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Regulatory Applications  
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April 4, 2021

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From: Crowsnest Conservation Society  
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Re: Concerns and Recommendations Related To  
Montem Resources Proposed Terms of Reference For  
Environmental Impact Assessment Report For  
Tent Mountain Mine Project

## **Introduction**

The Crowsnest Conservation Society (CCS) board hereby petitions the Alberta Energy Regulator for standing as a key participant in all invitations for written submissions, public comment, public hearings, and/or open houses related to Montem Resources' activities in southwestern Alberta, and specifically in regard to their proposed Terms Of Reference (pTOR) and subsequent Environmental Impact Assessment (EIA) for the Tent Mountain Project, as well as the anticipated regulatory review process associated with their Chinook Project. Please include us in your public notices or bulletins regarding progress in these matters.

The CCS is not-for-profit organization based in the Crowsnest Pass, and devoted to ensuring a healthy future for the natural environment in the region surrounding our community and the people and wildlife that live within it. The Tent Mountain site lies within the southwest boundaries of our municipality, and mining operations at that site may impact objectives in our strategic plan for activities within the region.

We are the only local group with conservation of the natural environment as a primary purpose. A principal objective in our strategic plan is to promote awareness and enjoyment of the unique natural heritage of the Crowsnest Pass (CNP) among residents and visitors alike. We held our first meetings in 2004, were incorporated in 2005, and became a registered Charitable Organization with Revenue Canada in 2009.

Most members of our Society, many of them lifetime members, are local residents, and therefore directly affected by the prospect of new mining projects in our area. Many have spent

their lifetimes in “the Pass”, while others who left the community for careers in a broad variety of occupations eagerly returned as retirees to the home and landscape that shaped their early lives. Still others migrated here from nearby or distant places, attracted by the friendly towns, relaxed lifestyle and ready access to the outdoor recreation opportunities that beckon from all sides of our valley. New businesses have sprung up to support and nurture these opportunities, creating a visibly growing sector of our local economy. We take special delight in seeing young families in the community; they remind us that there is no better place, anywhere, for children to grow and flourish.

Our volunteer board members reflect a broad cross section of the community. We feel privileged to contribute our time, talent and enthusiasm to applying the environmental conservation principles set out in our mission statement and strategic planning document. We are competent, experienced, and capable of making scientifically informed decisions based on sound ethical principles that reflect our organizational mission, and most of all, serve the best interests of the Crowsnest Pass and its people.

The CCS was deeply involved in the recent deliberations of a federal-provincial Joint Review Panel (JRP) which closely examined the Benga Mining Grassy Mountain Project, specifically its Environmental Impact Assessment. In our role as a full and active participant, we submitted timely documents and position papers, exercised our options to present and cross-examine expert testimony, and filed our submissions in the permanent archive of the Panel. We have estimated that several hundred hours of volunteer time was invested in this contribution.

We note that the pTOR submitted by Montem Resources and the EIR filed by Benga Mining and examined by the JRP are indeed quite similar in outline. Our experience in the Panel process has prepared us well to identify issues and prepare recommendations for the Tent Mountain Project and any others that may develop in the region.

## **Concerns and Recommendations**

### **1. Water Availability and Quality**

[A] Tent Mountain is located at the headwaters of the Crowsnest River watershed, so any reduction in volume or infusion of contaminants is significant for the entire aquatic ecosystem downstream, including the CNP. Together with the Oldman and Castle Rivers, the Crowsnest River ultimately provides water for drinking, agricultural, rangeland and total ecological support across the breadth of Alberta, Saskatchewan and Manitoba, as the South Saskatchewan River watershed. We intend to carry this broad and necessary perspective through each of the following sections of our submission.

[B] Regarding the issue of Permits and Authorisations [sic], which includes water access and management strategies, the Technical Assessment Report (TA Report) provided to Montem by SRK Consulting in August 2020 provides perhaps the best overview of this topic. The Report

includes these notices and caveats: “This current Environmental Protection and Enhancement Act (EPEA) approval does not allow active mining and will require amendment in order to restart mining at Tent Mountain.”; “Montem will require updated approvals to capture, collect, treat and manage surface runoff and groundwater as part of the water management program. Montem will also require approvals for surface and groundwater licences and approvals under the Water Act.”; and “On 28 April 2020, Montem received notice from the Impact Assessment Agency of Canada that the Tent Mountain Mine as currently defined will not require federal review.” Additional paragraphs in the Report list road-use agreements and current approval processes involving coal mining in BC (although not in Alberta).

