiving the answers from
4 Northback that I've been asking for for five
5 months.

6 As you know, it's important that we -- that
7 we understand fully -- I'm not scaremongering,
8 but I've been asking for information, and I
9 have not got answers. I would say that the
10 consultation process is a failure.

11 I retired from being mayor of City of
12 Lethbridge, and I now live in the MD of
13 Pincher Creek, so I personally will be directly
14 affected. I have well water. I'm very
15 concerned how things might evolve from here.
16 I've yet to receive an answer to one of my
17 questions.

18 So I think what I've observed over the last
19 five months is the consultation process is one
20 where you're invited to talk to Northback
21 representatives one on one or in small groups,
22 but there's no documentation of the discussions
23 or the issues that were raised or the potential
24 solutions. So that's why I'm asking my
25 questions today. I want to -- I thank you for
26 allowing me to place them on the record, and I

1 think before a decision is made, Northback
2 should -- should be required to provide answers
3 in writing that are available to the public for
4 scrutiny.

5 I believe the 200,000 people, the
6 businesses, and the municipalities in the
7 Oldman River basin deserve answers now while
8 the Alberta Energy Regulation hearings are
9 taking place so we can be assured that our
10 concerns have been addressed.

11 Thank you.

12 THE CHAIR: Thank you very much.

13 Questions? Any questions? No?

14 Thank you.

15 So we are at 15 past 12, and we promised an
16 hour lunch. So we will see everybody back here
17 at quarter past 1. Thank you.

18

19 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

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

3

4 December 3, 2024 Afternoon Session

5

6 P. Meysami The Chair

7 S.F. Mackenzie Hearing Commissioner

8 M.A. Barker Hearing Commissioner

9

10 M.G. LaCasse AER Counsel

11 S. Gibbons AER Counsel

12

13 T. Wheaton AER Staff

14 E. Arruda AER Staff

15 D. Parsons AER Staff

16 A. Stanislavski AER Staff

17

18 M.K. Ignasiak, KC For Northback

19 Holdings Corporation

20 J.D. Eadie For Northback

21 Holdings Corporation

22

23 D. DiPaolo, CSR(A) Official Court

24 S. Murphy, CSR(A) Reporters

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1 (PROCEEDINGS COMMENCED AT 1:18 PM)

2 THE CHAIR: Please be seated.

3 So next we have Mr. Darcy Wakaluk.

4 DARCY WAKALUK, Affirmed

5 Direct Evidence of Darcy Wakaluk

6 M. LACASSE: Can you turn your
7 microphone on, please?

8 D. WAKALUK: There we go.

9 Thank you for allowing me to come before
10 you today. The recorder's certainly not going
11 to have a problem keeping up to me. She'll
12 probably have to cattle prod me at some point.

13 My name is Darcy Wakaluk. I'm a resident
14 of the Crowsnest Pass, born and raised. My
15 wife is from the Crowsnest Pass, born and
16 raised. We got four kids, and none of them
17 work in the Crowsnest Pass.

18 Growing up, I was very fortunate when there
19 were multiple mines operating. There were
20 numerous hockey rinks all around. There was
21 lots and lots of young families. I was
22 fortunate -- I was fortunate enough that I had
23 a friend that -- father worked at the hockey
24 rink, and I was able to eventually go on to
25 play professional hockey.

26 I moved away at 16, lived in some beautiful

1 cities, some beautiful areas. But the
2 Crowsnest Pass never ever left my heart. Home
3 is always where home will be.

4 I cherish the outdoors as much as anyone
5 and certainly care about the footprint that
6 this mine will leave. Some of my best friends
7 are farmers, not only in the Pincher Creek area
8 but also in the Taber area. And I believe we
9 all have an important role to play in
10 protecting the water for sure but also with the
11 consumption of it. And on more than one
12 occasion, I've certainly give him a hard time
13 about those pivots going round and round when
14 it's pouring rain. So it's a small part, but
15 it's a part that we all have to play.

16 I currently run a small construction
17 company in the summer months and was fortunate
18 when Benga mining first started, was able to do
19 a fair bit of work for them on-site.

20 I walked my hole around the entire
21 footprint of that mine digging test holes for
22 them in the early days. We were mapping coal
23 seams, bedrock, and, of course, water tables
24 and stuff like that. So I have a very good
25 understanding of the footprint they will be
26 working in.

1 I currently work for Imperial Oil in the
2 winter months at Crow Lake on the drilling
3 program as a construction supervisor. Last
4 year we drilled around 1,400 holes, and we were
5 in charge of building over 350 kilometres of
6 ice roads. This year I believe we'll be right
7 around that 1,000-hole mark.

8 So I've worked with the AER a lot to ensure
9 that these roads and leases were built under
10 the strict guidelines set forth to us so that
11 we wouldn't have any trespasses or anything
12 like that.

13 We drilled a lot of different wells,
14 resource holes, overburden, geotechnical holes
15 along the pit walls, pumping wells to dewater
16 the mine, and, more importantly, monitoring
17 wells to ensure the water quality of what's
18 running underground, not only on the surface.
19 And, of course, all these findings had to be
20 reported, and you had to be held accountable
21 for what the findings were.

22 The last year, I believe I heard Imperial
23 Oil spent close to \$60 million on monitoring
24 wells in the environmental protection order
25 just north of our lease to ensure the water
26 quality. That's a big number, and I'm sure

1 this mine would be held to the same standard if
2 there are any issues about being held
3 accountable.

4 We live in an ever-changing world. There
5 isn't a company operating today that was in
6 business 50 years ago that hasn't been allowed
7 to grow and evolve. Can you imagine if doctors
8 were judged on how they practiced 50 years ago?
9 Or if the farming community didn't have the
10 technology that they have today? The tractors
11 pretty much drive themselves nowadays. And all
12 the haul trucks up north where I work, they're
13 all autonomous; there's no drivers in the
14 seats. Who would have believed that 50 years
15 ago?

16 We have a mining company before us that
17 wants to reopen a mine that was started 50
18 years ago. I don't have the exact number but
19 50-plus years ago. And that mine was opened
20 under very different circumstances, very
21 different regulations.

22 And this mine is willing to accept whatever
23 they find. And I like to liken it to
24 remodeling a house: You never ever know what
25 you're going to find when you open a wall up.
26 This mine's willing to accept that, and they're

1 willing to fix whatever it is.

2 Mining -- mining back then -- and my dad
3 was in the mining industry -- mining back then
4 was dig a hole, bury it, out of sight, out of
5 mine. That's not the case anymore. Rip and
6 tear a mountain down, move it over there, not
7 worrying about the selenium, anything like
8 that. I mean, these are very real problems,
9 and I certainly respect everybody's thoughts
10 and concerns about them. I mean, why wouldn't
11 they be concerns? They are for sure.

12 I have full confidence that Northback will
13 prove to you that they can manage it. I listen
14 to them talk, and I believe they can.

15 I know the work that's being done up north
16 at Imperial, all the clean water ditches that
17 run throughout, all the recycling that they're
18 doing with their water to restrict the amount
19 of water going off lease, all the ditches that
20 are being built for rerouting water. It's a --
21 it has to be planned, but it can be done.

22 I heard a lady talking about wildlife.
23 Right now at Kearl, we got three black bears
24 that are denning up on-site. Two of them are
25 up on Nakoda pit dump in the autonomous zone.
26 Those black bears are allowed to hibernate for

1 the rest of the winter, and the mine is in the
2 process of changing their plans to go around
3 these animals. They'll be no different down
4 here. We got -- there's a hundred-metre buffer
5 around there. You're not allowed to enter
6 within a hundred metres.

7 We also have a, like -- don't ask me to
8 explain to you what it is. It's almost like a
9 little grouse, but it's a nesting area and a
10 mating area, has a 500-metre buffer around it.
11 Like, to me, when you think about mining
12 industry, you think you just rip and tear. But
13 we're protecting this grouse-nesting/mating
14 area with a 500-metre buffer until they can
15 prove that they can move it somewhere. Like,
16 to me, that blows me away. So it's not
17 rip-and-tear anymore.

18 I've attended a lot of Northback's
19 information sessions, and I never ask
20 questions. I went to a lot of them and just
21 sat and listened. I listened to Mike speak.
22 And a couple of the questions that were asked
23 that really -- I would say they almost even
24 caught me off guard. One of the questions was
25 asked to him, How do you want to be remembered?
26 How does the company want to be remembered? He

1 full-hearted ly answered that question: With
2 confidence that they have an end game. They
3 want this mine to be a legacy for them. And in
4 my head, I'm thinking you haven't even started,
5 and you're already thinking about the end game.
6 To me, that tells me how much of the planning
7 that they're putting in to what they're getting
8 into up there.

9 Someone else asked him, What about the
10 reclamation, and what would that look like? So
11 if they ever -- when -- I'm not even going to
12 say -- yeah, if I'm going to say when they
13 start, they will be responsible for everything.
14 They will be responsible for all the
15 reclamation, for all the work that was done
16 50 years prior when we all know how that work
17 was done.

18 And, again, I want to -- I want to stress
19 to you that I dug a lot of holes up there. I
20 dug holes in areas where there should be grave
21 concern about water quality. It's hard to test
22 the water underground when you don't have any
23 monitoring wells or anything like that or the
24 ability to test them.

25 And, again, I want to address that if you
26 are at all concerned about the water quality

1 then, that that statement alone should be
2 enough to sway your vote to allow them to
3 reopen this mine because some of the stuff that
4 is close to these creeks and stuff like that,
5 the way it was buried 50 years ago is going to
6 rear its ugly head one day.

7 Northback has -- I know it's been brought
8 up again or multiple times I've listened that
9 they've given us a -- one of the nicest golf
10 courses in southern Alberta. And certainly I
11 heard people talk that it's not that they're
12 trying to buy us; it was a land-swap deal, but
13 they're showing their commitment to the
14 community and not just in the Crowsnest Pass
15 but all over. They've donated to a tremendous
16 amount of charities already. No different than
17 what the gas plant here has for Pincher Creek
18 and -- and stuff like that.

19 This mine isn't only going to help people
20 in the Crowsnest Pass; it's going to help
21 people throughout the country. Where I work, I
22 work with people that fly in from Newfoundland
23 every two weeks, and I'm just coming off a
24 three-week set because I felt it more important
25 to stand before you and speak my thoughts than
26 to give these notes to someone to read to you.

1 I believe it's more real when I could stand
2 here and answer your questions or -- or just
3 share my thoughts and really even gather more
4 information on what is happening and what is
5 transpiring, the needs and wants of I believe
6 not only Crowsnest Pass, but the needs of our
7 country. You know, not everybody can work from
8 home. I got working hands.

9 Some of us have to get our hands dirty in
10 order to make a living. Not all of us were
11 passed on with ranches and stuff like that.
12 It's a real world out there with real problems.
13 I get it. They got answers that they have to
14 deliver to you, and they will. I fully believe
15 they will if you listen to 'em.

16 That's all I gotta say.

17 THE CHAIR: Thank you very much,
18 and thank you for taking time off to come and
19 speak.

20 Any questions? No? Thank you.

21 So next we have Tig Contracting.

22 Mr. Clayton Bezzeg.

23 CLAYTON BEZZEG, Affirmed

24 Direct Evidence of Tig Contracting - Clayton
25 Bezzeg

26 C. BEZZEG: My speech is not

1 very long. I wanted to make it nice and short
2 and sweet. I don't need to repeat a lot of the
3 stuff that's been said today, which I agree
4 with.

5 But, hi. My name is Clayton Bezzeg, and I
6 work for a very respectable company, T-I-G
7 Contracting with Don Forsyth.

8 I have done many, many projects for this
9 Riversdale/Northback, including the golf
10 course. These projects include previous drill
11 programs, which I was an excavator operator for
12 these specific projects. During these
13 projects, we have always had the utmost respect
14 for the community and its surroundings,
15 including the waterways and not disturbing
16 animal habitats.

17 The delays in this drill program has made
18 it very difficult to find good-paying jobs in
19 the community, supporting local businesses.
20 Unfortunately, this has also led me in having
21 less hours of working, disabling my
22 contributions to the cost of living in my home,
23 providing healthy meals to my family in my
24 hometown of Crowsnest Pass.

25 The town has built its foundation and
26 reputation from mine and coal; however, our

1 ancestors did not have the knowledge or
2 technology we have today, making this project
3 safe for the environment, including ourselves,
4 which is what will make this drill program a
5 success.

6 I along with many others would like to see
7 this drill program move forward, keep its
8 heritage, and continue to prosper and grow
9 financially with the job creations this drill
10 program can provide.

11 Thank you.

12 THE CHAIR: Thank you very much.
13 And I apologize for mispronouncing the name of
14 your company, Tig.

15 C. BEZZEG: Yeah. Tig
16 Contracting.

17 THE CHAIR: Contracting.

18 C. BEZZEG: Yeah.

19 THE CHAIR: Yes. Thank you.

20 C. BEZZEG: Thank you, guys.

21 THE CHAIR: Thank you.

22 And then we have Mr. Don Forsyth from the
23 same company, T-I-G Contracting.

24 DON FORSYTH, Affirmed

25 Direct Evidence of Tig Contracting - Don
26 Forsyth

1 D. FORSYTH: Hello. I'd first
2 like to start with acknowledging that we are on
3 Piikani traditional land.

4 My name is Don Forsyth. My wife and myself
5 are the owners of Tig Contracting, a small
6 construction company in the Crowsnest Pass.
7 Personally, I started working on the Grassy
8 site in 2013 for another contractor on one of
9 the first drill programs. Seeing the business
10 opportunities and the good-paying jobs that
11 could be created for our community, I decided
12 to set up Tig Contracting to be a drill support
13 company for the Grassy Mountain project.

