



# **Milner Power Inc.**

**No. 14 Mine Project  
Grande Cache Area**

**October 27, 2009**

**ENERGY RESOURCES CONSERVATION BOARD**

Decision 2009-062: Milner Power Inc., No. 14 Mine Project, Grande Cache Area

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# ENERGY RESOURCES CONSERVATION BOARD

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Calgary Alberta

**MILNER POWER INC.  
NO. 14 MINE PROJECT  
GRANDE CACHE AREA**

**Decision 2009-062  
Application No. 1521988**

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## **1 DECISION**

The Energy Resources Conservation Board (ERCB/Board) notes both the resolution of an outstanding objection and the decision not to participate by the remaining objector. As a result, the Board has cancelled the hearing scheduled to consider Application No. 1521988. The Board also notes that the application meets all ERCB requirements. The Board, subject to the approval of the Lieutenant Governor in Council, will therefore approve Application No. 1521988.

## **2 INTRODUCTION**

### **2.1 Application**

Milner Power Inc. (Milner) applied to the ERCB, pursuant to Sections 10(1)(b) and 11(a) of the *Coal Conservation Act*, for a permit to develop the coal mine site and a licence to commence mining operations at the Milner No. 14 Mine. The project consists of underground workings and associated infrastructure to be located north of the town of Grande Cache on Grande Mountain.

The proposed underground room and pillar coal mine is designed to produce 480 000 tonnes of raw coal per year for 27 years. Coal is to be transported via Highway 40 to the HR Milner Generating Station 20 kilometres north of Grande Cache, where it is to be used as fuel for electrical generation.

### **2.2 Interventions**

Two statements of intent to participate were filed with the ERCB subsequent to the July 15, 2009, ERCB notice of hearing.

Mike Hovey, a homeowner in the town of Grande Cache, had concerns about Milner's proposed water management plans and the possible impacts on the Grande Cache water supply.

Steve Tocher, a resident of Grande Cache and representative of Grande Mountain Village and Ski Resort Ltd. (Grande Mountain), expressed concerns regarding land tenure and Milner's proposed water and air quality management plans.

### **2.3 Hearing**

The Board scheduled a public hearing in Grande Cache, Alberta, on October 28, 2009, before Board Member J. D. Dilay, P.Eng. (Presiding Member) and Board Members G. Eynon, P.Geol., and M. J. Bruni, Q.C.

### 3 DISCUSSION

Milner engaged in facilitated negotiations with Mr. Hovey on September, 21, 2009, which resulted in an agreement between the parties. On September 23, 2009, the ERCB received a letter from Mr. Hovey withdrawing his objection.

On Oct 14, 2009, Mr. Tocher advised Board Counsel that neither he nor Grande Mountain would be filing any submissions or participating in the Board's hearing process.

Given the withdrawal of objection by Mr. Hovey and Mr. Tocher's decision not to participate in a hearing, the Board cancelled the hearing of Application No. 1521988.

Dated in Calgary, Alberta, on October 27, 2009.

#### **ENERGY RESOURCES CONSERVATION BOARD**

*<original signed by>*

J. D. Dilay, P. Eng.  
Presiding Member

*<original signed by>*

G. Eynon, P.Geol.  
Board Member

*<original signed by>*

M. J. Bruni, Q.C.  
Board Member