In view of the facts that certain licenses and approvals are still outstanding, and that Montem must still prepare a comprehensive Environmental Impact Assessment (EIA) that satisfies the requirements set by the Alberta Energy Regulator, the CCS will defer comments on the topic of water availability until the EIA itself becomes available for public scrutiny.

[C] Regarding the matter of water quality, the Technical Assessment Report states that in the mine dewatering stage to be completed before actual mining resumes, three types of water will need to be managed on site. Two of those, water in historic mining pits and precipitation or runoff that has not yet entered pits or waste rock storage facilities, are judged to be “suitable for discharge to the environment”. The third is mine-affected water which has directly interacted with pits and/or waste rock, and therefore “requires treatment prior to discharge”.

First of all, CCS has an abiding concern about discharge of any kind that flows downstream from a mine site. Aside from the forthcoming specification of contamination limits that the Alberta Energy Regulator may require in the Montem EIA, as we discuss later in this section, we have an additional concern. The TA Report’s Environmental Management Plan refers to a series of scientific studies conducted by Montem since 2018; the first to update all required baseline information; then others to “assess the determination of any effects associated with the resumption of mining operations”; and finally, others to address mitigation requirements.

We raise our concern about the establishment of baseline information that may ignore entirely the effects of historic mining operations, as well as the ambient levels of contamination in local water bodies and tributaries. To be specific, the real baseline for contaminants for this project should be set, insofar as possible, at levels that predate the historic mining operations at Tent Mountain. Additional reference should be made to baseline data collected from watercourses not already impacted by mining operations.

In addition, the current concentration of selenium and other contaminants in Crowsnest Lake, Crowsnest Creek and Ptolemy Creek should be included in the Montem EIA document to communicate to regulators and the local community a more thorough understanding of already existing impacts to water quality. These considerations would sharpen the accuracy of estimating site conditions prior to mining disturbances, and would appropriately lead to a more stringent standard for limiting the effects of future mining operations at the site. To set baselines at current levels of contamination, and only at the Tent Mountain site, thereby

disregarding ambient levels, is sure to approach or violate the standard set by provincial water quality regulations for the entire watershed.

[D] Levels of selenium and other contaminants have been demonstrated to accumulate in watercourses, lakes and dams downstream from open pit coal mines. These contaminants, especially selenium, tend to persist over very long periods of time, are known to enter the tissues of aquatic and land species, and have been shown to cause severe impacts on populations of insects and provincially and federally protected fish. Potentially they threaten the health of wildlife and human populations as well.

The Province of Alberta has set a very specific limit of 1.0 micrograms per liter on selenium concentrations in its waterways. The CCS strongly recommends that the AER specifies this value as the required, measurable maximum concentration that Montem must agree to, and adhere to, in its Environmental Impact Assessment. We also reiterate our position on the definition and incorporation of accurate baseline values as presented in section [C] above.

[E] We vigorously emphasize the importance of aquatic cumulative effects that inevitably threaten to violate contamination standards required of individual projects when additional ones are active or proposed in the same watersheds. Notable examples are close at hand. In the neighbouring Elk Valley of BC, Teck Coal's multiple operations next to several tributaries of the Elk River emit contaminants, again including selenium, that have impacted downstream populations of fish as far away as the Flathead Valley in Montana. Sadly, this has required the imposition of a record fine of \$60M levied by Environment Canada under a settlement decision in the Provincial Court of BC announced on March 26, 2021. Just over a year ago Teck admitted to its bafflement at the collapse of the cutthroat trout fish population in a long stretch of the Elk River near Elkford. The Ktunaxa Nation Council has just released a statement saying "This case, the charges laid, and the fines assessed, are steps in acknowledging the harm that has been and continues to be done to [the land and water] by development impacts done without Ktunaxa consent." This sorry state of affairs should not be allowed to happen in southwestern Alberta.

In our own region and watershed, several active or likely coal mining proposals may adversely impact the Crowsnest Pass. We count the Tent Mountain and North projects, almost side by side across the AB/BC border, the Grassy Mountain project very near the town of Blairmore, and Montem's huge Chinook North and South projects, which include several separate mine sites, already permitted for coal exploration on both sides of Highway 3, near the Jim Prentice Wildlife Corridor west of Coleman and near the Crowsnest Lakes.

To our eyes it is apparent that in any area with multiple mining operations, even if each mine individually were to adhere to the provincial selenium standard, then the contamination from all projects taken together would certainly violate that standard. In order to fully understand the aquatic cumulative effects to this watershed, we need to have a thorough understanding of the current state of the water quality and the potential impacts of all active and proposed mine sites taken together.

