



Alberta Wilderness Association
"Defending Wild Alberta through Awareness and Action"

August 25, 2023

Alberta Energy Regulator
Suite 1000, 250-5 Street SW
Calgary, Alberta T2P 0R4
Email: SOC@aer.ca

Statement of Concern Re: Summit Coal Inc. Application #'s 001-00496728, 001-00496729 and 001-00496730.

Dear Alberta Energy Regulator,

Alberta Wilderness Association (AWA) appreciates the opportunity to provide this Statement of Concern (SOC) regarding the following applications submitted by Summit Coal Inc. on July 27, 2023,

- Environmental Protection and Enhancement Act – 001-00496728 and,
- Water Act – 001-00496729 and 001-00496730,

for the purposes of coal mining at their Mine 14 site, located approximately 3.2 km northeast of Grande Cache in portions of Township 057, Range 08, West of the 6th Meridian. AWA opposes this project, and requests AER deny approval to Summit due to the significant economic, environmental, and societal risks posed by the mine.

AWA is an Alberta-based conservation group with more than 7,500 members and supporters across Alberta, Canada, and around the world. AWA seeks the completion of a protected areas network and the good stewardship of Alberta's public lands, waters, and biodiversity to ensure future generations enjoy the abundant benefits they provide.

As stated in section 2(f) of the *Environmental Protection and Enhancement Act* (EPEA) and in section 2(d) of the *Water Act*, it is "the shared responsibility of all Alberta citizens for ensuring the protection, enhancement and wise use of the environment through individual actions" and to ensure "the conservation and wise use of water", by "providing advice with respect to water management planning and decision-making"; as both representatives of citizens and citizens of Alberta ourselves, AWA has a responsibility to submit a SOC on this issue.

Approval of Mine 14 applications would directly contradict EPEA's section 2(b), that recognizes "the need for Alberta's economic growth and prosperity in an environmentally responsible manner and the need to integrate environmental protection and economic decisions in the earliest stages of planning". Mine 14's current permits and licenses are well over a decade old, based on an environmental assessment submitted in 2007 and the company has self-imposed many hiatuses on development ever since, based on volatile coal prices¹ – it is neither environmentally responsible, nor a good economic decision to allow the project to continue. Both the environmental protection standards that the government seeks to uphold, and the environmental conditions of the region itself have changed considerably since the original assessment. It should be considered outdated and inappropriate to base the current project and development on it. Economically, it is irresponsible to risk both the environment and local livelihoods on such an unpredictable resource.

The overall economic costs to Albertans of more coal mining dwarf any benefits². At best, current and proposed mining operations are projected to break-even for private investors, creating only marginal tax revenues and opportunities by way of employment for people in the region. These minimal boons are significantly outweighed by the substantial and adverse impacts to water, wildlife, vegetation, air, and human health. Mining this region will also interfere with the Land, rights, and sovereignty of Indigenous Peoples, have negative social impacts on nearby communities, displace other economic activities like ranching and tourism, all with a non-zero chance the province will be on the hook for the reclamation costs². Approving Mine 14's applications contravenes "the principle of sustainable development" described in EPEA section 2(c), "which ensures that the use of resources and the environment today does not impair prospects for their use by future generations".

Coal is on its way out in many parts of the global industry³. Metallurgical coal is used in the process of making steel, an industry that has itself acknowledged their large contribution to global emissions⁴. The World Steel Association has committed to reducing emissions through improving efficiencies and technological changes, like recycling steel with electric arc furnaces and substituting coal for hydrogen in the process, which produces water rather than carbon dioxide as a byproduct⁴. With the first commercial hydrogen steel plant already operating in Europe, permitting irreparable damage to the landscape by allowing Mine 14 to go ahead seems both short-sighted and willfully negligent.

The proposed project will significantly harm relatively undisturbed sub-alpine and montane ecosystems that provide quality habitat for no less than 45 wildlife species with provincial status designations including 1 classified secure, 3 undetermined, 33 sensitive, 6 that may be at risk, and 2 at-risk species. Additionally, 12 of these species are also listed federally in Canada's *Species at Risk Act* (SARA)¹. Mine 14's footprint overlaps with sizeable portions of Alberta's Grande Cache

Bear Management Area (BMA2), a grizzly bear recovery plan zone and an area identified as vital mountain goat and bighorn sheep habitat (Figure 1).

