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May 14, 2021

To: Honorable Jonathan Wilkinson,
Minister of Environment and Climate Change Canada,
Fontaine Building 12th floor
200 Sacré-Coeur Blvd
Gatineau QC K1A 0H3
E-mail: ec.ministre-minister.ec@canada.ca

cc: Shirleen Ouellet P.Biol.
Director of Environment and Regulatory
Montem Resources
E-mail: souellet@montem-resources.com

Re: Request for Federal Environmental Impact Assessment For
Montem Resources Proposed Tent Mountain Mine Project

Dear Minister Wilkinson,

The Crowsnest Conservation Society (CCS) Board thanks you for considering the following document. As amended from its original submission to the Alberta Energy Regulator (AER), it recommends that you reconsider and rescind your decision to waive the requirement for a federal environmental impact assessment of the Montem Resources' Proposed Tent Mountain Project.

In the four weeks since our concerns and recommendations regarding Tent Mountain were forwarded to the AER we have continued to amass and study a body of evidence showing that this project could cause serious negative effects to our local environment and the outdoor recreation businesses, small towns, fish and wildlife that thrive in the Crowsnest Pass specifically because of its pristine qualities. This is especially true in the context of multiple active mines in the neighboring Elk Valley of BC, a new proposal for the North Mine Project immediately adjacent to Tent Mountain across the BC/AB border, and a number of new coal mining sites included in Montem's Chinook proposal that is moving through the approval process in Alberta.

We maintain that the cumulative negative effects of multiple projects in the same region are very likely to cause impacts that are not, indeed *cannot* be, readily apparent during customary approval processes for individual coal mining proposals. Nor can the complexities of broad regional socio-economic impacts for multiple communities and ethnic populations be fairly balanced by such one-province assessment processes. Only a comprehensive federal environmental impact assessment (EIA) could bring the *necessary* interprovincial, transboundary, and multiple watershed perspectives to such deliberations. These are critically important considerations for our communities, and in this case should not have been skirted by the proponent simply by estimating a coal output tonnage that missed the threshold of a compulsory federal EIA by the narrowest of margins.

Sincerely,

Directors of the Board of the Crowsnest Conservation Society

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Valuing and connecting people and nature for a healthy future in the Crowsnest Pass and beyond

Summary of CCS Concerns (please review the more detailed attachment which follows)

1. Water Availability and Quality: Regional Considerations

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. Together with the Oldman and Castle Rivers, the Crowsnest River ultimately provides water for drinking, agricultural, rangeland and comprehensive ecological support across the breadth of Alberta, Saskatchewan and Manitoba. This is the South Saskatchewan River watershed.

The Montem Environmental Management Plan references the company's own scientific studies intended to "update baseline information" [on water contaminants, land disturbances, and longitudinal audits of native soils, vegetation, fish and other wildlife]. We see their approach as problematic, especially for water contaminants and aquatic ecosystems. The real baseline values for all such audits should be set, and/or projected, at levels that predate the historic mining operations at Tent Mountain. We expand on this opinion in the attachment below.

An analogy can readily be made. Multiple open-pit mining projects in the Elk Valley, just across the AB/BC border, have for decades discharged dangerous contaminants into the tributaries of the Elk River, ultimately affecting downstream water quality in that watershed all the way into Montana. The United States Environmental Protection Agency, the State of Montana, and an international coalition of governmental and non-governmental organizations managing the Crown of the Continent Ecosystem have expressed their continuous concerns about the performance deficits of these projects. We reference the record \$60M settlement in 2021 of a federal suit against Teck Coal for violation of statutes protecting the health of aquatic systems and wildlife. Notably, that judgment was limited to consideration of only the violations committed in 2012, and none of the nine years since.

2. A Provincial Land Management Plan with Issues

The Tent Mountain Mine is located within the headwaters region overseen by the provincial Livingstone-Porcupine Hills Land Footprint Management Plan, which proclaims that watershed management and headwaters protection "is the highest priority". Key secondary priorities are biodiversity, forest ecosystem resiliency and timber supply. Of special note are the Plan's several acknowledgements that the area includes the "hunting and gathering, and ceremonial places that lie within traditional territories of multiple First Nations"; identification of "the potential impact to Aboriginal and Treaty rights by development in the area"; and "the intimate connection amongst Indigenous peoples and the risk of continued use due to climate change, industrial development, and unmanaged recreational use."

Regrettably there is no direct mention of the Livingstone-Porcupine Hills Plan and its stated priorities to be found anywhere in Montem's proposed Terms of Reference for the Environmental Impact Assessment that will be mandated by the AER. Although a 2020 report from Dahrouge Geological Consulting does mention an ongoing "Indigenous peoples consultation process" involving Montem and managed by the Alberta Consultation Office (ACO), a January 2021 letter from AER to Montem refutes the company's claim that it "has not received any objections or opposition from the public or Indigenous communities". Even more telling is the fact that two official requests for a federal review of the Tent Mountain Project have recently been filed by the Siksika and Kainai Nations, respectively. In BC, the Ktunaxa Nation Council responded to news of the settlement of the federal suit against Teck Coal with 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."

