

# News Release

For Release: Wednesday, Sept. 13, 2000

## **Coal Mine Recommendation A Tragic Set-Back for Jasper Park and Neighboring Community**

Ben Gadd, author of the Handbook for the Canadian Rockies, and local, regional and national conservation organizations are describing yesterday's federal-provincial Joint Review Panel recommendation to approve the huge Cheviot open-pit coal mine a travesty. However, they are not surprised as it is the same panel members who in June 1997 recommended approving the mine. As well, they say during this year's supplemental hearing, the panel was clearly not interested in considering alternative locations to mine coal for export, even though the other locations are also held by the same parent companies. Alberta's former premier, Peter Lougheed, chairs the Board for one of two parent companies proposing the mine, Alberta based Luscar Ltd.

The mine is planned for southwest of Hinton, Alberta, high in the Rocky Mountains adjacent to Jasper National Park. The proposed mine would produce coal solely for export for steel making. The supplemental review and hearing were held after a coalition of five conservation organizations won a lawsuit in April 1999 against the federal Department of Fisheries and Oceans, the panel and the applicant for not following the Canadian Environmental Assessment Act (CEAA) requirements when first reviewing the mine application.

The conclusions in the new report are supplemental to those of the first, and together find that there would be significant, adverse environmental effects on the terrain, soils, migratory song birds, Harlequin ducks, grizzly bears, aboriginal peoples traditional use of the area, and fish and fish habitat. However, the conservation organizations point out that the new report, as with the first, either concludes the permanent harm is justifiable or assumes that mitigation is possible and will be figured out some time in the future after the development starts, in the end rendering the harm insignificant. At both hearings, the company refused to answer direct questions asking what total amount they have budgeted for mitigation and asking for a list of mitigation measures which they are committed to implementing.

“With that approach, any development can be approved, no matter the environmental losses,” concludes Sam Gunsch of the Canadian Parks and Wilderness Society. “However, the intent of CEAA is for environmental impacts, the efficacy of mitigation measures and alternatives to the development to be considered prior to recommending whether or not it should be approved.”

The panel's new recommendations now go forward to federal Cabinet for a decision. The court orders that struck down the first of two authorizations for the mine and prevent the company from acting on the second remain in effect until Cabinet has made a decision. The Ministers of Environment and Fisheries and Oceans will have to consider whether or not to issue authorizations which would in effect allow the company to harm the ecological integrity of Jasper National Park, and to destroy eight streams which form the habitat for the endangered bull trout. The 1999 Federal Court decision also ruled that the proposed permanent dumping of millions of tons of waste rock from mining onto the area's migratory bird habitat would not comply with the Migratory Bird Convention Act.

"I had said at the outset that the mine would be an environmental catastrophe and the hearing again confirmed that, especially when Parks Canada stood up and said the mine clearly threatens Jasper National Park." exclaimed a frustrated Ben Gadd. "With UNESCO having asked Canada to work on alternatives to this mine, it's a sad indictment of Canada's environmental record when a hearing panel won't do just that, and especially when the parent company has said it has alternatives."

During this year's hearing, Parks Canada told the panel they were even more concerned about the negative impact the mine would have on the ecological integrity of Jasper National Park, a World Heritage Site, than at the time of the first hearing. They reported that based on the panel's first conclusions and recommendations in 1997, they could not assure Canadians that grizzly bears would continue to exist in the area, and therefore could not assure that the national park mandate could be met. Their grizzly bear expert recommended the western third of the mine not be allowed to proceed due to the area's significance for grizzly bear habitat. Parks Canada recommended instead that this site and three others adjacent the park be protected as secure habitat for grizzly bears. In doing so, they also explained that grizzly bears are an umbrella species. Protection of habitat to ensure their survival likewise conserves a host of other wildlife "under the umbrella." Grizzly bears are also an indicator of the ecological health of a region.

"The panel's reports agree that there will be significant, irreparable harm caused by the mine, but say it's justifiable. How? Have we run out of coal for export?" questions Dianne Pachal, Conservation Manager with the Alberta Wilderness Association. "The coal market expert at this year's hearing showed the opposite, concluding that the mine likely won't be built. Luscar has already indicated that production of more coal from its Line Creek mine in southeast BC is an option, should the export market for Western Canadian coal pick up."