14 Over the years, we've grown our company to
15 ten employees, purchased many high-cost pieces
16 of equipment required for this type of work.
17 Tig Contracting was the drill support
18 contractor for the last two drill programs
19 until everything unexpectedly came to a halt.
20 At this time, we had to layoff 50 percent of
21 our employees with no notice, and myself, as
22 the owner, had to try and find a new industry
23 and work to generate income to continue to pay
24 for this equipment purchased for the drill
25 program.

26 Fast-forward to the current drill program.

1 In anticipation of the application being
2 approved in a fairly what I would call normal
3 turnaround period, I purchased additional
4 equipment to meet the future needs. I don't
5 have any personal experience with the
6 permitting process, but I do feel this -- this
7 has turned out to seem anything but normal.
8 And to say that this has caused financial
9 stress on my company would -- and my employees
10 would be an understatement. There are now
11 families out of work. There are charities that
12 are not benefiting from the donations we are
13 able to make when we are working. The
14 financial loss to my company while waiting for
15 this work is great and soon may not be
16 recoverable unless we get back to work.

17 It seems that a small family-run business
18 like mine seem to be affected in something like
19 this the most. In closing, I'd really like to
20 say something that I've really stayed out of
21 the political side of the pro- and the
22 anti-coal debate, feeling that I was in a
23 conflict of interest doing this work, but at
24 this time I feel I can't sit back anymore. Our
25 drill program to gather more data is being
26 hijacked by a no-coal movement. A timely and

1 positive outcome of the permitting process
2 would definitely have an effect of the survival
3 of my company.

4 And few points I picked up here today of
5 just being educated by everyone speaking, it
6 seems like the biggest problem everyone has
7 with this is that the AER will not be doing
8 their job. Working with the AER over the past
9 ten years, for me, it's fairly simple if I
10 follow the rules set out by the AER, but it
11 seems that the opponents of this -- I think it
12 was even said, We don't trust the AER to do
13 their job, and I don't believe that's the
14 truth.

15 Another topic that was brought up was this
16 massive amount of water that's going to dry up
17 Oldman reservoir. As someone that has actually
18 done the volume calculations for this project,
19 I can tell you that just is not true. The
20 amount of water that's needed for this project
21 could be trucked if needed. That is not
22 something that's going to dry up the Oldman
23 dam.

24 And my last thought of this would be: If
25 this project doesn't go through, who is going
26 to clean this up? I've been there the whole

1 time, and Northback's been doing their cleanup
2 as they go. Who is going to clean up the
3 legacy mine if these guys don't do it?

4 I thank you for your time.

5 THE CHAIR: Thank you very much.

6 Could you come back to the podium, please.

7 We have one quick question for you.

8 The Panel Questions the Presenter

9 Q COMMISSIONER MACKENZIE: Sorry about that.

10 I'm not fast enough on the microphone.

11 Just a quick -- a quick question. You
12 talked about the impact that it's had on your
13 staffing levels, and I just wondered, could you
14 give us a rough approximation of what
15 percentage of your revenue comes from a project
16 like this from a company like Northback?

17 A D. FORSYTH: 90 percent of our
18 revenue comes out of this mine. Our company
19 was set up for this type of work, and this is
20 what I we do.

21 Q Thank you very much. Thanks.

22 Q THE CHAIR: So I have a
23 follow-up question to that, now that you're
24 exclusively a drilling contractor.

25 A Drilling support.

26 Q Drilling support. And then now where are you

1 active with?

2 A Right now?

3 Q Right now.

4 A Right now we're in a holding pattern waiting
5 for this work. I try and keep 50 percent of my
6 staff going at various other type of work.

7 But, no, we're waiting for this work. We've
8 been waiting since the application was in.

9 Q And you only work in this area?

10 A Yes, we do.

11 Q In Crowsnest Pass?

12 A We're a small contractor, so to think about
13 branching out to other work isn't realistic at
14 this point.

15 Q Okay. Thank you.

16 A You're welcome.

17 THE CHAIR: So I think, if I
18 read the notes correctly, the next speaker
19 hasn't been sworn in. Mr. Gary Clark from
20 Crowsnest Pass Quad Squad. So we need you to
21 first get sworn in, then we move to your
22 presentation.

23 GARY CLARK, Affirmed

24 Direct Evidence of Crowsnest Pass Quad Squad -
25 Gary Clark

26 THE CHAIR: Thank you very much.

1 Please proceed.

2 G. CLARK: Thank you. Thank
3 you for letting me give you some time to the --
4 to the hearing.

5 My name is Gary Clark. I'm the president
6 of the Crowsnest Pass Quad Squad. We are a
7 nonprofit society based out of the Crowsnest
8 Pass.

9 We work very closely with the Government of
10 Alberta in the forestry section and parks
11 section, and we take a lot of guidance from
12 them and on what we do.

13 Just to give you a little bit of a
14 background on us. As I mentioned, we're a
15 nonprofit society and responsible for the
16 maintenance and upkeep of the OHV trail system,
17 the off-highway vehicle trail systems.

18 We have over roughly about 250 families as
19 a membership. And our rides bring in members
20 from all over the -- all over the country from
21 BC, from Saskatchewan, and sometimes even
22 Manitoba. We organize day rides throughout the
23 year to promote safe and responsible use of the
24 OHV trail system. And we were incorporated in
25 January of 1998.

26 One of our organization's key interests is

1 to preserve the waterways by building and
2 installing bridges to accommodate OHVs to cross
3 the water safely so that silt is not stirred up
4 and covering the fish pool or the pools and the
5 streams and plant life so that we will not be
6 affecting the critical habitat of the
7 fisheries.

8 We also maintain the OHV trails by draining
9 the water pools on the trails and creating what
10 we call "swales", which is basically a little
11 dam on a trail that diverts the water safely
12 off the trails. This not only prevents erosion
13 on the trails, but it also puts the water
14 safely to the forest floor where it's absorbed
15 naturally instead of being diverted again into
16 the streams and, again, protecting the fish
17 habitat. We do that by the use of a mini-hoe
18 and also a small tractor.

19 But one of our key interests that we have,
20 of course, is building bridges to accommodate
21 this factor. We have manufactured our own
22 bridges using Canadian steel purchased locally.
23 We have a budget of roughly about a hundred
24 thousand dollars a year, and from that budget,
25 we raise funds by an annual raffle each year of
26 about 50,000 profit. We also have grants from

1 the government administered thorough the
2 Alberta Off-Highway Vehicle Association to the
3 tune of roughly about 40,000 a year, and we
4 also rely on corporate donations such as
5 Northback.

6 We have various fundraising issues
7 throughout the year as well, and that adds to
8 our -- our annual budget.

9 Grassy Mountain was one of our favourite
10 places to ride before Northback, or as they're
11 known now, bought the property and -- with the
12 intention of opening the mine up. It was great
13 to see the old coal pods up there, but it was
14 also disheartening to see old buildings and the
15 wreckage that the old mine had left there.

16 And I think Northback with their plan of
17 taking the overburden and placing it back on
18 the mountain after the coal has been extracted
19 will certainly help the wilderness; it'll
20 certainly help the reclamation. And we feel
21 that it will also eventually help the wildlife
22 such as the deer, the bear, the cougar, the
23 foxes.

24 Once the mountain is reclaimed, of course,
25 grassland will be available for the wildlife
26 to -- to eat, and eventually, even saskatoons

1 or other berries that the bears and the deers
2 consume.

3 Selenium is another product, is a byproduct
4 of mining. It's not only coal mining; it's any
5 type of mining where the ground is disturbed.

6 We need mining to get resources out of the
7 ground. We need the coal to produce steel.
8 Steel is a fundamental part of not only our
9 economic development but also the development
10 of steel for the world.

11 Now, the selenium does, of course, affect
12 the -- the fish and -- and wildlife in -- in
13 large doses. But I believe that Northback has
14 come up with a plan to control the selenium
15 issue.

16 And I think from their overall judgment
17 and -- and the facts that they have presented,
18 it certainly shows that they are willing to do
19 everything possible and especially abide by our
20 strict environmental controls.

21 Northback will use proven practices of --
22 of suppressing dust and other contaminants.
23 Gone are the old days of the old mining where
24 the dust was so prevalent in the Crowsnest
25 Pass. One only has to look at our neighbour in
26 Sparwood to see how clean that town is in the

1 midst of heavy mining. Not only that, but also
2 the economic development that it has brought to
3 Sparwood.

4 The economic aspects of this project, of
5 course, will help the Crowsnest Pass through
6 investment. This will bring in much needed
7 industrial tax base through offices' purchasing
8 power, construction of new homes, local
9 employment where about 600 residents now come
10 from the Crowsnest Pass and have to go to
11 Sparwood area for work.

12 This might open up a lot of opportunities
13 for people -- young people of the Crowsnest
14 Pass so that they will not have to leave the
15 Pass and can stay here and contribute to our
16 economy.

17 We have been in discussions with Northback,
18 and they are in agreement to find a safe,
19 responsible trail system through their land,
20 which will connect the low valley trail, the
21 off-highway vehicle trail low valley, which is
22 a very short trail, and then working with the
23 forestry then to connect up to the OHV trails
24 to the west of -- of Northback. This would
25 give a loop for the trail system, not only for
26 OHVs, but also for hikers, for bikers, for

1 mountain bikers, equestrian riders, anybody
2 that uses the back country. This trail system
3 would be built again using all the same
4 practices that we are required to use on -- on
5 public lands and in the provincial parks,
6 including the building and fabrication of
7 bridging and also a trail maintenance to again
8 ensure that that water -- the water -- the silt
9 from the water does not go into the -- the
10 present stream system of the -- of the area.

11 The type and quality of the metallurgical
12 coal that Northback is proposing to mine is
13 still needed in the world today. Yes, there
14 are advancements coming with -- with the amount
15 of -- of furnaces and other type, but it is
16 still the best and cheapest way to produce
17 steel.

18 We need steel. We need steel for cars, all
19 the cars out here. Steel is involved in so
20 many aspects of our life, from buildings, from
21 everything, bridges that we buy the steel for
22 or have manufactured by the local welding
23 shops.

24 It makes a lot more sense to me to produce
25 a coal from here in Canada which will bring in,
26 I believe, billions of dollars in the long run

1 to not only the provincial but also the federal
2 governments, especially in light of the
3 political situation down in our southern
4 neighbours. Our economy might be heading down
5 the -- down the chute, and we need everything
6 we can get.

7 You may be asking why we are supporting
8 Northback. Yes, they are a corporate
9 sponsorship. They donate approximately a
10 thousand dollars a year towards the -- our
11 nonprofit association. In my previous
12 employment, we owned a -- a security company,
13 and, yes, I have done work for them. We have
14 sold our business so I am no longer doing that,
15 but I have obtained work -- a lot of work from
16 Northback in the past.

17 So why do we support them? As mentioned,
18 we're a nonprofit volunteer organization which
19 relies on funding from corporate donations.
20 That's part of it. Our own fundraising, our
21 membership fees and, as I mentioned earlier,
22 provincial grants and the off-highway vehicle
23 association.

24 But that's not the reason that we are
25 supporting them. We are supporting them
26 because of what we have discovered through

1 their information centres, that they will be a
2 responsible and good corporate citizen to the
3 Crowsnest Pass, bringing economic development
4 and also economic livelihood, jobs, creation of
5 more stores, and it will support the whole area
6 of the Crowsnest Pass.

7 We also have the same environmental
8 standards as Northback appears to have. I
9 mentioned our concern for the environment. We
10 realize that off-highway vehicles have the
11 potential to cause damage to the streams, to
12 the fish habitat, especially the westslope
13 cutthroat trout. And that is why we build
14 bridges. That is why we divert the waters off
15 the trails. And, to me, it's the same thing as
16 what Northback will be doing.

17 I know you've probably heard this before,
18 but mining, as I mentioned, brings out the
19 selenium. That selenium is still here. It's
20 not going away. And by their work -- by their
21 work to recover the land after the mining is
22 done, then we can control that aspect of it.
23 That is why we support Northback in this
24 application.

25 I thank you for your time, and certainly
26 I'm open to any questions that you might have.

1 THE CHAIR: I have some
2 questions for you or maybe one or two.
3 The Panel Questions the Presenter

4 Q THE CHAIR: The question I have
5 for you is about the -- you mentioned some
6 trails that will loop around the mine. Is that
7 future mine, or are there new trails
8 associated, to your knowledge, to this program?

9 A G. CLARK: Yeah. These -- the
10 trails that we would be using would be old
11 trails that are already in place. When the NDP
12 government came into power and closed a lot
13 of the OHV trails, that was part of the -- the
14 trails that they -- they closed.

15 To have this trail go through would be a --
16 a great connecting trail to the trails that are
17 designated trails in the -- to the west. Right
18 now, the OHV trails, you're only allowed on --
19 on what we call "designated trails", or the
20 government has designated certain trails that
21 that's only where off-highway vehicles can go.

22 Q So those trails specifically linked to this
23 program are existing, but they have been closed
24 and possibly -- 'cause we heard this morning
25 that there may be some clearing of those
26 trails, to your knowledge?

1 A You mean somebody is working on the trail now?

2 Q No. There will be if the project gets
3 approved -- if the applications get approved.

4 A Yeah. I -- you know, I honestly think -- I
5 don't think it -- it's kind of like the golf
6 course; I don't think if the application is
7 approved or not. I -- I think Northback would
8 still be willing to go ahead and -- and to try
9 and find a -- a safe passageway through the --
10 through the mining area. I mean, we're not
11 going to be going through the actual mines or
12 that type of thing. We -- we will figure out
13 how to get around that.

