

NEWS RELEASE

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Cheviot Mine pre-hearing set for Thursday in Hinton

Conservation groups highlight need for a fair hearing

The joint federal-provincial review of the proposed Cheviot open-pit coal mine near Jasper National Park re-opens tomorrow with a pre-hearing meeting in Hinton. At the meeting to be held by the joint Review Panel, the conservation groups will be presenting their recommendations for properly completing the review of the mine application. They particularly wonder how the public can have any confidence that the option of not building the mine at the Cheviot location will be fairly considered by the Panel, given that Board members of Alberta's Energy and Utilities Board (EUB) are two of the three member Panel and the EUB has done nothing formally to revoke or suspend the permit they issued for the mine.

Last March, the Federal Court ruled in favour of five conservation organizations, finding that the first review was incomplete and did not comply with the requirements of the Canadian Environmental Assessment Act (CEAA). The first review and Panel report failed to consider alternatives and the cumulative effects of the proposal. Cumulative effects are the environmental effects of the proposed mine in addition to the development already in place or imminent for the region.

"Unless the EUB cancels or suspends the present mine permit, the outcome of the new review is biased from the outset; leaving no option to recommend against the Cheviot location should the assessments of cumulative effects, alternatives and public need for the mine, together with the significant environmental impacts already found, warrant a "no go" option," explains Dianne Pachal of the Alberta Wilderness Association. "We are very concerned that this supplemental review, unlike the first review, be fair, comprehensive and comply with the laws. It is worrisome that the same panel members that didn't comply with the laws the first time around are doing the review again."

The conservation groups have already asked the federal government to, in the very least, appoint two additional Panel members with expertise in the issues which were not adequately addressed in the first review; particularly the assessment of cumulative effects, alternatives and public need for the mine. Furthermore, since the EUB is continuing on as part of the Panel, they will be asking that the EUB revoke the mine permit during the supplemental review.

“We also strongly recommend the Panel contract independent expert assessments in order to properly complete the review this time, rather than relying on the company,” said Sam Gunsch, spokesperson for the Edmonton Chapter, Canadian Parks And Wilderness Society.

The organizations are concerned that the review will again be subject to an over reliance on the province’s EUB requirements and procedures which, in many regards, fall short of the federal requirements under CEAA. Unlike the EUB requirements, the Federal Court ruling made it very clear that CEAA places the responsibility on the Panel to collect the best available information from which to make their recommendations. The conservation organizations will be asking that the Panel contract independent experts to compile assessments

of cumulative effects, alternatives, and the costs/benefits for the public of leaving this Critical Wildlife area intact or having it turned into an open-pit coal mine.

One of the main flaws the Federal Court identified was that the Panel relied on the company’s environmental assessment for most of its information. The company chose not to address issues that were needed to meet the federal assessment laws, despite being requested to do so by government agencies. The organizations point out that the federal government’s decision to limit the funding available for public participation this time to \$30,000 guarantees that the needed assessments will not be coming forward from the public.

The groups are also recommending that the Panel should review alternatives to a mine at the Cheviot location. They cite public statements by Luscar Coal, the parent company, following its 1998 and 1999 annual meetings that it has an alternate plan - ‘Plan B’ - to the Cheviot Mine should it not proceed.

“Luscar says it has an alternative. The World Heritage Committee has asked Canada to consider alternatives because the Cheviot location jeopardizes Jasper National Park. The Panel has more than enough reason to thoroughly review alternatives,” said Gunsch.

Before the new public hearing starts, at least 9 months will be required to properly complete all the steps recommended by the conservation organizations for the supplemental review. The groups will be presenting a complete set of recommendations on the review process to the Panel, including a call for adequate time for public participation. Luscar has been lobbying for an expedited review which it wants completed this winter so it can obtain the necessary federal permits by the end of next March.

“The actual public hearings will be short, effective and efficient if the Panel permits adequate time in advance to look at all the assessments. Given the significant environmental impacts from the mine, it would be another mistake to rush the process and only do the bare minimum they feel will keep them from a further lawsuit,” said Gunsch. In the first review, technical submissions from agencies like Parks Canada were not available until the day the public hearing began.

To allow a fair opportunity for public participation, particularly by Albertans who work and reside outside of the Hinton area, the conservation groups are also asking the hearings be held in Edmonton as well as Hinton. Although it is not the practice of the EUB, federal reviews have been held in more than one location when the implications are as far reaching as the proposed mine. The recovery of threatened and endangered species, the protection of provincially zoned Critical Wildlife lands and preservation of the integrity of a World Heritage Site, Jasper National Park, are the concern of all Albertans and Canadians as a whole. The groups had asked for the pre-hearing meeting to also be in Edmonton, but were turned down by the federal and provincial agencies.

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