Alberta Energy Regulator

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September 29, 2026

By email only:

MLT AIKINS LLP
Attention: Jessica D. Buhler

Re: Lac Ste. Anne Métis Community Association
CST Canada Coal Limited
***Coal Conservation Act* Application No. 1961168**
***Environmental Protection and Enhancement Act* Application No. 020-00155804**
No. 12 South A Underground Mine Development
Lac Ste. Anne Métis Community Association Request for Confidentiality for Information Filed Regarding Statement of Concern No. 33082

Dear Ms. Buhler:

The Alberta Energy Regulator (**AER**) has considered Lac Ste. Anne Métis Community Association's (**LSAMCA**) request submitted on August 6, 2026, in accordance with section 49(3) of the *Alberta Energy Regulator Rules of Practice* (**Rules**) for confidentiality (**Confidentiality Request**). The Confidentiality Request relates to redacted portions of a report (**Report**) containing information and maps identifying LSAMCA members' current and historical traditional land use in the area of CST Canada Coal Limited's (**CST Canada**) proposed No. 12 South A Underground Mine (**Project**).

The LSAMCA proposes to submit an unredacted version of the Report in support of Statement of Concern No. 33082 (**SOC**), which it filed on May 21, 2026 in respect of CST Canada's above-noted Applications. The Report discusses LSAMCA's use of lands and resources for traditional purposes within a 5 km buffer of the Project footprint. LSAMCA describes the Report as follows:

> The IKUO [Lac Ste. Ane Métis Knowledge, Use & Occupancy] Report discusses LSAM's current and historical use of lands and resources for traditional purposes in or within 5 km of the Project footprint, and how these activities may be directly and adversely affected by the Project. The information contained in the IKUO Report is drawn from confidential information recorded during Indigenous Knowledge, use, occupancy and map biographical interviews with LSAM community members as well as knowledge of collected during field visits.
>
> The IKUO Report contains scientific and technical geographical and biological information regarding the location of certain species. The information in the IKUO Report is also commercial or financial in that LSAMCA members use this traditional knowledge to sustain themselves as a way of life. The IKUO Report contains maps and associated data showing the locations of culturally important

hunting, trapping, and fishing areas, food and medicinal plant gathering areas, traditional camps, and travel routes. The maps and photos in the IKUO Report include some easily recognizable locations. The maps indicate certain exact locations of traditional use and occupancy points, harvesting areas, and traditional use access routes and trails.

LSAMCA provides the following reasons for its Confidentiality Request:

1) The Report reveals information that could be used by others in ways that are inconsistent with the value of that information to the LSAM. The Report reveals information, such as hunting, trapping, gathering and fishing locations and/or harvesting times, that could be used by others in a way that results in harm to the competitive position of LSAMCA harvesters.

2) Publication of the Report could also cause undue financial hardship to LSAMCA members. If the public were to become aware of the timing and location of its traditional hunting, trapping, gathering and fishing locations, these areas may become overharvested, leading to a loss of LSAMCA members' abilities to practice their Métis Aboriginal rights in their traditional territory. If this were to occur, the ability of LSAMCA members to support themselves via their traditional lifestyle would be lost, resulting in undue financial loss.

3) Publication of the Report could also result in public interference with the cultural and historical sites referred to in the Report, or could interfere with LSAMCA members' ability to visit, pay homage to, or practice their spirituality at these sites.

CST Canada did not provide comments in response to the LSAMCA's Confidentiality Request.

For the reasons that follow, the AER has decided to **grant** the Confidentiality Request.

Reasons for Decision

It is a fundamental premise of the AER's decision making process, and a requirement under section 49(1) of the Rules, that all documents filed in respect of a proceeding be placed on the public record. Public disclosure in the name of procedural fairness and transparency is the overriding general principle reinforced in section 49(1) of the Rules.

However, section 49 also recognizes the legitimate need, when established, of a party to protect confidential or sensitive information where disclosure of that information is likely to result in harm to such party's competitive, financial, or personal interest, and such harm outweighs the benefit to the public interest of disclosure. Exceptions to disclosure will only be granted where the party requesting confidentiality has positively and demonstrably met the section 49(4) criteria. A confidentiality ruling is highly fact and situation specific.

Under section 49(3) of the Rules, a request for confidentiality must "(b) briefly describe (i) the nature of the information in the document that is the subject of the request, and (ii) the reasons for the request, including

the specific harm that might result if the document were placed on the public record." The AER is satisfied the Confidentiality Request meets these requirements.

The LSAMCA submitted its request under section 49(4)(b) of the Rules. Accordingly, the AER has considered whether the information contained in the redacted portions of the Report falls under the category of information that, if disclosed, "could reasonably be expected (i) to cause significant harm to the competitive position of a party, or (ii) to result in undue financial loss or gain to any person or organization."

The AER has determined that the redacted portions of the Report, as described in the Confidentiality Request, contain information that meets the criteria in section 49(4)(b) of the Rules.

In particular, it is reasonable to expect that disclosure on the public record of the redacted information and maps in the Report could cause an increase in competition for resources at the locations identified, as argued by the LSAMCA, which could result in significant harm to LSAMCA members' competitive position or result in undue financial loss to LSAMCA members who rely on the traditional knowledge to sustain themselves. Further, the AER is mindful of the cultural sensitivity around disclosure of traditional land use activities and their locations.

Significantly, CST Canada has not opposed the Confidentiality Request, and the AER has no information or argument contrary to LSAMCA's position.

The AER is therefore prepared to grant confidentiality over the redacted portions of the Report, subject to the limitation below.

The AER is currently considering whether a hearing should be held on the Applications, which includes consideration of statements of concern filed in respect of the Applications. If the AER decides to hold a hearing, hearing participation would be determined by a hearing panel based on information submitted in response to a notice of hearing. Accordingly, this grant of confidentiality over the redacted portions of the Report is only for the purpose of considering LSAMCA's SOC and deciding whether a hearing should be held. If a hearing is held, LSAMCA will need to reapply for confidentiality for the purposes of the hearing.

The AER asks that the LSAMCA file the unredacted Report by no later than **October 2, 2026**. The unredacted Report will not be placed on the public record.

LSAMCA must also provide the unredacted Report to CST Canada, provided that CST Canada provides an undertaking stating that it will hold the unredacted Report in confidence and use it only for the purpose of this proceeding.

Sincerely,

<original signed by>

Karen Lilly

Vice President, Law and Associate General Counsel

cc: Ryan Gow, CST
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