

August 5, 2020

By Email Only

Richard C. Secord  
Ackroyd LLP

**Statement of Concern No. 31758**  
**Benga Mining Limited**  
**Application No. 1928782**

Dear Mr. Secord:

You are receiving this letter because you filed a statement of concern (SOC), on behalf of the Coalition of Alberta Wilderness Association (AWA) and Grassy Mountain Group (GMG) about Application No. 1928782. The Alberta Energy Regulator (AER) has reviewed your SOC, along with the application, and all applicable requirements and other submissions or information about the application. The AER has decided that a hearing is not required to consider the concerns outlined in your SOC.

In our review of the concerns, we considered the following:

- The proposed project is located on private lands which are owned by Benga Mining Limited (Benga).
- Regarding the concerns about disturbance and environmental impacts, Benga has committed to conducting a pre-disturbance site assessment to further clarify any potential environmental impacts and the necessary mitigations to avoid or eliminate these potential impacts. On this basis it appears environmental impacts are expected to be low.
- The concerns regarding the potential for Benga to exceed the linear disturbance threshold, as outlined in the *Livingstone-Porcupine Hills Land Footprint Management Plan* (LFMP) are outside the scope of the current application, as the LFMP is only applicable to activities located on Public Lands.
- In regards to the concerns about sediment erosion, and the impacts it may have on the contamination of water bodies, Benga is required to abide by the *Code of Practice for Exploration Operations* made under the *Environmental Protection and Enhancement Act* and in particular section 5.1.9 which states

“The person who conducts or reclaims an exploration operation shall, until a self-sustaining vegetation cover is established, implement erosion control methods in disturbed area.”

- The concerns expressed are general and not supported with any evidence. There is no basis for concluding the members of AWA or GMG may be directly and adversely affected.
- You, as well as the members of the AWA and GMG, have not requested a hearing be held.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the application. The AER has issued the applied-for permit and this is your notice of that decision. A copy of the permit is attached.

All AER-regulated parties must comply not only with the conditions of their authorizations, but with all of the AER’s regulatory requirements. To ensure industry compliance the AER has developed its *Integrated Compliance Assurance Framework*, which embodies the three main components of all effective compliance assurance programs, those being education, prevention, and enforcement. You can find out more about how the AER verifies industry compliance and responds to noncompliance here: <https://aer.ca/regulating-development/compliance/compliance-assurance-program>.

You may file a regulatory appeal on the AER’s decision to issue the permit if you meet the criteria within section 36 of the *Responsible Energy Development Act*. Filing instructions and forms are located here: <https://www.aer.ca/regulating-development/project-application/regulatory-appeal-process>.

If you have any questions please contact [SOC@aer.ca](mailto:SOC@aer.ca).

Sincerely,

<Original Signed By>

Steven Van Lingen  
Director, Oil Sand Mining & Coal  
Regulatory Applications  
/mc

Attachment (1): Permit

cc: Brian Duff, Benga Mining Limited  
Charly Wang, AER  
Doug Koroluk, AER  
SOC Inbox, AER  
Midnapore Field Centre, AER