"Issuing an approval for the mine with the hope that the mine will not happen anyhow is still a bad scenario for the region," comments Sam Gunsch of the Canadian Parks and Wilderness Society. "As long as a permit for a mine remains there, it will be a road-block to better protection for wildlife, Jasper and an enlarged provincial park. Just as the present coal lease held back consideration of the area for park establishment under Alberta's Special Places 2000 program."

The Director of UNESCO's World Heritage Centre first wrote Canada's ambassador to UNESCO in December 1997 to express the World Heritage Committee's serious concerns over the impact the mine would have on Jasper National Park, a part of the Canadian Rocky Mountains World Heritage Site. The Committee also asked the Canadian government to consult with Alberta on alternative sites for the mine. The Committee has continued to monitor the situation.

Cardinal River Coals Ltd., the joint venture company planning the Cheviot Mine, is comprised of Pittsburg based Consolidated Coal, the largest coal mining company in the US, and Luscar. They plan to dig an open pit mine consisting of 26 huge pits which conservation organizations maintain will result in a devastated landscape stretching 23 km long and up to 10 km wide near tree-line in the Rockies. Roughly 25 tonnes of the mountain landscape will be excavated for every tonne of coal removed, with much of this waste rock then dumped on the surrounding landscape and left filling stream valleys of the Cardinal Divide and Mountain Park area.

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## Background

For Sept. 12, 2000 News Release:  
"Coal Mine Recommendation A Tragic Set-Back  
for Jasper National Park and Neighboring Community"

### Chronology of Key Events:

Summer 1996	Mine application and company's environmental impact assessment (EIA) available to public.
Nov. 1996	Federal departments release their deficiency report on the EIA to public.
Nov. 1996	Federal-provincial Joint Review Panel appointed to review application, report on environmental effects and make recommendations.
Jan., Feb. 1997	Panel holds public hearing in Hinton, Alberta.
June 1997	
Oct. 1997	Federal cabinet decision accepts panel's recommendation to allow the mine.
Nov. 1997	Lawsuit launched in Federal Courts by Canadian Nature Federation, Canadian Parks & Wilderness Society, Alberta Wilderness Assoc., Jasper Environmental Assoc., and Pembina Institute for Appropriate Development.
Feb. 1998	Scientists issue statement calling for protection of the area instead of a mine.
Mar. 1998	UNESCO, World Heritage Committee expresses concerns, asks Canada to reconsider and together with Alberta, to work on alternatives.
May 1998	Parent company reports it does have alternatives should Cheviot Mine not proceed.
June 1998	Lawsuit dismissed on narrow technicality.
Aug. 1998	First of a set of authorizations issued for the mine by Fisheries and Oceans Minister.
Dec. 1998	Conservation organizations win appeal and a new court hearing is ordered.
Apr. 1999	Federal Court rules review did not meet requirements of the Canadian Environmental Assessment Act and hence, strikes down the authorizations for the Cheviot Mine.
May 1999	Parent company again reports it has alternatives.
June 1999	Panel re-appointed, supplemental review initiated to meet CEAA requirements.
Mar., Apr. 2000	Panel holds supplemental public hearing in Hinton, Alberta.
June 2000	Under questioning about closure of their Gregg River Mine in the Hinton area, parent company confirms their Line Creek Mine is an option should Cheviot not proceed.
Sept. 2000	Panel's second report and recommendations released, recommending mine approval.

### Environmental Significance of the Proposed Mine Location:

Described as a "biological hot spot" by scientists, there are 30 species of mammals and birds listed as being rare or in trouble in Alberta which reside in the proposed mine area, along with a number of rare plants and insects, and an endangered fish, the bull trout. The Alberta Government's regional plan had zoned the area as a Critical Wildlife, "crucial to the maintenance of specific fish and wildlife populations." Other assessments have identified it as unique due to its combination of glacial history, geography and rare plants and animals; recommending that it be considered for establishment as a Natural Area of Canadian Significance.

Both the company's and Parks Canada's experts concluded that the mine would result in the direct loss of quality habitat and wildlife travel routes for at least 100 years.

### The Joint Review Panel:

The Joint Review Panel consisted of one federal appointee from Alberta, and two from the Alberta Energy and Utilities Board (EUB), the regulatory Board that approves oil and gas, coal and other energy developments in the province. With an extremely rare exception, an EUB hearing has never used environmental grounds to turn down a development application.