14 Q Okay. Thank you. Thank you very much.

15 THE CHAIR: Questions? No?

16 Counsel?

17 Thank you very much.

18 G. CLARK: Thank you.

19 THE CHAIR: So we still -- we
20 are still ahead of time. Thank you.

21 Next we -- we are way ahead of time, so I
22 would suggest we continue with the presenters
23 who are here. Next is Ms. Heidi McKillop, and
24 I believe they haven't been sworn yet.

25 HEIDI MCKILLOP, Affirmed

26 Direct Evidence of Heidi McKillop

1 THE CHAIR: Please proceed.

2 H. MCKILLOP: Hello. Thank you
3 very much, ladies and gentlemen, for allowing
4 me to be here today. My name is Heidi
5 McKillop, and I am a documentarian based in
6 Alberta specializing in investigative pieces on
7 natural resources. My work explores critical
8 industries such as oil and gas, renewable
9 energy, and coal.

10 One term I've encountered frequently in my
11 field and in corporate culture is "best
12 practices". While it often seems like a buzz
13 word, I've come to understand that it's more
14 than just a phrase. In Alberta, best practices
15 reflect deeply the values and are woven into
16 the fabric of our culture.

17 Over the past year, my team and I produced
18 an investigative documentary examining the pros
19 and cons of renewable energy. This project
20 naturally expanded to include a closer look at
21 international and domestic mining practices.

22 During our research, I had the privilege of
23 speaking with an individual from Africa who
24 shed light on the harsh realities of resource
25 development and mining practices in the region.
26 Our investigation focused on mining in the

1 Congo where Chinese-owned companies dominated
2 operations. The human rights abuses and
3 environmental destruction we uncovered were
4 staggering. From the exploitation and abuse of
5 mining workers, to the tragic death of children
6 and the complete disregard for environmental
7 stewardship, the situation was, frankly,
8 appalling.

9 This individual went on to explain that
10 they looked to Canada and specifically as --
11 Alberta as a beacon of leadership and
12 community-based practices in resource
13 development. What we have here today is the
14 spirit of transparency, accountability, and the
15 commitment to best practices. It is not
16 something that is universally applied around
17 the world.

18 Even though we may have differing opinions
19 at time [sic], I believe the spirit of this
20 transparency and accountability is something we
21 all hold close in our hearts. This includes
22 Northback and the many dedicated individuals
23 who contribute to their efforts to this
24 organization.

25 I respectfully disagree with some of the
26 comments made here today that dismiss the

1 heartfelt concerns of coal mining families. As
2 a parent myself, I understand the deep desire
3 to provide for our children, ensure they have a
4 home, and dream of a future that they can
5 thrive in their own community. That vision,
6 feeding your family, maintaining a home, and
7 building a legacy for the next generation is
8 the essence of the Alberta dream.

9 Through my experiences in the Crowsnest
10 Pass, I've come to realize that many residents
11 are not seeking great wealth. Instead, they
12 value the simple yet profound goals of
13 preserving their history and keeping their
14 local legacy alive.

15 An issue that stands out to me as an
16 observer in the Crowsnest Pass is the visible
17 wear and tear of its historical buildings.
18 Many downtown structures are in dire need of
19 care and restoration to prevent them from being
20 lost forever. If these buildings crumble, so
21 too does a piece of the region's history, which
22 could be an impeccable loss for the area.

23 For local municipalities to address these
24 pressing issues, they need revenue, something
25 resource development can provide. Without the
26 financial support that industries like coal

1 mining bring, it becomes increasingly difficult
2 for towns to maintain the historical identity
3 or invest in their future.

4 I also acknowledge that many families who
5 aren't represented here today are likely at
6 work, striving to provide for their children
7 and to make ends meet. These families don't
8 want to abandon their dreams, their
9 communities, or their children's futures.
10 Without resource development in Alberta, many
11 towns and regions face a grim reality of
12 disappearing altogether. We must consider how
13 to balance development and the preservation to
14 ensure the prosperity and survival of these
15 communities.

16 What I have observed here today are
17 individuals who deeply care about the land and
18 environment; however, many of them are retired
19 and no longer face the same concerns as
20 families who are raising children, running
21 businesses, or working to make ends meet.
22 They've built their wealth and now advocate
23 against any development in the region, but many
24 families simply do not have that same luxury.
25 For those still working toward financial
26 stability and building a future for the

1 children, a development such as this project
2 can mean prosperity and security.

3 I have witnessed poor practices within the
4 industry, and I've also observed a significant
5 shift in Alberta's corporate culture, a
6 movement towards accountability on treaty
7 lands, and a genuine effort to listen to the
8 concerns of local citizens. This process
9 cannot be overlooked. Ranchers,
10 environmentalists, and local communities must
11 always continue to have a voice, fostering
12 collaboration its truest sense of the word.

13 However, when a company like Northback
14 demonstrates a willingness to address these
15 concerns and integrate them into the fabric of
16 their mining plan, they deserve a fair
17 opportunity to proceed. By adopting best
18 practices such as incorporating reclamation
19 into the various stages of the project,
20 strategies and practices designed to manage,
21 minimize, and prevent adverse impacts on the
22 environment, Northback has the potential to
23 become a leader in responsible resource
24 development.

25 As many have mentioned today, the demand
26 for metallurgical coal is certainly at the

1 centre of this discussion. If we do not allow
2 this project to proceed, the demand for steel
3 and natural resources needed for Canadian
4 infrastructure will simply be displaced to
5 other jurisdictions around the world,
6 jurisdictions where environmental and human
7 rights standards are far lower, and this is a
8 critical point to consider.

9 As a proud mother, I deeply believe that
10 the safety and well-being of all children, not
11 just here at home should matter to us.

12 It's troubling to think that if we fail to
13 carefully develop projects here in Alberta we
14 may inadvertently support environmental
15 destruction and human suffering elsewhere. In
16 order to build our cities, wind turbines, and
17 cell phones, this is a reality we must consider
18 with both responsibility and compassion.

19 As a documentarian, I'd like to leave a few
20 questions to consider. In terms of
21 metallurgical coal, are we willing to import
22 more from the United States if we do not
23 develop it here at home?

24 Why would we consider -- why would we
25 choose to displace environmental liabilities to
26 another country, one that may not uphold the

1 same rigorous environmental standards that we
2 appear here in Alberta.

3 Why are the broader implications of these
4 actions for our economy, our environment, and
5 our role as global leaders in responsible
6 resource development?

7 These are critical questions we need to
8 reflect on as we navigate the balance between
9 meeting the demand for resources, protecting
10 our environment, and safeguarding Alberta's
11 long-term prosperity. Thank you.

12 THE CHAIR: Thank you very much.
13 Thank you.

14 Questions?

15 So is Mr. Daylu Grier from -- and I
16 apologize if I am mispronouncing your name --
17 or Ms. -- from Piikani Security Services. And
18 I understand you haven't been sworn in yet.

19 D. GRIER: No.

20 THE CHAIR: Okay. Sorry. How
21 would I say your name?

22 D. GRIER: Daylu Grier.

23 THE CHAIR: Daylu.

24 D. GRIER: Yeah.

25 THE CHAIR: Great. Thank you.

26 D. GRIER: Ms. Daylu Grier.

1 THE CHAIR: Thank you.

2 DAYLU GRIER, Affirmed
3 Direct Evidence of Piikani Security Services -
4 Daylu Grier

5 THE CHAIR: Thank you. Please
6 proceed.

7 D. GRIER: So good afternoon,
8 Madam Chair and Panel. I'd like to start off
9 by stating we are on Piikani ancestral
10 territory for time immemorial.

11 My name is Daylu Grier. I'm here today to
12 provide an oral submission on behalf of Piikani
13 Security Services. I do not represent the
14 people of the Piikani Nation. I only speak on
15 behalf of Piikani Security Services.

16 I'm the manager of Piikani Security
17 Services, and we provided a written submission
18 to the Panel on November 6th, 2024. I'm here
19 today to speak of the explorational drill
20 program.

21 I'll refer to Piikani Security Services as
22 "PSS".

23 So PSS is a wholly owned business of the
24 Piikani Nation. Just a little bit of the
25 history on the -- the company. In October
26 2021, we were incorporated and licenced with

1 the solicitor general of Alberta. And our
2 mandate is to provide well-paying --
3 well-paying skilled employment opportunities to
4 Piikani Nation members both on and off the
5 reserve.

6 Although we started out as a very small
7 company, we now employ 23 Piikani members full
8 time, most of whom are working as security
9 guards, liaisons, and emergency responders.

10 PSS is the largest corporate employer of
11 Piikani Nation members on reserve. PSS
12 operates across Treaty 7 territory, including
13 the Crowsnest Pass and the site of the proposed
14 drill program, which is located in Piikani
15 ancestral territory.

16 PSS was originally incorporated in October
17 of 2021 in part of -- in part to provide
18 security services to the commercial mine that
19 was proposed by Benga Mining, Northback's
20 predecessor company, and to the site. At that
21 time, it was -- it was -- Piikani Nation
22 realized very quickly that we did not have the
23 capacity to fulfill the needs that -- the
24 requests and the opportunities that were being
25 offered by North -- or -- Northback at the --
26 at that time.

1 So we -- with chief and council, we sat
2 around with the business development officers,
3 and we decided that what was the lowest
4 capital, the easiest -- easiest to access, and
5 the easiest to get start-up, and we realized
6 that it was a security company. Security is
7 always needed from the -- the moment the first
8 piece of equipment is brought on-site to the
9 last day that the last piece of equipment is
10 brought on-site. So that would mean that, you
11 know, it's kind of the first-in/last-out kind
12 of scenario.

13 At that time, we had very view individuals
14 that were trained or skilled in the security
15 industry. So we did have a security system
16 that was working for the COVID -- during the
17 COVID time, but they were not licenced, and
18 they were not experienced, and they were not
19 trained.

20 So in partnership with Northback, we --
21 they offered some training dollars to help us
22 get a team of skilled and trained individuals
23 together.

24 So we did that, and we got -- at that time,
25 we had ten individuals that were trained. And
26 those individuals were all fully employed both

1 on and off the reserve.

2 So at the time of the -- everything kind of
3 happened at once with our company. The
4 opportunity with the mine, the proposed mine,
5 and then the opportunity on the Nation still
6 having COVID restriction.

7 So we had half our staff that would go work
8 up in the mine to do the access control and the
9 site security, and then we had the other half
10 working in the community.

11 The -- and the difference between the two
12 is the ones that were working in the community
13 only had, like, a learner's licence, or they
14 were not licenced to drive at all. The ones
15 that were able to -- that were up in the mine
16 site were licenced to drive.

17 And so once the security guards that were
18 working in the community saw the opportunities
19 and heard the great stories of working up in
20 the mine and the great hours and the nice
21 paycheques, they were very, very eager to get
22 their driver's licence or their learner's
23 licence.

24 So most -- all of our guards made a
25 positive lifestyle change with keeping the --
26 you know, the opportunity to work in the -- in

1 the mine site.

2 So, as I mentioned, Northback provided
3 support for PSS for the training and the
4 capacity development for our employees. And
5 since PSS was incorporated, we have been the
6 exclusive provider of security services to
7 Northback. We provide site, organizational,
8 and special event security services to
9 Northback.

10 We've done -- three years now we've done
11 the Australia Day. We provide security
12 services for that. We currently do the
13 security for the field season that's happening
14 right now. And we do the access control fire
15 watch and just the general security around the
16 buildings and the site in general.

17 If the proposed program is approved,
18 Northback has committed to award Piikani -- or
19 PSS a significant contract to provide site-wide
20 and organizational security for the program.
21 That contract will be significant to PSS. We
22 estimate that the work associated with the
23 proposed program will be in the hundreds of
24 thousands of dollars of revenue for PSS. It
25 will provide employment and economic
26 opportunities that would not otherwise be

1 available to PSS and our employees.

2 Gainful employment opportunities on or near
3 our reserve are very limited, and those
4 opportunities that come available from time to
5 time usually are for unskilled labourers. This
6 is largely due to the location of our reserve.

7 So, with that being said, just meaning that
8 other opportunities that are around the Nation
9 are not as easily accessible to our -- our
10 Piikani Nation members, many barriers with that
11 entailed. But Piikani Security Services has
12 become a very positive thing in the community
13 and has encouraged many of our security guards
14 to make that positive lifestyle change and to
15 have something to look forward to.

16 And as many people have mentioned, you
17 know, we employ and we feed 23 families. Some
18 of those families live in homes that are
19 overcrowded. Some of those families live in
20 homes, you know, that they have never had a job
21 before and this is their first job. So it
22 brings a lot of pride to them. And it also
23 brings a lot of pride to them to know that they
24 are there, you know, overseeing our ancestral
25 territory to ensure that, you know, the
26 companies are being held accountable to what

1 their -- their promises are.

2 As the manager of PSS, I see the pride that
3 our employees have in doing their work and
4 making a difference in our community and
5 neighbouring communities. Because they live
6 and work in our community, there are other
7 benefits to their employment. They are able to
8 support themselves, their families, including
9 their extended families because they have
10 consistent, reliable, and well-paying
11 employment. They have made significant
12 lifestyle changes and gained a tremendous
13 amount of confidence, both personally and
14 professionally.

15 They spent money in our community and with
16 other Piikani business -- Piikani-owned
17 businesses, which injects monies back into our
18 community.

19 In addition to our employees, our -- in
20 addition, our employees are role models for our
21 youth, our vulnerable population, our peers and
22 have become the face of a safe and secure
23 community with our elders and families.

24 You can see the work that PSS does here
25 today as Northback contracted with PSS to
26 provide security services for these

1 proceedings.

2 As part of my submissions, I would like to
3 show a short video that describes the impact of
4 the proposed program and PSS relationship with
5 Northback. I don't know if we have it. If you
6 don't have it, that's fine.