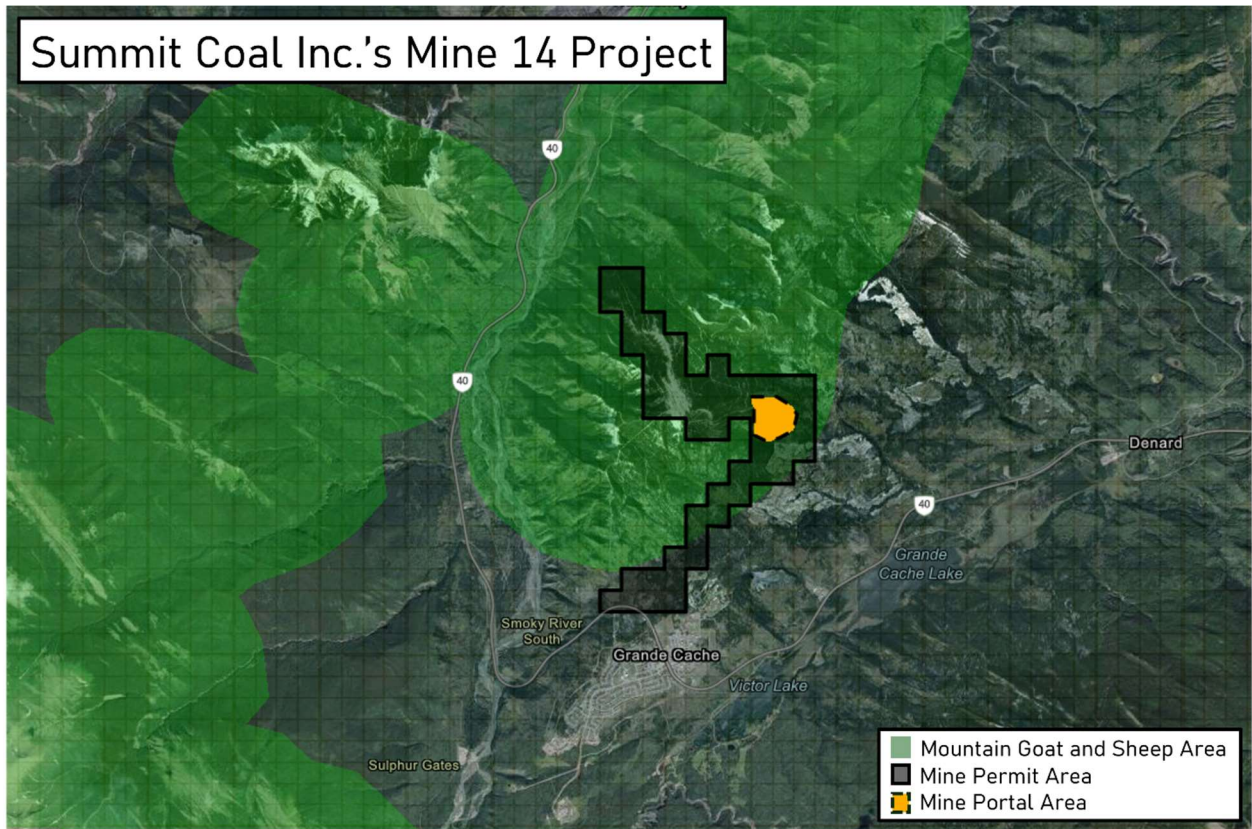


Figure 1: Summit Coal Inc.'s Mine 14 Project. Much of the permit area and proposed portal area overlap with mountain goat and bighorn sheep area. The entire extent of the map is also within the Grande Cache Bear Management Area (BMA2). Map created with ArcGIS feature layers "Species Ranges" by gis_CWLS and "Legal Subdivision" from BGIS_ON_F21_NigelGarcia.

BMA2 represents a valuable population of grizzly bears for the recovery of the threatened species within Alberta. This population is considered stable due to their relatively low mortality rate compared to other BMAs within the province⁵. The project area is "essentially undeveloped", with only a few "exploration roads and reclaimed drill sites scattered" throughout; it also contains abundant sources of moderate to high quality spring feeding habitat and moderate summer feeding habitat for the species¹. Increasing human access, presence, and infrastructure will irreparably alter this habitat and negatively impact the BMA2 population, as anthropogenic disturbances are known to significantly increase human-caused mortality of the threatened species, which is the leading factor for declines of grizzly bear populations in Alberta⁵. Development of Mine 14 will increase human disturbance within this important grizzly bear habitat and disrupt the stability of the BMA2 population.

Mountain goats and bighorn sheep are also known to be sensitive to anthropogenic activities. They display increased vigilance and maintain costly energetic states as a response to human activity^{6,7}. Peer-reviewed research conducted on Caw Ridge – the ridge just north of the proposed mine in Township 58, Ranges 9 and 10 (W6M) – recommended that linear disturbances should not be created in goat habitats such as cliffs and open forest close to timberline^{6,7}. Coal mining will negatively impact habitat quality through direct landscape alterations and diminish effective habitat use of both species by means of increased avoidance behavior^{1,6,7}. In 2020, AER denied Horn Ridge Resources Ltd.’s coal exploration program (Application #A10103910) for these exact reasons, recognizing that human activity in the area would directly and negatively affect mountain goat and bighorn sheep. Having set this precedent, AWA encourages AER to refuse Summit’s applications on the same grounds.

