

BY E-MAIL ONLY

May 2, 2016

Marlene Lanz, President

**Métis Nation of Alberta, Region 3**

Calgary Head Office  
Suite 1000, 250 – 5 Street SW  
Calgary, Alberta T2P 0R4  
Canada

[www.aer.ca](http://www.aer.ca)

**APPLICATIONS No. 1845520 and 1845522 from Benga Mining Limited**

**TRACKING NO. 30231**

Dear Marlene Lanz:

The Alberta Energy Regulator (AER) acknowledges receipt of your letter dated April 12, 2016, in which you outlined some concerns about the subject Application. Your letter has been received after the deadline for filing Statements of Concern. The *Responsible Energy Development Act* and the *AER Rules of Practice* require you to file a statement of concern within the deadline set out in the Notice of Application, unless the AER permits you to file the SOC late.

The AER has decided to permit your late filing. In deciding this matter, the AER considered the following:

- 88 days have passed since the deadline for filing.
- Benga Mining has filed two applications under the Coal Conservation Act (CCA) to date, and will be filing additional applications for the Grassy Mountain Coal project in the coming months. These may include applications under the Environmental Protection and Enhancement Act, the Water Act, the Public Lands Act, and an additional CCA application. Public notice of those applications will be issued by the AER once they are filed and you would have an opportunity to file a Statement of Concern regarding the project at that time.
- Considering all of the above, extending the deadline would not cause an unreasonable delay in processing the Application.

By way of copy of this letter to Benga Mining, we are requesting they contact you to attempt to address your concerns, as provided under AER requirements.

Please note that the AER has no jurisdiction over matters of compensation for land usage. The Alberta Surface Rights Board is the regulatory agency that deals with these issues. Further the AER has no jurisdiction with respect to assessing the adequacy of Crown consultation associated with the rights of aboriginal peoples.

The AER offers and strongly recommends you make use of our Alternative Dispute Resolution (ADR) program which features either staff or third party mediation arranged through an AER mediator. Please contact Julia Fulford at 403-476-4981 for more information on this process. Further information about this program is available through *EnerFAQs: All About Alternative Dispute Resolution* and *Manual 004: ADR Alternative Dispute Resolution Program and Guidelines for Energy Industry Disputes* on the AER web site, (<http://www.aer.ca>), under Applications & Notices, Alternative Dispute Resolution (ADR) Process.

Please note that Section 49 of the *Alberta Energy Regulator Rules of Practice* (Rules) requires that all documents filed with the AER be placed on the public record. However, any party may file a request for confidentiality of information under Section 49 prior to filing the information with the AER. Any request under Section 49 must be copied to the other parties to the proceeding. Section 49 of the Rules is available at the AER website at [www.aer.ca](http://www.aer.ca).

If you have any questions, contact Rushang Joshi at 403-297-8494 or e-mail [rushang.joshi@er.ca](mailto:rushang.joshi@er.ca).

Sincerely,

Elizabeth Grilo  
Director, Mining Authorizations

cc: Cal Clark, Benga Mining Limited  
Authorizations Branch Support  
AER Midnapore Field Centre  
AER Aboriginal Relations  
Aboriginal Consultation Office

bcc: Julia Fulford, AER Mediator