7 THE CHAIR: Do we have it?

8 D. GRIER: We did. Yeah, we
9 put the link on the submission November 6th.

10 UNIDENTIFIED SPEAKER: I believe there's a
11 link on the letter maybe.

12 D. GRIER: That's fine. I can
13 speak.

14 THE CHAIR: So it's 20 past 2.
15 If we take a break, then we can work the tech
16 and have the video. Would you like to do that?

17 D. GRIER: Sure.

18 THE CHAIR: Yeah?

19 D. GRIER: Yes.

20 THE CHAIR: How about we meet in
21 20 minutes? So 25 to 3 maybe so everybody gets
22 their break? Is that enough, or do we need
23 more? That's enough. Okay.

24 So maybe 20 to 3. We are way ahead of
25 schedule. So everybody gets a decent break,
26 and we work the technology.

1 D. GRIER: Okay.

2 THE CHAIR: Thank you.

3 (ADJOURNMENT)

4 THE CHAIR: Please be seated.

5 So the technology is sorted, I think so we
6 can have your video on. Thank you.

7 (VIDEO PLAYED)

8 THE CHAIR: Thank you.

9 So do you have any further remarks?

10 D. GRIER: Yeah. So I don't.

11 I just wanted to say that, you know, it's
12 extremely, extremely important for Piikani
13 Security Services to remain on-site today and
14 tomorrow for the drill program to ensure that
15 Northback is held to task and held accountable.

16 Piikani Security Services takes great pride
17 in our reputation, our work ethic, and client
18 relationships. And we uphold our
19 responsibility as stewards of the land.

20 THE CHAIR: Thank you very much.
21 We have some questions for you. Would you like
22 to go first?

23 The Panel Questions the Presenter

24 Q COMMISSIONER MACKENZIE: Sorry. I couldn't
25 see if the red button was on.

26 Just a similar question to the question I

1 asked Tig Contracting. You had mentioned that
2 you have people who work on and off reserve.
3 And I wondered what sort of percentage of your
4 revenue comes from the security services that
5 you provide to Northback versus the other work
6 that you do?

7 A D. GRIER: So currently with
8 the field season and if the drill program goes
9 through, that would -- well, currently with the
10 field season, it's about 20 percent.

11 Q And if the drill program went ahead, what would
12 that --

13 A We would be providing 24-hour security and
14 additional guards as well.

15 Q Okay.

16 A Yeah.

17 Q Thank you.

18 Q THE CHAIR: May I ask: How many
19 more people will be employed if the drill
20 program goes ahead?

21 A Because it's a 24-hour watch, we would have --
22 so about ten -- ten guards would be on-site.

23 Q Ten guards?

24 A Yeah.

25 Q And would you -- I apologize for this question.
26 But would you help me understand, how far is

1 the reserve from the project site?

2 A 52 minutes.

3 Q 52 minutes.

4 A Yeah.

5 Q Thank you. Thank you very much.

6 Q COMMISSIONER BARKER: Ms. Grier, just a
7 follow-up question. The ten people that would
8 be -- is that an additional ten employees of
9 security services or -- if the program goes
10 ahead?

11 A Yeah. We would have to do some training and
12 then hire additional guards as well.

13 Q Okay.

14 A Yeah.

15 Q Great. Thank you.

16 THE CHAIR: That is all.

17 A Okay. Thank you.

18 THE CHAIR: Thank you very much.

19 D. GRIER: Thank you.

20 DAVID MCINTYRE, Affirmed

21 Direct Evidence of David McIntyre

22 THE CHAIR: Okay. Next we have

23 Mr. David McIntyre. Yes. Thank you. Have you
24 been sworn, sir?

25 D. MCINTYRE: I have.

26 THE CHAIR: Please proceed.

1 D. MCINTYRE: My name is David
2 McIntyre. I live approximately 10 kilometres
3 east of Grassy Mountain on the eastern side of
4 the Livingstone Range.

5 I could have used Piikani Services. I
6 don't know why someone drove an ax through the
7 windshield of our vehicle or slashed its tires.
8 Whoever did that didn't leave an explanation.

9 What I do know is that whenever I go into
10 the Crowsnest Pass there, frequently going into
11 a grocery store or perhaps a restaurant, I'll
12 have someone who will make eye contact with me,
13 look around to see if anyone is watching, and
14 they might sort of timidly then say, Thank you
15 for what you're doing. And what we've been
16 doing is advocating for the integrity of the
17 land at our doorstep in the greater Crowsnest
18 Pass for, I guess, the better part of four or
19 five decades.

20 My love affair with the Crowsnest Pass
21 began in 1974. It was 50 years ago this
22 summer, this past summer, I was driving through
23 during a summer break from graduate school.
24 And I worked for decades as a study leader for
25 the Smithsonian Institution where I led
26 multiday science-focused hiking tours and

1 whitewater raft trips through US national parks
2 and equivalent reserves.

3 During the late 70s, I used my influence
4 with the Smithsonian Institution to bring these
5 tours to Banff, Jasper, Waterton Lakes National
6 Park, and Glacier National Park in Montana.

7 The Smithsonian study tours have injected
8 millions of dollars into the Canadian and
9 Alberta economy, and they continue to this day.
10 Participants pay roughly 8 grand US for today's
11 11-day tours.

12 In 1977, I was also employed by Alberta
13 Recreation, Parks, and Wildlife where I managed
14 an interpretive programing at Dinosaur
15 Provincial Park, a UNESCO world heritage site;
16 at Writing-on-Stone Provincial Park; Cypress
17 Hills; and Beauvais Lake. Beauvais's always
18 been a personal favourite of mine. It's a
19 little park, but it's incredible not far from
20 here.

21 Flashing forward to 1982 and because coal
22 mining was being phased out in Crowsnest Pass,
23 due to my love affair with the Greater
24 Crowsnest Pass, saw what was financially a
25 demotion in order to manage interpretive
26 programming for Alberta Culture, overseeing

1 programming at Head-Smashed-In Buffalo Jump and
2 the Frank Slide Interpretive Centre. I did
3 this for the opportunity --

4 M. LACASSE: Mr. -- Mr. McIntyre,
5 could you slow down a little bit, Mr. McIntyre?
6 The court reporter is struggling to keep up
7 with you.

8 D. MCINTYRE: I did this for the
9 opportunity to live and work in Crowsnest Pass.
10 My wife and I live on the eastern flanks of
11 the Livingstone Range, the meeting point for --
12 this is interesting -- the MD of Pincher Creek,
13 the MD of Ranchland, and the Municipality of
14 Crowsnest Pass. So we look out at all three
15 from where we are on that sort of
16 edge-of-the-world place in our -- in our lives.

17 We live directly downwind and downstream of
18 Grassy Mountain. This is a relevant aside. It
19 was 20 years ago that I was asked because of my
20 forest background to sit on an advisory
21 committee, and a year later I resigned. I did
22 this in tears on the banks of the Crowsnest
23 River, and I did it because I felt that we were
24 being railroaded into doing something that I
25 felt was detrimental to the land, and I didn't
26 want to see it happen.

1 The government proceeded to manage these
2 forest lands as you see them being managed
3 today. The result I offer, and I think the
4 Crowsnest Conservation Society's images might
5 reveal this that you saw earlier, the Oldman
6 watershed is being consistently degraded with
7 an ill-advised attempt to provide short-term
8 logging wealth for a relative few, and this
9 watershed degradation goes hand in hand with
10 the more recent coal exploration to scar the
11 land and reduce its worth.

12 I'd like to ask everyone in here to
13 picture, if they can, Grassy Mountain and the
14 knife-edged Livingstone range that stands
15 immediately east of it and is visible from the
16 town of Pincher Creek. I ask this because it's
17 my observation that most land-use decisions are
18 made in boardrooms, that the key people making
19 decisions haven't set foot on the land they're
20 reviewing. I ask this: Is today the exception
21 to my vision?

22 In order to help clear a simple
23 geological -- create a clear and simple
24 geological picture of Grassy Mountain, the land
25 we're discussing today, I'd like to read a few
26 entries from a report by Dr. William

1 Langenberg. I think those of you on the board
2 are acutely aware of who Dr. Langenberg is. He
3 has a PhD in geography -- physical geology --
4 I'm sorry -- and he's been involved in Grassy
5 Mountain for a long, long time. He's written
6 an executive summary, and I'm just going to
7 read a couple of comments from this, and I'm
8 reading directly from Dr. Langenberg's report:
9 (as read)

10 The Crowsnest Pass coal reserves are
11 smaller than those in the Elk Valley
12 in British Columbia, and the quality
13 is less suited for steelmaking than
14 the Elk Valley coals.

15 Another entry, "Environmental Impacts", this is
16 big: (as read)

17 Alberta already has 260 billion in oil
18 and gas liabilities, which includes
19 30 billion in mine liabilities which
20 are largely not covered by the
21 industry.

22 Conclusions. Mining metallurgical
23 coal in Alberta's eastern slopes is
24 considered uneconomic.

25 Coal quality. Quality of Grassy
26 Mountain metallurgical coal is

1 inferior to Elk Valley's prime hard
2 coking coal products.

3 [And] Economics. Alberta coal
4 resources are a risky source of making
5 coal -- coking coal. Grassy Mountain
6 mine is unlikely to provide
7 significant tax and royalty revenues
8 and consistent employment at the
9 levels predicted by Benga.

10 This was written before Northback, I believe,
11 became the company name.

12 Reflecting on Dr. Langenberg's report and
13 on Grassy Mountain, my mind flashes back to the
14 autumn of 2017. It was then in scenic Fernie,
15 British Columbia, that the annual Crown of the
16 Continent Roundtable met to discuss crowning
17 achievements and threats to the Crown of the
18 Continent poster child, one of the earth's
19 wildest, most diverse, and intact ecosystems.
20 The mayors of Crowsnest Pass, Fernie, and
21 Whitefish were invited to the Roundtable to
22 provide their visions for their communities
23 located within the thinly-peopled necklace
24 surrounding the Crown's core attractions:
25 Glacier Nation Park in US and Waterton Lakes
26 National Park in Canada. Annual visitation to

1 these two internationally revered parks, more
2 than 3 million people, and I'd just ask you to
3 think of these paired parks as Banff's twin
4 sister in terms of international rare earth
5 appeal.

6 The Roundtable's focus on the ability of
7 communities surrounding these parks to offer
8 experiences that mirrored or complemented
9 visitors in-park experiences, mayors from the
10 three communities were asked to address the
11 assembled crowd.

12 Blair Painter, mayor of Crowsnest Pass,
13 arrived with Riversdale, now rebranded as
14 "Northback", staff and sat at a table with
15 them. His message, in sharp and acidic
16 contrast to the other two mayors, was to report
17 that he was looking forward to the opening of
18 the Grassy Mountain coal mine.

19 I, in response to his statement, raised my
20 hand. I offered that the proposed mine wasn't
21 assured of a green light and asked the other
22 mayors to comment. They did. The mayor of
23 Whitefish offered a dark, night sky vision for
24 Whitefish as part of his answer. But it was
25 the Fernie response to Mayor Painter's vision
26 of an in-community coal mine that was

1 priceless. Quote: (as read)

2 I'd be run out of town if I did that.
3 The Crown of the Continent Roundtable,
4 following the Fernie venue, met in
5 Choteau, Montana. There the focus of
6 discussion centred on communities
7 within the Crown that due to their
8 proximity to airports, health care,
9 and striking natural features were --

10 M. LACASSE: Mr. McIntyre, once
11 more, can I ask you to slow down.

12 D. MCINTYRE: (as read)

13 The focus of the discussion there
14 centred on the communities within the
15 Crown that due to the proximity to
16 airports, health care, and striking
17 natural features were economically
18 poised to lure amenity migrants and
19 lucrative high-end catch-and-release
20 visitation.

21 Crowsnest Pass is blessed with the
22 essential ingredients that would
23 enable it to benefit from this brand
24 of internationally lucrative tourism,
25 but only if the land's raw and
26 compelling wealth of esthetic and

1 ecological integrity are retained [a
2 vision of sustained integrity and
3 appeal due to the intact landscape].

4 I'm going to flash forward to a not more --
5 much more recent time. And just to note that I
6 attended some of the Coal Policy Committee
7 sessions, and my primary takeaway was this:
8 Monitoring Alberta's coal mines for compliance
9 with conditions never resulted in any action
10 when the stipulation -- stipulating conditions
11 were violated. I found this amazing, but it
12 just seemed to repeat itself over and over.

13 My wife and I live on Rock Creek, a
14 tributary of the Crowsnest River. Last year,
15 TC Energy constructed a pipeline traversing the
16 Livingstone Range. My question today is: Did
17 that project kill all of the creek's rare and
18 already threatened pure strain westslope
19 cutthroat trout, trout that had been seemingly
20 swimming there for 10,000 years, and it
21 survived that.

22 It was December of 2023, roughly a year ago
23 today, after watching the creek at my doorstep
24 turn to mud and after failing to see a single
25 trout where they'd existed in conspicuous
26 abundance, that I read two newspaper accounts

1 describing a Northback meeting with Crowsnest
2 Pass council. The accounts mirroring each
3 other in terms of their issue-defining detail
4 caused me to write a letter to the editor,
5 and I'm going to read part of that letter.

6 I seem to have gotten up here without that
7 component of what I was going to speak about.

8 THE CHAIR: You can go and get
9 it.

10 D. MCINTYRE: I will go on, and
11 I'll come back to that if I can.

12 The essence of -- of that letter was that
13 the Northback representative had -- oh, I do
14 have the letter here. I just had somehow got
15 it under something else.

