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February 26, 2020

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By Email Only

JFK Law Corporation on behalf of
Ermineskin Cree Nation

Black Eagle Mining Corporation
Application No. CEP190008
Statement of Concern No. 31669

Dear Sir/Madam:

You are receiving this letter because you filed a statement of concern (SOC) regarding application no. CEP190008. The Alberta Energy Regulator (AER) has reviewed your statement of concern, along with the company's 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 statement of concern.

In our review of ECN's concerns, we considered the following:

- Impacts from the Coal Exploration Program (CEP) are localized and temporary in nature. The letter of authority is issued for a five (5) year term; two (2) years for operations and three (3) years for reclamation.
- Some of the CEP area has been previously disturbed by the Forest Management Agreement (FMA) holder and there has been substantial logging disturbance. Black Eagle has submitted that it will work with the FMA holder to utilize much of this area in order to minimize environmental disturbance.
- ECN's concerns around noise and health are general in nature, and there is insufficient information to determine that ECN may be negatively affected in this regard.

- With respect to ECN's concerns regarding potential impacts to water, the proposed CEP corehole locations will have a 100m setback buffer zone from any watercourse and berms will be constructed to prevent any water contamination.
- Water and flow monitoring stations will be installed both inside and outside of the lease boundaries within the program area to minimize potential impacts on water systems.
- The CEP drilling will not require any chemical additives and will not generate any chemical waste.
- With respect to ECN's concerns regarding access to the lands within the CEP area, the sites will be entered via foot, ATV or truck using existing roads/trails and seismic lines. Black Eagle has submitted that where reasonably possible, it is willing to adjust its work schedule and locations to mitigate any conflicting activities if ECN members desire access to specific locations within the CEP area.
- With respect to ECN's concerns regarding potential impacts to wildlife, wildlife cameras will be installed inside and outside the lease boundaries within the program area to monitor and ensure wildlife is protected during operations. Black Eagle has submitted that if wildlife is actively encountered during exploration operations, it will take steps to curtail activities in that specific area until such time as the wildlife has moved on to other locations.
- Black Eagle submits that it will adhere to all timeline restrictions imposed in the Grizzly Bear Zone and Key Wildlife Biodiversity Zones in relation to the concerns regarding species at risk.
- The concerns regarding Crown consultation are outside the AER's jurisdiction and should be addressed to the Aboriginal Consultation Office (ACO).
- Black Eagle is required to meet all environmental and regulatory requirements.

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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 approval and this is your notice of that decision. A copy of the approval is enclosed.

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 approval if you meet the criteria within section 36 of the *Responsible Energy Development Act*. Filing instructions and forms are on our website under Regulatory Appeal Process.

If you have any questions please contact SOC@aer.ca.

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Sincerely,

<Original Signed By>

Lane Peterson
Director, Regulatory Applications
/bg

Enclosure (1): Approval

cc: Steven Gardner, Black Eagle Mining Corporation
Emma Hesse, The Lornel Group
SOC Assessor, AER
Wainwright Field Centre, AER
Indigenous Relations, AER
Aboriginal Consultation Office - FNC201907392