Adjudication of issues of land and resource management which are of significant concern to Indigenous peoples is certainly, and principally, within the purview of the federal government.

3. Migration, Breeding Patterns, Health and Future Viability of Wildlife

We first note that the operational footprint of the Tent Mountain Mine Project, specifically its loadout facility, actually extends into the province of British Columbia. It is here in BC that processed coal would be transferred from a fleet of large trucks, carrying loads from the open mining pits and a processing facility in Alberta, into rail cars for shipment to west coast terminals.

Additionally, the mine site is immediately adjacent to the Castle Wildland Provincial Park as well as the AB/BC border; taken as a whole, this is a critically important breeding, wintering and migration corridor for various wildlife. 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 behavioral habits, and over the long term threatening to undermine the health and genetic diversity of their populations.

This is clearly an inter-provincial issue. It demands a clearly inter-provincial management perspective.

4. Regulation and Enforcement Issues in Alberta

It is the mandate of the Alberta Energy Regulator to set the parameters for the Environmental Impact Assessment (EIA) that Montem must submit as part of its proposal review. To illustrate a key point, we return to the example of selenium levels in our waterways: Our recent submission to AER pressed for a requirement that the provincial standard of 1.0 micrograms of selenium per liter be adhered to in all operations within and around the Tent Mountain mine site.

But in Alberta, setting water quality standards and enforcing them are, unfortunately, two different things. First, the monitoring and measurement of contaminants in Alberta watercourses

and the enforcement of provincial standards are mandates of an entirely different agency, Alberta Environment and Parks (AEP). A series of 2021 reports by cbc.ca/news reveals that analytical data gathered by AEP as early as the 1990's found that "toxic levels of selenium many times over the amount considered safe for aquatic life" had been found downstream of several mines in the Jasper area. [Jan. 26] Second, and even more alarming, "The data also shows the provincial government knew about the levels for at least 15 years and did not report anything after 2006." [Jan. 25, 26] [note: Both Conservative and NDP parties have led the government over this span of time.] And finally, "High levels [of selenium] from existing coal mines in Alberta have failed to produce regulatory action... although the problem has been known for more than two decades." [Feb. 13]

This example, and others, have led inexorably to a crisis of confidence in provincial leadership to appropriately manage key issues in socio-economic and environmental policy. To set critically important performance standards for industry, then *knowingly refuse to enforce them* is simply not a credible governmental behavior, and is certainly not in the public interest.

We maintain that the health and resilience of aquatic ecosystems as presented in this example are truly an inter-provincial concern. An Alberta management perspective alone is Simply. Not. Good. Enough.

5. Socio-Economic Impacts of the Tent Mountain Project

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 Mine Project is, will transform its very nature into a much less livable, industry-dominated center. 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?

Community members participated enthusiastically in the recent deliberations of the federal-provincial Joint Review Panel (JRP) which reviewed the Benga Mining proposal to resume operations at the Grassy Mountain Mine just north of Blairmore. Proponents (and opponents) proclaimed the positive (and negative) impacts of such a resumption; the level of public interest and engagement was exceptional, and certainly of lasting benefit to the community, in that it measurably improved the depth of knowledge regarding open pit mining. We found the virtual format to be engaging, effective and worthy of recommendation as a model for such a review.

But the JRP examined a proposal for only one mine, in isolation from any others. The CCS Board reiterates the critical principle that cumulative, often cascading, negative effects are unavoidable when multiple mines in the same watershed impose their combined stressors on an originally balanced, resilient ecosphere. Please review the discussion of such cumulative effects in sections 1, 2 and 3 of our "Concerns and Recommendations" attachment below.

Our community is intensely concerned that the spectre of unstoppable industrial development could irretrievably compromise the many small businesses that literally breathe life into our



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outdoor recreation and tourism ethos. We are convinced that only a broader regional perspective and a stronger regulatory and enforcement jurisdiction could provide a proper way to examine this and all future mining proposals.

The CCS Board concludes that a federal environmental impact assessment must be made for the Tent Mountain Mine Project. Minister Wilkinson, we humbly ask that you impanel an appropriate assessment board to move this forward. Thank you.

Attachment:

Crowsnest Conservation Society Board: Concerns and Recommendations Related to Montem Resources' Proposed Terms of Reference for Environmental Impact Assessment Report for Tent Mountain Mine Project

Submitted to the Alberta Energy Regulator April 05, 2021.