16 "Questioning Northback's Reported Data" --
17 this is a letter written December 10th of last
18 year, roughly a year ago today. (as read)

19 Newspaper accounts describing
20 Northback Holdings' November 21
21 presentation to Crowsnest Pass council
22 report as facts data that I suggest
23 appear to be founded in fiction or
24 fantasy. Northback's chief compliance
25 officer, Grant Lindstrom, is reported
26 to have admitted the company could

1 have done a better job of explaining
2 its application to conduct exploratory
3 work on Grassy Mountain before he,
4 attempting to clarify the picture,
5 introduced information that I suggest
6 appears to be incorrect or misleading.

7 Lindstrom reported -- as stating
8 that there was a lot of misinformation
9 floating around -- is then reported to
10 have said that the pit lakes on Grassy
11 Mountain Summit hold close to
12 200 million cubic metres of
13 water [this isn't Lake Superior] a
14 number so astoundingly large that when
15 viewed by anyone familiar with Grassy
16 Mountain, it's sure to draw instant
17 eye-opening scrutiny.

18 The actual volume of water on Grassy Mountain's
19 pit lakes is probably unknown, but I suggest
20 it's likely close to 1 percent of the Northback
21 reported total.

22 But the amount of water on Grassy Mountain
23 Summit, regardless of its volume, is
24 irrelevant. Northback doesn't own the water on
25 Grassy Mountain; the Government of Alberta
26 does. The government owns the water on private

1 and public property as defined by the Water
2 Act, and the Government of Alberta licences the
3 use of this water.

4 The current drought in southern Alberta has
5 been in the news for months. It's a well-known
6 and publicized fact that many area wells have
7 gone dry, that some southern Alberta
8 communities are trucking water -- right here --
9 at great expense in order to supply families in
10 dire need.

11 Water is a precious resource. It is
12 essential to life, and here in southern Alberta
13 it is rare. To waste water is to squander
14 life. To misspend and misuse our natural
15 inheritance. The question of what society can
16 and can't afford water-wise becomes critical as
17 Albertans look at the Oldman reservoir.
18 Picture its barren expanses of exposed silt and
19 sand as being southern Alberta's issue-defining
20 bank balance and watch as brutal sandstorms
21 driven by hurricane-force winds sandblast the
22 downwind land, its people, their cars, homes,
23 and belongings.

24 When your bank account's obliterated and
25 shows zero, what does logic dictate you do?
26 Meteorologists report that 2023 is likely to be

1 documented as the earth's hottest year in
2 recorded history. It was. Meanwhile,
3 climatologists expose the possibility that 2023
4 could be the coldest year in the next
5 100 years.

6 Newspaper reports of Northback's
7 presentation to Crowsnest Pass council conveyed
8 the vision that water on Grassy Mountain is not
9 connected to any water tributaries. This it
10 can -- if it can even be imagined to be true,
11 suggest Grassy Mountain, unlike all the
12 surrounding mountains, has no hydrological
13 connection to the streams that flow from its
14 flanks, that whatever happens on Grassy
15 Mountain stays on Grassy Mountain.

16 Picture yourself as a hydrological engineer
17 or geologist and take this vision to your peers
18 for a quick review. I had asked for a single
19 image to be shown today. I don't see it there.
20 I was going to just ask that it be up for the
21 entire presentation. It's not a huge deal, but
22 if you can find it and if it can be shown, it
23 shows Blairmore Creek at its confluence with
24 the Crowsnest River. I'll just ask that while
25 I proceed.

26 What I just read to you -- excuse me -- was

1 last year's story. Picture on the headwaters
2 of the Oldman this Christmas; well, the current
3 Gold Creek flow -- we talk about low water
4 volumes, but it takes roughly nine months, if
5 we were to use Gold Creek, to supply one day of
6 summer irrigation water from the Oldman dam.
7 So we're looking at nine months if we use Gold
8 Creek, which is the largest tributary coming
9 off Grassy Mountain.

10 Current Crowsnest River flow would take 43
11 days of the river's current flow to supply
12 1 day of irrigation water from the Oldman dam,
13 and that's from now until mid-January.

14 Current combined flows from the Castle,
15 Crowsnest, and Oldman Rivers takes 11 days of
16 the combined flows of the three main rivers to
17 supply 1 day of irrigation water from the
18 Oldman dam.

19 I'm retired. The last thing that I
20 expected to face in retirement in the dirty,
21 dry, dominant poison -- that was the dirty,
22 dominant poison of PM 2.5 carcinogens, the
23 mind-bending noise of industrial exploration or
24 mining, and the destruction of envisioned peace
25 and tranquillity. I offer that Crowsnest
26 Pass's future does not rest in coal mining.

1 But coal mining, if it is pursued today, will,
2 I predict, cripple Crowsnest Pass's economic
3 potential and its future.

4 Today, most public land in southwestern
5 Alberta offers what I call "mud and ruts"
6 tourism. It's a brand that fails in its
7 ability to generate meaningful revenue, and it
8 continually degrades the land's core worth and
9 the headwaters of the priceless and
10 irreplaceable Oldman watershed.

11 My firm belief is this: Crowsnest Pass can
12 celebrate its past without trying to relive its
13 past and without crippling and destroying its
14 greatest assets, its potential worth, and its
15 future. I have two parting questions: Why are
16 we meeting to discuss the potential for further
17 exploration of Grassy Mountain? We already
18 know everything we need to know about Grassy
19 coal, and there's no proposal to mine on the
20 table.

21 Why are we meeting to discuss the potential
22 for further exploration of a mountain that's
23 been denied a mining permit? Thank you.

24 THE CHAIR: Thank you very much.

25 D. MCINTYRE: Just enter -- just
26 to let you know that I have this. I have

1 climatological data from just east of Grassy
2 Mountain. I provided this when Riversdale
3 brought the original request to -- to the
4 Alberta Energy Regulator in the -- in the joint
5 review. But I just point out in the month of
6 October of this year, there were 16 days with
7 80 kilometre or greater winds, with the highest
8 winds at 125.5, virtually no rainfall in
9 October. And November, just in, we have
10 12 days with 80 kilometre or hour greater
11 winds, with the highest wind speed recorded of
12 117.5 and, again, virtually no precipitation.
13 That's the picture today.

14 THE CHAIR: Before you go, we
15 may have questions for you. Sorry.

16 And also that's the photo you were talking
17 about; correct?

18 D. MCINTYRE: That's -- that --
19 we're looking across the Crowsnest River there
20 in what's commonly referred to as the Town of
21 Blairmore near the hospital, and we're looking
22 at the confluence of Blairmore Creek, which is
23 across the creek. That's the red thing that's
24 flowing -- what's left of it. There's very
25 little water coming in, but it's a frozen,
26 rusty affluent that's coming in that's been

1 coming in from Grassy Mountain for -- I don't
2 know how long. Some people, because it's been
3 there a long time, they kind of say, Well,
4 that's just fine; that's part of the history.
5 I would say maybe it isn't, but that's -- thank
6 you for putting that up.

7 THE CHAIR: You're most welcome.

8 M. LACASSE: I just want to say,
9 Madam Chair, for reference, that's
10 Exhibit 91.3, PDF page 3.

11 THE CHAIR: Thank you.

12 And we have questions for you.

13 The Panel Questions the Presenter

14 Q COMMISSIONER BARKER: Thank you.

15 Mr. McIntyre, I have a question for you.
16 You had read some excerpts from a report by
17 Dr. William Langenberg, and I was just
18 wondering if you could tell us where that --
19 what that report is or the date of it? Would
20 you happen to know what the date of that report
21 is?

22 A D. MCINTYRE: I -- I don't have
23 that in front of me. That should be very
24 easily found. I believe that it went to the
25 Alberta Energy Regulator, and it may have been
26 submitted back in the joint review panel

1 hearing that took place some years ago.

2 Q I see. Okay. Thank you, sir.

3 THE CHAIR: Thank you very much.

4 I appreciate it.

5 MONICA FIELD, Affirmed

6 Direct Evidence or Monica Field

7 THE CHAIR: Next we have

8 Ms. Monica Field. Just before you begin, have
9 you been sworn? Yes. Okay.

10 M. FIELD: This is going to be
11 tricky. I'm Monica Field, a contortionist,
12 apparently.

13 (SONG PLAYED)

14 M. FIELD: Other people have
15 talked about how this project is not an
16 advanced project. The original Benga proposal
17 was denied and declared not to be in the public
18 interest. Even Northback insists this isn't a
19 new proposal, that we don't have to worry about
20 selenium or dust or anything. They're not
21 saying why really, no details. We have to
22 trust them.

23 But the technology seems to have just
24 accelerated in four years since the Benga
25 proposal. And so they're saying it's new, and
26 it's different, and don't worry about it.

1 It'll be better. But as we've seen with Teck
2 in BC, the technology for removing selenium
3 from water has not yet been invented or
4 perfected, and they're still trying.

5 So you can't have it both ways. Either the
6 original proposal is dead and this is a new
7 one, or under the moratorium of coal mining,
8 this just shouldn't go ahead because it is not
9 advanced.

10 And that makes me wonder why I'm here
11 today, why we're having a hearing. I'm not
12 even sure how -- what are the criteria for
13 whether or not this exploration project will go
14 ahead. Is this a popularity contest, in which
15 case those of us who don't want the mine are
16 outnumbered at this hearing?

17 And one of the reasons that there aren't
18 that many people speaking out is that it's
19 really difficult when your friends and
20 neighbours want this so desperately to stand up
21 and say that you don't think it's a good idea.
22 It's very awkward. This is an uncomfortable
23 setting. So much time and effort and energy
24 when really this shouldn't be happening.

25 And there's quite a good possibility that
26 Ranchland's legal challenge will succeed, and

1 this mine proposal, the exploration will be
2 denied because Northback does not have an
3 advanced project, in which case, all of us will
4 have spent all of this time and effort and
5 travel and money to prepare for something that
6 shouldn't have happened.

7 I am speaking out on this because I believe
8 it's important, but there are others who will
9 not because there is a history of intimidation
10 in the past. It's a small number of people,
11 but they're prepared to go beyond words, and
12 everyone knows that.

13 So not that many people are willing to
14 stick their heads above the parapet and get
15 shot, and I'm not comfortable doing this. I
16 have to say I considered not doing this.

17 And there's also the administrative hurdle
18 of putting in a statement of concern followed
19 by making sure you've got a presentation, and
20 then your personal information goes out to
21 everyone who's involved in this hearing. And
22 that makes me very uncomfortable. So not a lot
23 of people want to speak out.

24 As far as my concerns with exploration are
25 concerned, I have worked for the Alberta
26 government for 40 years almost, 38 years before

1 I retired. And one of the sites I managed was
2 the Frank Slide Interpretive Centre. We used
3 to tell people who asked why there wasn't coal
4 mining on the Alberta side of the border that
5 it was because the coal seams in BC aren't as
6 folded and faulted. There's less overburden.
7 There's not -- they're not as deeply buried,
8 and they're simply more economical. And I
9 don't know what changed really because the
10 geology sure didn't change.

11 And you could say, Well, the Number 1 seam
12 on Grassy is a good seam, but it's not as good
13 as Elk Valley coal and not extensive, and the
14 other seams are lesser quality. We already
15 have a supply of coal from BC. We don't need
16 to destroy our headwaters to get coal. They're
17 already up and running. I just don't see how
18 this mine has a future. It's not economical.

19 And as far as new methods of producing
20 steel are concerned, those are coming along.

21 There could be a time when there is not a
22 market for coal, and we can't imagine that.
23 But think back to the early years of the
24 Crowsnest Pass. The Canadian Pacific Railway
25 was the largest buyer of coal. They were the
26 biggest market, and they phased out after Leduc

1 Number 1 in 1947. They went to diesel fuel.
2 And the mines started closing in the '50s and
3 '60s, some of them amalgamated. The quality of
4 coal is better as you go east to west, so the
5 more easterly mines closed first.

6 But definitely, it doesn't mean that the
7 coal and the past will be viable in the future.

8 Albert Goodwin, who was like another
9 grandfather to me, he mined for 43 years in the
10 Crowsnest Pass for West Canadian Collieries at
11 Bellevue and Lille, and that's a company that
12 operated the mine on Grassy Mountain -- he used
13 to say as far as the price of coal, that it was
14 up and down like a toilet seat, and it is. It
15 is.

16 So maybe the price of coal looks good just
17 at this moment, but then if it drops, there are
18 layoffs, mine closures, you know, up and down,
19 up and down, a one-industry town, boom and
20 bust.

21 I'm also concerned about the linear
22 density. There are so many trails and roads
23 there. The exploration roads from the mining
24 since the coal policy was -- was killed, they
25 haven't been reclaimed. Northback hasn't
26 reclaimed the Benga roads. That sedimentation

1 is a problem for the fish for the westslope
2 cutthroat trout, and I just think it's time we
3 cleaned that all up.

4 Northback has said, Oh, this is a great
5 idea 'cause they're going to clean up Grassy
6 Mountain. They're going to clean up from their
7 mining. They're not going to go back to Bozley
8 and clean that up properly and Cougar Valley
9 and the whole area. They're going to simply
10 clean up their own mess, not the legacy mess of
11 mining.

12 And we know that that left a mark on the
13 watersheds. Just recently, there's been a
14 report where they looked at selenium and other
15 substances that are a problem in the
16 watercourses coming out of mines in the
17 Crowsnest Pass, and they found higher levels of
18 selenium than would be safe for aquatic life.

19 And there's one pit lake on Tent Mountain
20 that drains into a little wetland, and that
21 wetland is incredibly contaminated.

