



MEDIA RELEASE

For Immediate Release

September 30, 2005

Conservation groups shift focus in tackling mine next-door to Jasper National Park

EDMONTON, AB – The conservation groups from across Canada that have been challenging the Cheviot open-pit mine have decided to shift their campaign focus from the federal courts to the regulatory and enforcement agencies overseeing the mine, the federal and provincial endangered species provisions and the mine's parent companies. Although serious legal issues persist, the groups have decided not to appeal last month's Federal Court decision regarding their challenge of the federal approval for the first phase of the coal mine; known as the haulroad and the Cheviot Creek developments. The 7,450 hectare mine is situated less than three kilometers from the national park, on public lands in the core of a high-elevation wildland earlier determined by the federal and provincial governments to be critical wildlife habitat and warranting of protection as a nationally significant natural area.

"Even though the approval was issued despite unresolved concerns of federal government officials, the glaringly obvious environmental harm from Cheviot likely wouldn't be rectified by pursuing it further through the courts," explains Dianne Pachal of the Sierra Club of Canada. "Our interest in seeing that the project doesn't go past the first phase that's been approved, about one-fifth of the mine, wouldn't be addressed by the Courts."

Topping the groups' list of actions is getting the governments to address the non-existence of the committees promised by the federal and Alberta governments to reduce the damage from the new open-pit mine. The selenium contamination of the McLeod River watershed is another of their priorities, along with preservation of the remaining 386 square kilometers of the candidate Mountain Wildland Park, and the failure of the company and governments to compensate for the loss of critical wildlife habitat as promised in the approvals.

"What they promised wouldn't happen and what is happening on the ground are two different things," notes Jill Seaton of the Jasper Environmental Association. "For example, there's been no replacement habitat found and protected for the grizzly bears, which are, in effect, a threatened species in Alberta."

Elk Valley Coal and its parent companies Teck Cominco and Fording Canadian Coal Trust are exceeding water quality guidelines in the McLeod River watershed, as a result of the selenium contamination from their existing Luscar and Gregg River mines, downstream from Cheviot. Added to this, without the promised plans in place to bring the levels within the guidelines, is the Cheviot haulroad development and first set of mining pits.

The coalition's list includes pursuing their request that Fisheries and Oceans investigate damage from the 22 km long, side-by-side industrial and public road, which is continuing to slump and in other places sloughing above and below the roads. The company doesn't expect additional construction on the roads, now in use, and their 24 dug-outs or "settling ponds" to be completed for another six to eight months. It has yet to firm up plans to deal with the dust.

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For maps, photos and background see: www.sierraclub.ca/national/cheviot

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Background to media release, September 29, 2005

Federal Court lets federal approval stand despite objections from feds and conservationists

- Federal Court decision issued August 17th, rejecting the conservation groups' argument that the federal authorization, issued by Fisheries and Oceans (DFO) for the first phase of the mine, be revoked as it allowed the substantially revised mine project to proceed without undergoing an updated environmental assessment. On behalf of five organizations, the Sierra Legal Defence Fund argued that the Canadian Environmental Assessment Act required an assessment of the modifications to the original mine project proposed in 1996.
- The groups have until September 30th to appeal the decision to the Federal Court of Appeal.
- The case was launched by the Pembina Institute for Appropriate Development, Sierra Club of Canada, Nature Canada, Jasper Environmental Association and Alberta Wilderness Association.
- Information gained by the groups through the federal Access to Information process documented that DFO issued the authorization despite the concerns of Environment Canada and Parks Canada. Environment Canada was not consulted regarding the conditions in the authorization prior to DFO giving it to the company (e.g. none including for migratory birds). The Judge ruled the documents could not be used in the case.
- Outstanding issues identified in the documents include a need to reconsider the conclusion of the previous review panel, which recommended approval because the employment benefits of Cheviot outweighed the environmental harm. The new mine project, although larger in land area, would mine less than half the coal and only employ 120 instead of 400 people at the mine.
- Also cited were the non-existence of the committees committed to for ensuring implementation of mitigation, construction for compensation of destroyed fisheries habitat that would remove remnant Harlequin duck habitat in addition to that destroyed by the mine, and the lack of compensation elsewhere in the region for the prime grizzly bear habitat that would be lost as a result of the mine.

Jasper National Park

- At the outset, the World Heritage Committee asked Canada to work with the Alberta Government to find alternatives to a coal mine at the Cheviot site. That was not done.
- Parks Canada testified at the 2000 hearings that development of the mine would harm the ecological integrity of Jasper National Park and jeopardize Canada's ability to meet its international obligations under the United Nations World Heritage Convention.

Selenium

- The elevated selenium levels are a concern regarding health and the environment for wildlife and humans.
- One of the bases upon which the review panel of the previous mine proposal recommended its approval was that a plan would be in place by mid 2001 to deal with the selenium contamination of the watershed and bring levels within the standard water quality guidelines.
- Selenium is mobilized by open-pit mining operations when rock overlying the coal-bearing formations is dug up and permanently dumped on the surrounding landscape and these rock dumps are then subjected to runoff.
- Selenium concentrations in water samples at all coal mine-affected sites in the McLeod River watershed were found to exceed the Canadian Council of Ministers of the Environment ("CCME") guideline for the protection of aquatic life (1 ppb). Studies have identified increased incidence of physical deformities in fish offspring and that one-quarter of the Brook trout adults had deformities.

Carnivores

- The Panel that reviewed the original mine proposal concluded that it would irreparably destroy carnivore habitat and that this could not be adequately mitigated at the mine site. The Panel stipulated that the lost habitat was to be compensated for elsewhere in the region, and that if there was not documentation of this being accomplished by September 2000 and before unmitigatable impacts had occurred, they would reconsider their recommendation that Cheviot be approved.
- Such compensation has not occurred.
- The headwaters of the Cardinal River has not been protected as recommended by the Panel, a recommendation accepted by the federal and Alberta government as part of the approvals for the mine.