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## Cheviot Update: Ben Gadd Finally Gets His Day

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Closing arguments were given at the Alberta Environmental Appeals Board (AEAB) Hearing in Ben Gadd's appeal of the approvals issued by Alberta Environment for the Cheviot mine haul road. The two-day hearing was held in Hinton, Alberta on January 24 and 25, 2005. Gadd was deemed to be directly affected by the construction of the haul road as it may have negative impacts on his ecotourism operations, which he conducts in the area of the haul road.

The hearing provided the opportunity to both Gadd and representatives of Cardinal River Coals Ltd. (CRC) – now Elk Valley Coal – to review and provide information on the approvals granted for the haul road project as well as to address outstanding concerns regarding the haul road, including the impacts on wildlife movement and migration, the impacts on watersheds, and tourism access. The haul road is already operational and mining of the Cheviot Creek pit area has commenced.

In the cross-examination of CRC's panel, Gadd's counsel, led by Jennifer Klimek, raised questions regarding the impact and mitigation of the road for sensitive species, including the grizzly bear and harlequin duck populations; the mitigation of dust and noise; relocation of existing campgrounds and trail access; and verification of the level of employee training and company commitment in regards to avoiding wildlife along the road and reporting accidents, mortalities, and encounters.

The AEAB will make recommendations to the Minister of Environment within 30 days.