The CCS strongly recommends that the AER devise a comprehensive cumulative effects assessment strategy for establishing, monitoring and enforcing cumulative impact standards on a regional basis, to include all proposed coal mining projects affecting each watershed on the eastern slopes. Individual proposals should no longer be considered in isolation and/or apart from this strategy.

The CCS would also support the convening of a Joint Review Panel (JRP) whenever projects whose combined annual coal production in a given watershed reaches, or closely approaches (as does the Tent Mountain Project), the minimum threshold for special federal assessment. The fact that only the BC/AB border separates the proposed North and Tent Mountain Projects (whose combined coal production would easily surpass that threshold) indicates the critically important inter-provincial perspective that demands such a federal assessment.

We also recommend that any future review panel, whether solely provincial or a federal-provincial JRP, that is convened to assess a proposed coal mining project, commits to a virtual format similar to the Benga Project at Grassy Mountain, which we reported publicly to be “fair, efficient, comprehensive and transparent”. The Grassy Mountain EIA and its overall review process are recommended as a good minimum standard bench mark for future mining proposals entering the regulatory approval process. We further recommend that additional public hearings be scheduled when necessary, to review any amendments to an EIA document that may be required of project proponents (Benga Mining provided ten such amendments.)

## 2. Migration, Breeding Patterns, Health and Future Viability of Wildlife

[A] The Tent Mountain region is immediately adjacent to the Castle Wildland Provincial Park, an important breeding, wintering and migration corridor for elk, bighorn sheep, mountain goats, and badgers. The area is used and traversed by large carnivores such as grizzlies, wolves, and cougars, as well as mesocarnivores such as wolverines and lynx. Of particular note for this project, the Tent Mountain area may potentially be used by a federally protected (Endangered) sub-species of badgers (*Taxidea taxus jeffersonii*) who could easily cross the border from BC.

The proximity of large-scale industrial activity with its concomitant noise, dust and coal transport networks is likely to change the usage and migration patterns of animals in the area, disturbing their behavioural habits and eventually undermining the health and genetic diversity of their populations.

[B] As a conservation society, the CCS reiterates the importance of recognizing the cumulative, sometimes cascading, effects of multiple stressors imposed on an originally balanced ecosphere. The stresses caused by the resumption of mining at Tent Mountain cannot be assessed adequately if they are separated from the broader context of the mine’s surroundings and prior conditions. Other stressors are already present: whirling disease and hypersensitivity

to ambient water temperatures among fish, continued pine beetle infestation among dry and stressed pine forests, wildlife-traffic conflicts on regional transportation corridors, and more.

The effects of climate change are already being felt. Higher temperatures and lower snowfalls in winters and hotter air and water temperatures in summers result in steadily increasing numbers, intensity and range of forest fires, thereby parching our forests and warming our waterways.

[C] Effective tools and methodologies do exist for use in longitudinal studies of ecosystem stress; such studies are complex but necessary for an adequate assessment of the cumulative impacts of major disturbances. To repeat, these methodologies must consider not only each impact independent of others, but also interactions among the multitude of stressors that may exist in a particular area at any one time. And finally, we must recognize that cumulative effects are insidious as well. A species weakened by one stressor becomes even more vulnerable to others; and the vicious cycle of deterioration continues to turn.

### 3. The Socio-Economic Benefits and Impacts of the Tent Mountain Project

[A] Since the mine site is mostly within the boundaries of the Municipality of the Crowsnest Pass, tax revenues will increase. New jobs will be created, as will spin-off benefits for local businesses. There may be a net influx of new residents to the community, attracted by those jobs or by opportunities to start new businesses themselves.

[B] On the other hand, there will certainly be a negative impact on the perception of this region as a tourism and outdoor recreation destination. The creation and development of numerous small businesses which currently serve these interests will be negatively affected, perhaps irretrievably. There may well be fewer people choosing to relocate or retire here if, as anticipated, there will be substantial deterioration in the pristine, high quality air, water and forest environment that has for decades characterized the lifestyle in our community.

[C] There is a real possibility that a succession of new coal mining projects within or near the Crowsnest Pass, several already under exploration or moving through approval processes as the Tent Mountain Project is, will transform its very nature into a much less liveable industrial centre. Is there a tipping point after which economic benefits, so strongly emphasized by proponents of these projects, begin to manifest the real disadvantages of compromising a deeper quality of life? We foresee that this question may be with us for some time, and may well have no simple or obvious answer.

