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Cheviot Mine Decision Appealed

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In mid-March, Fording Canadian Coal Trust announced that the Elk Valley Coal Partnership will proceed with the development of the Cheviot Creek pit at its Cardinal River Operations located near Hinton, Alberta. The decision is a disappointment to conservationists who were encouraged by last year's announcement that Fording had shelved plans for the Cheviot mine, citing lack of adequate demand for coking coal. However, the decision to open the mine will not go unchallenged.

The proposed mine, which would be located on the site of the abandoned coal-mining community of Mountain Park, next to Jasper National Park, is home to numerous species of rare and threatened plants and animals and is also prime grizzly habitat.

"There is no question that the Cheviot mine will be going in the most important and most productive grizzly bear habitat in the area," Kevin Van Tighem, ecosystems planning manager for Jasper National Park, told the *Edmonton Journal* recently.

Since mining ended at Mountain Park in 1950, the area has undergone significant ecological recovery. It has also become an important historical and recreational resource along the mountain front. AWA has opposed the mine since its proposal in 1996, acting as part of a coalition of provincial and national environmental groups. The coalition successfully delayed Cheviot until, as the coalition predicted, the declining coal market made the mine clearly uneconomical.

AWA would like to see the area protected as an addition to Whitehorse Wildland Park and the Cardinal Natural Area. Cheviot, like the Whaleback, highlights the need for the adoption of a regulatory regime that recognizes and manages buffer zones or "no industrial development" zones that will offer genuine protection to adjacent protected areas.

At least two conditions have made the development of the Cheviot mine more attractive at this time. A tight supply of metallurgical coal, also called "coking coal" and used for smelting iron, plus a booming steelmaking industry have allowed suppliers to negotiate a 20 per cent price increase. (Apparently exporters threatened to divert exports to China if a settlement with Japan at the higher levels was not reached quickly.)

In addition, major rail delays due to weather-related problems through B.C. have hampered Elk Valley's ability to get coal to port earlier this winter, cutting into their profits. Elk Valley primarily uses the Canadian Pacific Railway in the south, but coal from the Cheviot mine could be shipped using the Canadian National Railway. Elk Valley Coal is the world's second largest exporter of metallurgical coal.

Elk Valley Coal expects to obtain the remaining approvals shortly from the Alberta Energy and Utilities Board and Alberta Environment to develop the Cheviot Creek pit, which will be started later this year. According to a company news release, mining activities will begin at Mountain Park once the mining license approval is received. The existing work force of 120 employees at Cardinal River Operations will complete mining existing pits and will progressively shift to work on developing the infrastructure for the new mining area. These activities will include the construction of a private coal haul road and power line, both of which have received the necessary regulatory approvals and permits.

In 2002 the company sought amendments to its Cheviot Mine permit and the environmental approval to construct a ten-kilometre private coal-hauling road to the mine. Alberta Environment issued approvals for





the road in 2003. The haul-road, which will run from north of Cadomin nearly to the Cardinal Divide along the McLeod River, will transport coal from the Cheviot Creek Pit to the Luscar mine for processing. The headwaters of the McLeod River is a provincially significant area.

The private road meets a county public road, which is being upgraded, to create a 22 km route between the two mine sites. The road will be heavily used, 24 hours a day, 7 days a week, by huge coal-transport vehicles. The construction of the haul-road started before the March announcement of the mine.

The approvals for the haul-road are being appealed by Ben Gadd, a natural history guide and long-time AWA member who lives in Jasper and takes clients to Cadomin Cave and the Cardinal Divide area.

"I think it's a shame that this valley will be gutted by this haul-road," said Gadd. "Grizzly bears coming out of Jasper National Park will be run over so this company can dig up a little bit of coal for a short period of time before the market goes bad again. It's another case of big corporations sacrificing the environment for short-term gain."

Gadd believes that the company is not playing by the rules. It did not notify him, a stakeholder, before announcing plans to start the Cheviot Creek pit or starting construction of the haul-road. It also did not do mitigation for grizzlies as specified in existing government permits.

In 2002 requests by environmental groups and individuals for an environmental impact assessment and hearing into the new proposal were turned down by the federal and provincial governments. This ruling is being appealed by Gadd, the only member of the conservation-group coalition to retain legal standing in the matter. This is because he has a business interest in the area. With help from environmental lawyer Jenny Klimek, Gadd will appear before the Alberta Environmental Appeals Board on April 26.

"How strange it is," says Gadd, "that the government has no time for groups such as the AWA, CPAWS and the Sierra Club, all of whom have the best interests of the area in mind, but one person who makes a little money up there every summer gets the benefit of a hearing. This shows how biased the Alberta regulatory agencies are."

Members of the group have also made an ethical appeal to Ontario teachers, whose enormous Teachers Pension Fund has a stake in the Fording Coal Trust, to reconsider their investment in a coal mine that poses a threat to Jasper National Park. However, the pension fund also invests in Ritalin, shopping malls and tobacco. Thus far there has been no response.

The Alberta Environmental Appeal Board hearing is open to the public. It will take place on April 26 at 8:30 a.m. at the EUB office in Edmonton: #306, 1011 - 109 St.