22 So when you look at the pit lakes on
23 Grassy, I can't speak to how contaminated they
24 are, but there were old cars in there that have
25 been pulled out and trucks and things and all
26 the contaminants from mining. That water going

1 into drill holes is going to go down, and it
2 doesn't disappear. That whole mountain is an
3 enormous fracture network. And I'm just not
4 sure putting contaminated water in there is a
5 good idea, let alone the drought conditions.
6 And we've certainly heard a lot of concerns
7 about water.

8 For me personally, this is a big issue
9 because when Riversdale was doing their
10 exploration around 2015, we're just east of the
11 mining -- the proposed mine and that
12 exploration work, and our winds come from the
13 northwest. So we're directly downwind, and I
14 couldn't believe how noisy that was and the
15 vibration of it.

16 And all over the world people talk about
17 "the hum", which is this really disturbing
18 noise, and it's been traced back in almost all
19 cases to industrial activity. And in my case,
20 the hum was from that exploration, and it was
21 everywhere.

22 And I walk all over for miles and miles.
23 Everywhere I went I heard it. I couldn't get
24 away from that. And it really took away from
25 my quality of life and -- and my inner harmony
26 that I restore through walking. It was a big

1 deal 'cause I live to walk.

2 And I'm not looking forward to having more
3 exploration there and potentially development
4 and operation of a mine because that will last
5 for my whole life I'll have that. And that is
6 truly horrifying.

7 I have followed the Grassy Mountain issue
8 since it started, and at first, I thought,
9 well, you know, the coal mines in the Crowsnest
10 Pass built the Crowsnest Pass. That's fine.
11 But then I started studying the issue. And the
12 more I learned, the more I thought, no, I don't
13 think this is fine. I read all the statements
14 of concern for the original Grassy Benga
15 project. I participated in the joint panel
16 review hearings. I sang a different song
17 specially composed for that occasion. That's
18 one thing. I'm getting some good songs out of
19 all of this.

20 But I -- I participated in the hearings. I
21 watched all of the -- the proceedings for two
22 weeks. I followed the Coal Policy Committee
23 and went to some of their meetings. I read
24 their final report. I've been reading
25 Northback's proposals for exploration and
26 looking at all their maps and diagrams and

1 drawings and reading all the recent statements
2 of concern. And the more I read and the more I
3 hear, the more I learn, the more I think that
4 there are such enormous risks with mining --
5 and we've seen what happens with the legacy
6 mining -- that this mine or any mining along
7 the eastern slopes of the Rocky Mountains would
8 not seem to be in the public interest. We need
9 to protect those areas for our water and for
10 our natural capital.

11 And I understand people want to make a
12 living, but this kind of living with one
13 industry up and down, people have said, Well,
14 you know, I want my son to have a job. But
15 your son might for a while or who knows how
16 long the company will even run, and then who is
17 responsible for the cleanup?

18 We have an orphan well on our land, and I'm
19 not seeing any money from it. It went through
20 about 12 companies, and I went into
21 receivership.

22 So I'm really doubtful that this mine will
23 go anywhere, and if it does, then will they
24 still be a viable entity when the time comes to
25 clean up, and how much money will be required?

26 Turner Valley Gas Plant national historic

1 site was one of my sites. And when we took
2 that on, Western Decalta gave us \$2 million for
3 cleanup, and that we thought was a lot of
4 money. And they laughed and laughed because
5 that has cost so much money. It's \$9 million
6 to date, probably still going since I retired.
7 There were wellsites there that weren't
8 abandoned properly and had to be because the
9 petroleum was escaping to the surface.

10 So I'm -- I'm a little leery of these
11 industrial projects and what a long legacy of
12 problems that they leave behind them.

13 I'm retired. I don't work for anyone, not
14 even the government anymore, so I can finally
15 speak out after all these years. And that
16 gives me a responsibility to speak out. I
17 understand why people want the mine. I just
18 think that our short-term appetites seem to
19 always be more compelling than any long-term
20 vision. So we want jobs. We want prosperity.
21 I'm doubtful this mine will bring enough to
22 make a difference.

23 But we have to think of the future and the
24 long-term and different opportunities for the
25 Crowsnest Pass for more sustainable long-term
26 benefits. We in the Crowsnest Pass have

1 incredible scenery. We can attract people to
2 live there, work remotely. Pincher Creek has a
3 good airport that could be developed. People
4 could fly to meetings. You could see that in
5 Jackson, Wyoming, and how that's developed,
6 that people want to live somewhere beautiful
7 and enjoy that but have the convenience of
8 going to other places.

9 We also have a lot of retirees moving
10 there, and it was mentioned that people own
11 houses in the Pass that don't live there. A
12 lot of those people plan to live there when
13 they retire.

14 And you look at a community like Choteau,
15 you think it's all agriculture that feeds it;
16 not anymore. It's retired ranchers and
17 farmers. They moved to Choteau, and now there
18 are all these businesses to look after old
19 people, medical businesses, and all sorts of
20 opportunities.

21 So I just don't think it's a good idea to
22 boldly go where we've gone before. I think we
23 should advance towards a better future. Thank
24 you.

25 THE CHAIR: Thank you very much.

26 So next we have Alberta Wilderness

1 Association.

2 And you have been sworn in? Sorry. Your
3 name? No, you haven't?

4 KENNEDY HALVORSON, Affirmed
5 Direct Evidence of Alberta Wilderness
6 Association - Kennedy Halvorson

7 K. HALVORSON: Hello -- whoa.
8 Hello, everyone. My name is Kennedy Halvorson,
9 and I am a conservation specialist with the
10 Alberta Wilderness Association.

11 Founded in 1965, AWA is the oldest
12 nonprofit in the province dedicated to
13 conserving and protecting Alberta's ecosystems.
14 With the support of over 7,000 members across
15 the province, AWA works to promote good
16 stewardship of Alberta's wildlife and
17 wilderness and waters to ensure future
18 generations enjoy the abundant benefits they
19 provide.

20 I'm grateful to have the opportunity to
21 speak to you today, and I appreciate the effort
22 of -- everyone has taken to be here. Despite
23 differing perspectives, I want to recognize the
24 importance of these public forums in which we
25 can engage, as I know we are largely motivated
26 and advocating for what we think is best for

1 the region and our communities.

2 I want to begin by reminding everyone what
3 we are here to discuss. Many in support of
4 Northback Holdings' applications have spoken in
5 favour of the economic development they hope
6 the proposed project will bring, citing the
7 need for more jobs and greater job security, as
8 well as increased incomes in the area. While I
9 empathize with these circumstances, these
10 arguments are not relevant to the current
11 applications before us.

12 Considering Northback's applications in
13 isolation, what is being proposed is
14 self-characterized as a localized, temporary,
15 and short exploration project on an already
16 extensively explored mountain. Exploration --
17 M. LACASSE: Ms. Halvorson, could
18 you slow down, please.

19 K. HALVORSON: Yeah. Absolutely.

20 Exploration is notoriously the costly phase
21 of resource development. It requires
22 significant investment, and it is a well-known
23 barrier to getting mines operational. It does
24 not make money. The assumption is that costs
25 will be recouped during the extractive stage.
26 As the proponents have indicated, they expect

1 it to last 105 days. The short-term nature of
2 the project means any economic or employment
3 benefits to the local communities similarly
4 will be temporary.

5 Unfortunately, less than four months of
6 work will not pay mortgages or sustain
7 communities long-term. Accordingly, any
8 arguments promoting the socioeconomic benefits
9 of Northback's project outside of the
10 application scope should not be considered
11 during the public hearing.

12 Northback argues this project is necessary
13 to obtain additional information related to
14 potential development opportunities within the
15 area. Citing the Coal Conservation Act's
16 statutory purpose, the proponents assert their
17 coal exploration program as necessary to
18 quantify Alberta's resources arises.

19 However, 517 drill holes were bored through
20 a cumulative 60,000 metres of mountain over
21 five different exploration programs between
22 1970 to 2016 after the area had already endured
23 55 years of surface and underground mining. At
24 what threshold does the AER consider a resource
25 sufficiently appraised? And if further
26 understanding of Grassy Mountain's coal

1 deposits by Northback is required now, why were
2 their predecessor and parent companies
3 confident in willing to put forth a full mine
4 proposal previously? It is unclear how it will
5 be orderly, efficient, and economic as required
6 by the Coal Conservation Act to permit further
7 exploration by proponents whose past efforts
8 were deemed inadequate on numerous occasions by
9 multiple jurisdictions despite being given
10 ample opportunities to strengthen their
11 proposal and address serious and legitimate
12 concerns.

13 A review of the current applications
14 demonstrate they suffer from similar
15 deficiencies. For example, Section 20.3 of the
16 Public Lands Act states that: (as read)

17 If any authorization conflicts with
18 any applicable regional plan under the
19 Alberta Land Stewardship Act, the
20 regional plan prevails.

21 The management of the public lands where the
22 proposed project site is is informed by the
23 South Saskatchewan Regional Plan and more
24 specifically the Subregional
25 Livingstone-Porcupine Hills Land Footprint
26 Management Plan.

1 The plan sets out disturbance limits for
2 motorized access among other management
3 thresholds. These were set to avoid the
4 undesirable and adverse affects on the
5 environment associated with high densities,
6 including increased sedimentation and erosion
7 in streams, stress avoidance behaviours and
8 mortality for wildlife, and the spread of
9 invasive species. These are to be enforced by
10 the relevant departments and agencies through
11 the regulatory system, which includes the AER.

12 Just under half of the drill holes planned
13 are on public lands in areas where the
14 motorized access densities appear to exceed the
15 disturbance limits. For example, the average
16 densities of major trails for the quarter
17 parcels where proposed drill pads 0.21, 0.22,
18 0.24, and 0.26 are located is 4.28 kilometres
19 per square kilometre, well above the limits set
20 in the management plan.

21 Northback's application should be required
22 to be compliant with such thresholds indicating
23 the applications are insufficient.

24 Northback must also abide by Manual 008,
25 Oil Sands and Coal Exploration Guide.
26 Manual 008 states the coal exploration programs

1 have a term limit of five years: Two to
2 complete exploration and three to reclaim the
3 disturbances caused by exploration. Benga
4 Mining Limited, another subsidiary of Hancock
5 Prospecting and Northback's predecessor,
6 originally conducted exploration work on Grassy
7 Mountain from 2013 to 2016. Accordingly, all
8 reclamation of their disturbance, including
9 drill pads, seismic lines, roads, and water
10 crossings they maintained or expanded, should
11 have been completed by 2018.

12 After being required to scale back on new
13 roads and forest clearing they'd originally
14 planned, Northback's proposal now states that
15 their exploration program will take place
16 entirely on previously disturbed lands. But
17 stating that they will use the same roads,
18 drill pads, and seismic lines associated with
19 past exploration efforts indicates that
20 Northback's predecessor did not fulfill the
21 previous reclamation requirements to the site
22 under Manual 08.

23 Considering these are the same proponents,
24 this is a worrisome precedent, casting doubt on
25 their recent commitments to reclaim Grassy
26 Mountain should their current applications be

1 approved.

2 The Coal Conservation Act states that:

3 (as read)

4 Any operation undertaken through
5 permits or licences issued under the
6 Act does not relieve a person from the
7 requirements or liabilities arising
8 under any other act.

9 That's in Section 2022.

10 Further, for all permissions obtained under
11 the Public Lands Act, it is mandatory under the
12 Act's Master Schedule of Standards and
13 Conditions that disposition holders must comply
14 with all applicable federal critical habitat
15 orders issued under Section 58 of the Species
16 at Risk Act and that proponents should contact
17 Fisheries and Oceans Canada in relation to the
18 application of the Species at Risk Act and any
19 relevant critical habitat orders.

20 A critical habitat protection order was
21 issued back in 2015 under the Species at Risk
22 Act for the westslope cutthroat trout, which
23 triggers the prohibition against the
24 destruction of any part of the critical
25 habitat. The reason it was issued is because
26 these trout are threatened and their

1 populations are in decline. If you're
2 wondering why this matters, know that these
3 species are indicators of watershed health, and
4 their decreasing numbers are a warning, the
5 so-called "canary in the coal mine". The
6 protection order applies to anyone undertaking
7 activities in and around critical habitat that
8 would result in the destruction of any part of
9 it. The order classified Gold Creek and its
10 tributaries as critical habitat, which are
11 located within Northback's proposed project
12 site.

13 Key threats identified in the order include
14 any changes in water flow, sedimentation,
15 habitat loss, fragmentation, or habitat
16 alteration. It also provided examples of
17 activities likely to destroy critical habitat
18 of the species, which included mining or linear
19 disturbance.

20 Under the Species at Risk Act, a person
21 who, without a permit, carries out an activity
22 that contravenes one of the prohibitions, which
23 includes destruction of critical habitat,
24 commits an offence.

25 Multiple watercourse crossings listed in
26 the deep drilling permit applications of

1 Northback Holdings cross the critical habitat
2 of the westslope cutthroat trout and because
3 water crossings and roads can be a source of
4 pollution and sedimentation in aquatic
5 habitats, the applications are incomplete
6 without a review and the appropriate permitting
7 from the department of Fisheries and Oceans to
8 identify how work should proceed across and
9 around these crossings to protect the westslope
10 cutthroat trout's critical habitat.

11 In response to AWA's written submission,
12 Northback stated that a -- references to the
13 recently published scientific literature
14 detailing the environmental impacts from coal
15 mining in the Elk Valley are completely
16 irrelevant and should be afforded no weight by
17 the AER. This statement is indicative of how
18 Northback thinks and operates in regards to
19 cumulative effects management.

20 Not only should the AER afford this
21 research weight, they are bound to do so by the
22 Alberta's Land-use Framework and regional
23 planning system. Cumulative effects management
24 is integral to Alberta's legislation, its
25 necessity demanded by the recognition that
26 development can and does exceed ecological

1 thresholds and carrying capacities and must be
2 regulated as such.