The CCS strongly recommends, as a starting point, that the Montem Environmental Impact Assessment (EIA) be required by the AER to address *all* economic effects, both positive *and* negative, not just the economic “benefits” that Montem has projected in their proposal. The negative economic *impacts* of the Tent Mountain Mine will affect other industries,

environmental aesthetics and the options for outdoor recreation that create a special quality of life for CNP residents and visitors alike.

In a broader context, we also recommend strongly, for our own region and others, that the AER conceive a new, transferable methodology to explore and evaluate ways to approach the question posed two paragraphs above. We want to ascertain the possibility, or probability, that a social acceptability threshold exists for intrusive industrial disturbances. This would be especially important for projects with cumulative long-term effects, especially of the kind or on a scale set out in Sections 1 and 2 above.

Multiple active and proposed mining projects would certainly qualify for this new method of inquiry. Simply put, such an inquiry would craft a set of questions, and evaluate community responses, to simply this: “How much can a community tolerate when key indicators of its perceived quality of life are seen to be increasingly in decline?”

#### 4. Public Comments and Public Hearings

[A] The 2020 Technical Assessment Report by SRK Consulting makes mention of several items: Montem’s steps to become a visible and active part of the Crowsnest Pass community; the meetings that company management has had with the CNP Municipal Council and various community groups; and its participation in community activities to increase its profile and to communicate the expected benefits of restarting operations at Tent Mountain. The Report also states: “A key principle for responsible sustainable development is working collaboratively and constructively with Indigenous communities that may be affected by Montem projects.”

[B] On the implementation of its “engagement strategy for area stakeholders and the Indigenous communities potentially impacted by the Project”, an active strategy since 2018, Montem states in its February 2021 Proposed Terms of Reference (pTOR): “To date, the general response and feedback from stakeholders has been focused on the positive attributes of the Project. Montem has not received any objections or opposition from the public or Indigenous communities.”

In contrast, the AER stated the following in its public response to the Montem pTOR, dated January 8<sup>th</sup> 2021: “... the AER has received many concerns expressed by the public about coal mining activities in this area”. Also in contrast, a recent news report (CBC.ca Calgary news, March 23, 2021) reveals that members of two First Nations have recently, and separately, petitioned the federal Minister of Environment and Climate Change Canada to reverse his decision to exempt Montem from a federal Environmental Impact Assessment (EIA).

Consistent with our own perspectives as we submit this letter to the AER, and after a careful review of one of those petitions, a comprehensive and compelling document in its own right, the CCS hereby states its support for a federal Environmental Impact Assessment prior to the resumption of coal mining at Tent Mountain.

[C] The Joint Review Panel considering the Grassy Mountain Project received primarily negative comments about that project from local public participants. Surveys conducted by the Municipality of the Crowsnest Pass and by the CCS both showed that the majority of respondents prefer an economy based on tourism and outdoor recreation, rather than the coal industry. The Municipality, publicly supportive of the Grassy Mountain proposal, did not provide detailed information on the survey it conducted, despite a request to do so by the Joint Panel. A brief summary of the survey can be found in the archived submissions to the Joint Panel.

[D] Montem Resources recently issued a Public Notice, currently available on its website, [www.montem-resources.com](http://www.montem-resources.com), stating that “Individuals wishing to provide written comments on the Proposed Terms of Reference (PTOR) must submit them by April 5, 2021 to [the Alberta Energy Regulator]. The Email address is [AEREnvironmental.Assessment@aer.ca](mailto:AEREnvironmental.Assessment@aer.ca)”. We encourage CCS members as well as the broader Crowsnest Pass community to participate.

## **Conclusion**

The Crowsnest Conservation Society would like to thank the AER for the opportunity to express our thoughts and recommendations regarding Montem Resources’ Proposed Terms of Reference for the Environmental Impact Assessment of the Tent Mountain Project.

Our contributions to the Joint Review Panel which evaluated the Grassy Mountain Mine Project returned several outcomes: in a narrow sense, they afforded our CCS participants an excellent training ground for future participation in similar projects; in a much broader sense, the virtual format provided an effective avenue for engaging public interest and increasing the breadth and depth of our community’s understanding of open pit mining. Public conversations are now more common, and measurably better informed on both sides of the question of coal mining project approval. This is a very positive result.

We hope to carry this result forward by participating fully and actively in the EIA review process for the Tent Mountain Project. We are ready and willing to do the work. Please invite us.

Respectfully submitted,

Directors of the Board,  
Crowsnest Conservation Society