3 Cumulative effects management takes a
4 holistic approach to understanding and handling
5 the impacts of land use as the consideration of
6 a project's impacts in isolation does not
7 reflect how they actually manifest on the
8 landscape.

9 The AER must consider what is going on in
10 the Elk Valley because despite its distance
11 away, these coal mines are polluting Alberta's
12 eastern slopes and adding to the threats that
13 already exist here even before Northback gets
14 the chance to do the same.

15 Researchers recently have found that coal
16 dust is a significant source of atmospheric
17 pollution in ecosystems downwind. Fugitive
18 coal dust from the Elk Valley coal mines in
19 British Columbia has been found polluting
20 remote and otherwise pristine subalpine lakes
21 and contaminating snowpack across Alberta's
22 eastern slopes containing high concentrations
23 of carcinogens like polycyclic aromatic
24 compounds. The dust travels as fine
25 particulate matter in the atmosphere and
26 deposits across the vast range, detected in

1 some locations more than 50 kilometres away
2 from the source.

3 Wind patterns suggest that high depositions
4 of these compounds are occurring within
5 otherwise protected and well-loved areas like
6 Peter Lougheed Provincial Park. Researchers
7 found locations where chemical concentrations
8 in contaminants far exceed tolerable
9 guidelines, with some samples comparable or
10 even at times worse than levels within
11 ecosystems impacted by Alberta's oil sands
12 mines.

13 With more than 70 percent of the Oldman
14 basin's water supply derived from annual
15 snowpack, the implications are serious. This
16 research is important because it supplies
17 additional context for the AER to understand
18 the environmental baseline and determine if
19 additional pressures like further coal
20 exploration can be sustained by the ecosystems.

21 The research is also relevant because
22 although we are here today to discuss a coal
23 exploration project, Northback has indicated
24 that a commercial mine is their ultimate goal.
25 They have stated that all concerns relating to
26 coal development generally or a full commercial

1 mine development are beyond the scope of the
2 applications and should be given no
3 consideration while also maintaining that the
4 AER must, before deciding on the applications,
5 take into account the potential loss of the
6 chance to assess a commercial mine application
7 and the significant economic benefits likely
8 associated with that development.

9 Both of these statements cannot be true at
10 once. If the AER wants to account for the
11 potential loss of economic benefits from a
12 commercial mine, which recent cost benefit
13 analysis have found not favourable, then it
14 must also consider the significant loss in
15 value of ecosystem benefits and services and
16 negative impacts to human health should a
17 commercial mine be developed. To quote a paper
18 published in the Annual Review of Public
19 Health: (as read)

20 All phases of the coal use continuum
21 create adverse public health and
22 environmental impacts. Public health
23 impacts include: cancer,
24 cardiovascular disease, respiratory
25 disease, kidney disease, mental health
26 problems, adverse birth outcomes,

1 impaired child development, and more.
2 Researchers have found that these negative
3 health outcomes will be felt most acutely by
4 the communities nearest the mines who will bear
5 increased rates of disease among other reduced
6 social outcomes.

7 Science also consistently reveals that
8 despite companies' best efforts, their
9 investments into better mitigations and
10 management practices, there's no clean way to
11 mine coal. The environmental degradation and
12 negative health impacts occurring in Elk Valley
13 provide insight into realities that very well
14 could be duplicated in this watershed should
15 Northback be allowed to proceed.

16 On the west side of the Rocky Mountains,
17 chemical leaching into the surrounding
18 watershed from commercial coal mines has been
19 an issue since their onset. Despite the
20 company responsible having spent more than
21 \$1.4 billion to address high concentrations of
22 toxic contaminants, recent research finds that
23 elements like selenium are continuing to
24 accumulate in the environment.

25 Expanded coal operations have led to a
26 95 percent increase in selenium, a 76 percent

1 increase in nitrate, and a 38 percent increase
2 in sulphate concentrations in waters at
3 Canada's and the US's shared boundary.

4 Increased concentrations of these chemicals
5 can cause nutrient and food-chain imbalances in
6 the aquatic ecosystems, migration
7 interruptions, reproductive deformities and
8 failure, and the extirpation of species within
9 affected watersheds.

10 Food harvested in areas affected by the
11 mines is higher in selenium than areas
12 unaffected and can pose potential health
13 effects if consumed too frequently.

14 Researchers have also recently found that
15 selenium is capable of long-range transport.
16 In the Columbia River system, it was detected
17 575 river kilometres downstream from the Elk
18 Valley mines flowing through aquatic ecosystems
19 in Montana, Idaho, and Washington.

20 In comparison, the distance from the
21 headwaters of the Oldman River to its
22 confluence with the South Saskatchewan River is
23 440 kilometres, meaning these contaminants have
24 the potential to flow well past the
25 municipality of Taber and could affect an
26 estimated 210,000 people living within the

1 Oldman watershed.

2 To all those here in support of the
3 exploration project in hopes that it will one
4 day result in a commercial mine, you need to
5 understand that these watersheds do not have
6 any more water to spare.

7 The Alberta Government recommends that to
8 maintain healthy aquatic ecosystems, a river
9 must maintain 85 percent of its natural flow,
10 known as "the instream flow needs". However,
11 the Oldman has already been well overallocated,
12 which means its average natural flow is no
13 longer sufficient to sustain both the in-stream
14 flow needs of the river and the human demands
15 for water.

16 To better put this into context for you, we
17 have already set aside around 66 percent of the
18 river's average natural flow before the needs
19 of the environment are even considered.

20 Although we do have water conservation
21 objectives which are less stringent thresholds
22 that water managers aim to retain in
23 overallocated watersheds, they are regularly
24 not being met, which threatens our long-term
25 river health and viability.

26 To worsen the situation, the average

1 natural flow fluctuates dramatically,
2 particularly in the drought years that we've
3 had recently. In both 2023 and 2024, the
4 annual demand from licenced water users alone,
5 even without considering the water conservation
6 objectives, exceeded the supply in the Oldman.

7 This context is necessary to inform future
8 sustainable development and the -- consider the
9 full implications of allowing coal exploration
10 that intends to result in a commercial coal
11 mine at the Oldman's very headwaters. As the
12 regulatory body responsible for issuing and
13 approving water licences -- our water licence
14 applications and transfers, the AER is
15 implicated in the protection of Alberta's water
16 basins.

17 According to the Water Act,
18 Section 66(3)(b): (as read)

19 The director may consider any existing
20 potential or cumulative effects on the
21 aquatic environment before issuing a
22 temporary diversion licence.

23 And the AWA encourages the AER to do so with
24 this context. The Oldman is already
25 overallocated, and while new water licences
26 cannot be issued within the watershed, it is

1 also evident that permanent or temporary water
2 licence transfers, particularly so early along
3 the river, are not a viable solution either if
4 Alberta is ever to restore the instream flow
5 needs and ensure the Oldman's long-term
6 resilience.

7 While Northback's current proposal requests
8 only 1,500 cubic metres of water, if their
9 application is successful, they will need more
10 water later. Their previous applications for a
11 commercial mine development required almost
12 375,000 cubic metres in permanent and temporary
13 licenced allocations, which is water the Oldman
14 cannot afford to lose. Mining is considered a
15 consumptive use of water, creating tailings
16 contaminated with heavy metals and chemicals
17 that cannot be returned to the river. This
18 represents volumes of water lost from an
19 already overused river system.

20 The presence of tailings on the landscape
21 also creates additional threats as the risk of
22 contaminating nearby water bodies increases.
23 This is evident from the numerous incidents in
24 recent years reported by the AER's Compliance
25 Dashboard that have occurred at existing coal
26 operations whereby wastewater was discharged

1 into the environment when storage ponds failed,
2 flooded, or inadvertently drained.

3 In their written submission, Northback
4 muses that the majority of statement of concern
5 filers did not raise any concerns with respect
6 to the previous exploration programs and that
7 they are not aware of the previous exploration
8 programs having resulted in any adverse impacts
9 to the statement of concern filers, long-term
10 or otherwise.

11 I submit that we are all living through
12 those adverse impacts now. It is an adverse
13 impact to all those who live, work, and play
14 and in general rely on healthy and functioning
15 watersheds in southern Alberta to have to
16 vigilantly advocate that the rivers and their
17 associated ecological, societal, and economic
18 values be retained and protected.

19 It is an adverse impact to all those who
20 have had to mobilize, prepare, and participate
21 in years of time and resource-intensive
22 procedures to limit further degradation of and
23 negative impacts to our ecosystems and species
24 at risk.

25 It is an adverse impact to live with the
26 uncertainty that your water may one day be

1 polluted by a mine upstream. The failure to
2 engage during the first exploration programs in
3 the past was a mistake, and we are here today
4 because we are committed to learning from it.

5 As Northback has indicated in their
6 submission, if the AER chooses to approve their
7 applications, it is likely they will try a
8 commercial coal mine -- try to develop a
9 commercial coal mine. This means that the
10 potential impact of issuing Northback's
11 requested coal exploration program, temporary
12 diversion licence, and deep drilling permit in
13 the near term will result in a full commercial
14 development later associated with all the
15 negative environmental and human health impacts
16 discussed here, which is not in the public
17 interest.

18 Based on a review of the applicable
19 legislation, Northback's current applications
20 do not seem to address all the necessary
21 requirements. Further, the extent of
22 transboundary pollution from the Elk Valley
23 coal mines must also inform the AER's decision.
24 Although outside of the AER's jurisdiction,
25 this previously unknown threat impacts the
26 ecosystems and populations along the eastern

1 slopes and across southern Alberta's
2 watersheds.

3 Considering all the pressures the Oldman is
4 already under, it is unacceptable to incur
5 additional unnecessary -- and unnecessary
6 pollution or potential use at the basin's
7 headwaters.

8 All of the research presented here
9 indicates that the impacts of coal mining are
10 far from localized. It challenges the notion
11 for AER's basis for determining which
12 interested parties be deemed directly and
13 adversely affected and to restrict those who
14 are considered to have full standing in this
15 proceeding or only related proceedings to only
16 those living directly adjacent to the site is
17 evidently not informed by the best available
18 research.

19 AWA requests the AER reject all of
20 Northback's applications and remove the
21 advanced project status from Grassy Mountain.
22 Thank you for your time.

23 THE CHAIR: Thanks for coming
24 back. We have a couple of questions for you.
25 The Panel Questions the Presenter

26 Q THE CHAIR: So you spoke of the

1 Livingstone Porcupine land stewardship plan,
2 and that plan speaks about different levels of
3 protection, which starts from prevention,
4 conservation, conservation offset. And how do
5 you see the link of what the plan recommends to
6 these applications, the exploration
7 applications?

8 A K. HALVORSON: The plan also sets
9 very specific disturbance limits for motorized
10 density of trails. I know -- so I think for
11 restricted motorized access, I believe it's
12 0.6 kilometres per square kilometre, is what is
13 permitted. And in the public lands where
14 Northback has leases, the trail density is much
15 more extensive than that. Like, it's well
16 above that threshold. And while it's -- like,
17 it might not be their fault that those trails
18 are not reclaimed, I feel that their
19 applications should still have to be compliant
20 with that, and we should see a reduction in
21 that trail density as that's prescribed by the
22 Livingstone plan.

23 THE CHAIR: Thank you very much
24 for that answer.

25 My colleague may have another question. So
26 that -- that got answered. Your question got

1 answered. I think both of our questions got
2 answered.

3 Thank you very much.

4 That should be it.

5 So next is our break for supper. We get an
6 extra hour for supper. So we appreciate
7 everybody's willingness to come back for an
8 evening session because that's how we can
9 accommodate some of the participants. And we
10 see everyone at 6:45 tonight. Thank you very
11 much.

12

13 PROCEEDINGS ADJOURNED UNTIL 6:45 PM

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1 Proceedings taken at the Pincher Creek
2 Community Hall, Pincher Creek, Alberta
3 _____
4 December 3, 2024 Evening Session
5
6 P. Meysami The Chair
7 S.F. Mackenzie Hearing Commissioner
8 M.A. Barker Hearing Commissioner
9
10 M.G. LaCasse AER Counsel
11 S. Gibbons AER Counsel
12
13 T. Wheaton AER Staff
14 E. Arruda AER Staff
15 D. Parsons AER Staff
16 A. Stanislavski AER Staff
17
18 M.K. Ignasiak, KC For Northback
19 Holdings Corporation
20 J.D. Eadie For Northback
21 Holdings Corporation
22
23 D. DiPaolo, CSR(A) Official Court
24 S. Murphy, CSR(A) Reporters
25 _____
26

1 (PROCEEDINGS COMMENCED AT 6:45 PM)

2 THE CHAIR: Thanks, everyone.

3 Please be seated.

4 So thank you, everyone, for coming back.

5 Next on the agenda, we have Mr. [sic]
6 Brandy Fehr or Ms.? I apologize. Please
7 proceed.

8 Just a question. Have they been sworn?

9 BRANDY FEHR, Affirmed

10 Direct Evidence of Brandy Fehr

11 B. FEHR: Hello, and thank you
12 for allowing me to speak this evening.

13 My name's Brandy Fehr, and I'm a resident
14 of Crowsnest Pass. Today I'm here to express
15 my support for Northback in their pursuit of a
16 coal exploration program, deep drill permit,
17 and temporary diversion licence.

18 Northback is crucial to our community,
19 providing vital jobs and supporting local
20 businesses. I did submit a statement of
21 concern, not because I was concerned about the
22 project, but because I was concerned about it
23 not happening.

24 This drill program will provide
25 opportunities to our small business community
26 through contractors, retail stores,

1 restaurants, and accommodations. Northback has
2 significantly boosted our local economy,
3 leaving a positive impact on our region,
4 supporting many community groups, events,
5 recreational spaces, and even our children.

6 We frequently visited Crowsnest Pass before
7 moving here in 2012. Thanks to my husband
8 securing a career in coal mining, we were able
9 to relocate to Crowsnest Pass. We invested in
10 a home and enrolled the two daughters in school
11 here and various community activities. My
12 husband serves as a lieutenant with Crowsnest
13 Pass Fire/Rescue, and we both volunteer
14 extensively throughout the community.

15 Our family is just one example of how coal
16 mining supports the community. Northback's
17 Blairmore office employs nearly a dozen people
18 who live in Crowsnest Pass or nearby. They are
19 deeply rooted here and contribute significantly
20 to our community. Northback's project will
21 create numerous professional well-paying jobs
22 and attract many young families to our area.
23 This will not only be through Northback's own
24 operations but also through the additional
25 businesses that will reinvest -- or will invest
26 in our communities as a result.

1 I'm just going to talk a little bit about
2 Northback's community involvement that I have
3 witnessed.

4 I've hosted events in Crowsnest Pass
5 previously. It's been a challenge due to --
6 it's been a challenge due to difficulty in
7 finding volunteers. However, Northback's team
8 has not only provided significant financial
9 support to our events, but also actively
10 they've participated and helped us set up and
11 clean up afterwards. This exemplifies the kind
12 of people that work for Northback.

13 Annually, Northback hosts their Australian
14 night, an event that sells out every year. All
15 proceeds are reinvested into our community
16 benefiting organizations such as Crowsnest
17 Memorial Society, to help maintain the 12 grave
18 sites throughout Crowsnest Pass; Crowsnest
19 CANDO Society, to support the restoration of
20 the Roxy Theatre project; Crowsnest Pass Quad
21 Squad, to support the building and maintenance
22 of bridges and trails for OHV users; Southwest
23 Alberta Skateboard association, to help build a
24 skate park; and Crowsnest Pass Hospital
25 Foundation, to purchase hospital equipment.

26 In 2019, Northback transformed our previous

1 golf course into a world-class facility, making
2 it one of the most scenic and enjoyable golf
3 destinations in Western Canada. The golf
4 course clubhouse features an event space for
5 various large gatherings that was
6 infrastructure our community previously lacked.
7 They also sponsored the Little Rippers program
8 at our local ski hill. This sponsorship helped
9 provide resources and funding to offer a fun
10 and educational experience to young skiers and
11 snowboarders. Additionally, they resloped the
12 ski hill to enhance safety for skiers of all
13 levels and ages.

14 Last year, Northback introduced a nutrition
15 program at the Livingstone Range School
16 Division. This contribution addressed that --
17 addresses food insecurity and promotes wellness
18 among students with food bank visits up
19 73 percent since 2019, this program is crucial.
20 My daughters are in Grade 4 and Grade 2, and
21 they've come home and let us know of classmates
22 they see with little to no food.

23 A large chunk of our community travels west
24 to work each day, including my husband, to the
25 mines on the other side of the Alberta-BC
26 border, Elk Valley Resources. Northback's

1 project would provide more job opportunities
2 within our community, resulting in a safer
3 alternative for those commuting.

4 We have amazing environmental and safety
5 controls in Canada, some of the best in the
6 world. And when combined with some of the best
7 natural resources available, this can be an
8 extremely beneficial industry right here at
9 home. A drilling program of 25 test holes will
10 provide valuable technical data that is just
11 the start of this process.

12 Northback has demonstrated a strong
13 commitment to our community. I am confident
14 that, given the regulations and standards they
15 follow, they will continue to responsibly
16 support and enhance our community environment.
17 Failure to move forward with this project would
18 result in loss of support from many regional
19 projects, events, potential infrastructure,
20 jobs, and leave Grassy Mountain in its current
21 state: a mess.

22 Thank you for considering my concerns.

23 THE CHAIR: Thank you very much.

24 B. FEHR: Thank you.

25 THE CHAIR: Thank you.

26 And we have Mr. Rob MacGarva.

1 ROB MACGARVA, Affirmed
2 Direct Evidence of Southwest Alberta Skateboard
3 Society - Rob MacGarva

4 R. MACGARVA: Hello.

5 THE CHAIR: You may proceed.

6 R. MACGARVA: Okay. Thank you.

7 Hello. My name is Rob MacGarva. I wrote
8 an email in support of Northback's deep drill
9 permits, coal exploration program, and
10 temporary diversion licence.

11 I am the president of the Southwest Alberta
12 Skateboard Society. Our club has been involved
13 in Pincher Creek being instrumental in
14 expanding their skateboard park, and our recent
15 goal is to raise nearly a million dollars for a
16 new skateboard park and wheeled-sport facility
17 in the Crowsnest Pass.

18 After applying for donations from industry
19 in the Pincher Creek area, the wind farm
20 projects, and even Shell, now Pieridae, we were
21 not able to generate any funds; either a flat
22 no, unanswered calls and messages, or "we only
23 donate to Pincher Creek area projects" was the
24 result. Trying to get industry donations in
25 the past from the Crowsnest Pass's main
26 employer across the BC border, mainly the

1 mining industry, those mines support their
2 local BC communities but have yet to say yes to
3 our particular club.

4 I moved here 47 years ago when I was just a
5 little guy, one year old. The Crowsnest Pass
6 mines were still running. It was founded and
7 always has been a coal town. Then the mines
8 shut down, and our community went into a
9 recession.

10 Since then, the BC mines have revived us
11 somewhat, but we've lost the sawmill, a large
12 gas plant, and other industry, leaving our
13 community, the Crowsnest Pass, struggling for
14 commercial businesses that support the
15 community.

16 So enter Northback onto the scene, and they
17 welcomed our request for funding with open
18 arms. The Southwest Alberta Skateboard Society
19 has received their largest support from
20 Northback. This support was no strings
21 attached, just them helping out a local club
22 that it's committed to helping the community of
23 the Crowsnest Pass.

24 So, of course, we were supportive of them
25 and what we could see them doing in our
26 community with local clubs and such.

1 Sadly, we have received threats to take
2 donations back from our club due to us, the
3 Southwest Alberta Skateboard association,
4 appearing on this hearing list tonight. As we
5 were supportive of Northback, this obviously
6 was coming from a donor that was unsupportive
7 of Northback. Then another of our board
8 members was approached by someone who received
9 an email from the Livingstone Landowners Group
10 and was pushing to get the SWAS society name
11 off the list.

12 Unlike Northback's financial support, which
13 was made well before our public support
14 apparently, some other donors are strings
15 attached and now are threatening to take the
16 donations away if the SWAS name stands as a
17 supporter of Northback.

18 I find this to be troubling and consider it
19 to be meddling in the AER process. The kids
20 that we are fundraising for to build this new
21 skate park in the Crowsnest Pass, our community
22 voted 73 percent in favour of Northback
23 proceeding. We do not wish to lose any
24 donations due to our support of Northback, so
25 you'll notice that the Southwest Alberta
26 Skateboard Society's name was removed from

1 behind my name in the recent updated AER list.

2 I stand before you as Rob MacGarva,
3 longtime resident, local volunteer for many
4 support teams that have seen great support from
5 Northback. New soccer nets for the kids. Ski
6 hill programs for children and that sort of
7 thing. I take my three kids golfing with my
8 wife to the Crowsnest golf course, family golf
9 subsidized by Northback. I wouldn't go golfing
10 otherwise; it's quite expensive.

11 I'm a parent always involved in the
12 schools. Northback funds a nutrition program
13 at Livingstone School, also a breakfast program
14 for the Livingstone Range School Division.

15 Northback has come into our community and
16 shown that they are committed supporting us,
17 particularly youth programs is what I've
18 noticed, and they have become a part of the
19 Crowsnest Pass already. This town was founded
20 and is still here because of the mining
21 industry. We need the support that a
22 commercial business like Northback brings as
23 they support the community.

24 I'm going to just tell you a little bit
25 about why I'm up here. The Crowsnest Pass had
26 a facility in Blairmore called the Albert

1 Stella Memorial Arena. It was built by
2 volunteers in the 1950s, and I'll betcha most
3 of those guys were miners because it's a coal
4 town and originally a hockey skating arena with
5 a curling rink.

6 Then it was converted to an indoor facility
7 but had a skateboard park, a climbing wall,
8 indoor turf that was used for soccer, baseball,
9 et cetera. It was a multiuse facility.

10 It was demolished because the municipality
11 could not afford to keep it running or fix it
12 up. And now, as before, volunteers are looking
13 to replace what is lost. The municipality
14 simply cannot afford to replace this facility.

15 In Sparwood, across the border, the mining
16 industry funded their multiuse facility, their
17 swimming pool, climbing wall, racquetball,
18 squash, weight lifting, exercise facility, and
19 hockey arena. The industry supports the town.
20 This takes much strain off the volunteers and
21 municipalities that are stretched to provide
22 recreational opportunities like we have lost in
23 the Crowsnest Pass.

24 This hearing about the drilling application
25 and its approval will have a large impact or a
26 domino effect on the future of our community.

1 Northback's community support is important. It
2 means something to us. Their support to local
3 clubs, schools, programs, and the community is
4 an asset to the Crowsnest Pass. I would like
5 to see these applications approved as a
6 positive thing for our community.

7 As a longtime resident, it's funny hearing
8 people talk about the "mess" and "eyesore" that
9 the abandoned mine was. I never considered
10 that. Every time I see an old mine building, I
11 see our history. We used to go up to the old
12 open-pit mines on Grassy Mountain as kids and
13 cliff jump into the clear water of the flooded
14 pits and their sheer walls. And the water was
15 not gross. I'm not joking. It was clear
16 water.

17 Knowing these regulations that now exist
18 for environmental standards, I believe
19 Northback can be trusted with a piece of land
20 that was left as an abandoned mine and make use
21 and reclaim it when done.

22 In the meantime, the jobs and economic
23 benefit to the community will allow the
24 Crowsnest Pass to thrive economically as we
25 have no large industry to speak of in our
26 community. When the world is ready to stop

1 driving cars that run off fossil fuels made of
2 steel with all our gadgets that require lithium
3 mining, et cetera, then we have to realize that
4 mines will be around until we 100 percent stop
5 our current lifestyle that depends on mining.

6 "Not in my backyard" is often the word
7 spoken. Metallurgical coal is what's in the
8 Grassy Mountain mine. And if not here, then
9 where? Let's do it here where we have
10 regulations and environmental processes while
11 we search for alternatives.

12 Thank you.

13 THE CHAIR: Thank you very much.
14 We have one question for you, if you would be
15 so kind to come back to the podium, please.

16 R. MACGARVA: For sure.

17 The Panel Questions the Presenter

18 Q COMMISSIONER MACKENZIE: I just wondered,
19 could you tell us, how large is the club and
20 kind of what age are the children or the
21 adults, or is everybody welcome? Just tell us
22 a little bit about it.

23 A R. MACGARVA: Oh, a hundred
24 percent everyone is welcome, but it's mostly
25 kids. How many? I think at the most we had
26 200 regular members, but that would have been,

1 you know, over the course of a couple of years.
2 So we had the club before this building got
3 demolished, and we took memberships, basically.
4 And how many people? I guess we can't really
5 say because the club -- we don't have a
6 membership right now 'cause there is no skate
7 park. The building was demolished -- I don't
8 know how many years.

9 But if you want to count the number of
10 kids -- and it's not just skateboarding,
11 rollerblading BMX bikes, scooters, skateboards,
12 and -- yeah, our plan is just to have this
13 facility, which many do, Pincher Creek has one,
14 Lundbreck. You guys are maybe from Calgary.
15 There's about four or five. I guess I can't
16 really give an estimate of how many kids would
17 use this. Yeah.

18 COMMISSIONER MACKENZIE: Thank you very much.
19 Thanks.

20 Q THE CHAIR: So before you sit
21 down, after the building got demolished, which
22 you can't remember when it happened, is there a
23 public -- public facility, sports facility, in
24 the community at the moment?

25 A No. No. Nothing. It's never been replaced.
26 I would say it's ten years. You know how time

1 flies? It's probably about that. There's
2 likely someone here who knows exactly when, but
3 I can't recall when the building was demolished
4 or when it got closed. It was closed for a
5 couple of years before it actually got
6 demolished. Maybe a couple or three years,
7 yeah.

8 THE CHAIR: Thank you very much.
9 Thank you. Thanks for your presentation.

10 R. MACGARVA: Thank you.

11 THE CHAIR: So this brings us to
12 the conclusion of our -- this day of the
13 hearing. And tomorrow we are going to meet
14 again here at 9:00. Thank you very much for
15 your participation and attention today. Thank
16 you.

17

18 PROCEEDINGS ADJOURNED UNTIL 9:00 AM,

19 DECEMBER 4, 2024

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1 CERTIFICATE OF TRANSCRIPT:

2

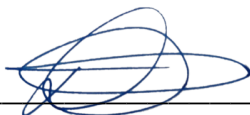
3 We, D. DiPaolo and S. Murphy, certify that
4 the foregoing pages are a complete and accurate
5 transcript of the proceedings taken down by us
6 in shorthand and transcribed from our shorthand
7 notes to the best of our skill and ability.

8 Dated at the City of Pincher Creek,
9 Province of Alberta, this 3rd day of December
10 2024.

11

12

13



14

D. DiPaolo, CSR(A)

15

Official Court Reporter

16

Commissioner for Oaths Appointee No. 0751145

17

ASRA Membership No. 386

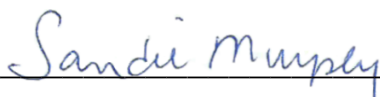
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NCRA Membership No. 1003835

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S. Murphy, CSR(A)

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Official Court Reporter

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