Woodland caribou, which are listed as threatened under Alberta’s *Wildlife Act* and Canada’s *Species at Risk Act* (SARA), are likely to be negatively impacted by development of Mine 14. The mine lease area overlaps with two caribou management subregions; the Upper Smoky and the Berland. Mining activities would increase traffic on Highway 40, which cuts through caribou habitat, increasing the cumulative disturbances in caribou habitat that have led to the decline of this iconic Canadian species. Alberta has a short-term commitment (5 years or sooner as of October 2020) under Section 11 of SARA to “deliver management actions to maintain or achieve stable or positive growth for woodland caribou local population units”⁸. As per this agreement, the area where Mine 14 is proposed is currently undergoing subregional planning with a focus on achieving caribou conservation goals. To allow further disturbances such as a new coal mine in this planning area prior to the completion and implementation of the plan would be irresponsible and contradict Alberta’s commitments under the caribou conservation agreement.

Additionally, many migratory and resident breeding birds have been documented, or are known to occur within the project area¹. Summit’s mitigation strategy “to minimize sensory disturbances and mortality risks during the sensitive nesting period and avoid disrupting nesting migratory and resident songbirds and raptors” involves only clearing vegetation outside of active breeding periods, which still results in the removal of habitat that would be otherwise available in the future to these birds¹. Summit also states that should vegetation clearing need to occur during breeding periods, they will conduct wildlife sweeps to look for “migratory bird nests, mineral licks, active dens, and active raptor nest sites that could indicate the presence of at-risk wildlife”, which undermines their initial assertion to only clear vegetation outside active breeding periods¹.

Summit acknowledges that this project will negatively impact these provincially listed species¹:

“The extent to which these species will be affected by Project development will primarily reflect the extent of anthropogenic disturbance (e.g., habitat loss, sensory disturbance, movements, and mortality risk), and the presence of suitable habitats. For example, amphibian species, such as the western toad, are likely to occur in suitable wetland habitats that are intersected by the Project footprint. This includes semi-permanent and permanent waterbodies that are used for breeding, and adjacent upland sites for overwintering. Similarly, species with larger home ranges, such as the bald eagle, golden eagle, and grizzly bear, are more likely to pass over or move through or around the Project footprint to other adjacent habitats”.

Concerning water, the project is at odds with the commitment outlined in section 2(a) of the *Water Act*, stressing “the need to manage and conserve water resources to sustain our environment and ensure a healthy environment and high quality of life in the present and the future”. The proposed access road intercepts numerous streams that flow into Two Cabin Creek, a tributary to the Smoky River, as well as Carconte Creek and Allen Creek, which are part of the Grande Cache Lake Watershed. The road will be heavily used; Summit expects to truck 96 trips worth of coal daily to Milner Power Inc. Power Station in Grande Cache¹. Annually, this represents over 70,000 opportunities for the water within these streams to be degraded with deleterious substances associated and carried by the vehicles, and for previously isolated wildlife to be disturbed by truck traffic.

Mine 14 plans to fulfill its water needs with three management ponds; one collecting stormwater, one to store wastewater, and another for minewater¹. They are designed to withstand 24 hr, 1:10 year flooding events, but should the region experience severe weather and rainfall exceeding such events, Summit will discharge the excess volume into Carconte Creek, “following sampling and lab analysis to ensure water quality meets the Water Act and EPEA guidelines”¹. However, this year alone seven different incidents have occurred resulting in the accidental release of untested coal wastewater, sediment, and fines into important waterways⁹. On one occasion, over 1 million litres were discharged by CST Coal into the Smoky River⁹. Coal wastewater is known to negatively affect aquatic ecosystems, with common pollutants like selenium capable of causing both deformities and reproductivity issues in fish. The three most recent spills were attributed to heavy precipitation and regional flooding, weather events that will only become more frequent under current predicted climate scenarios.

Finally, coal is unpopular with Albertans. The removal of the *1976 Coal Policy* in 2020 was met with widespread public outcry. Over three brief weeks in the spring of 2021, during the Alberta Coal Policy Committee’s early engagement stages, nearly 25,000 people participated in a government survey seeking input on the province’s coal policy. An overwhelming 90% agreed coal development should be restricted from the Eastern Slopes, with the majority citing

environmental impacts as the most important issue informing their opinion. The government reversed their decision and reinstated the *1976 Coal Policy*. Further engagement by the Committee asked participants to come up with recommendations on the future of coal in Alberta, including AWA who provided a submission to the Coal Policy Committee during this process.

The Coal Policy Committee provided an engagement report summarizing what they heard from Albertans and a recommendations report to the government, which were both released publicly in March of 2022. Based on the recommendations in the report, the government decided to pause all new coal mining and exploration in the Eastern Slopes until the completion of subregional management plans under the *Alberta Land Stewardship Act*. Mine 14 was one of four advanced projects allowed to proceed through the application process, despite the fact that the mine lease falls within an area that is currently undergoing a subregional planning process, and despite the Coal Policy Committee's findings that Albertans are strongly opposed to coal development on the Eastern Slopes largely because of the adverse environmental impacts. Of the other advanced coal projects, two have been halted and the third is in court over a federal environmental impact assessment. Summit's applications should be denied on an environmental and public interest basis, especially without a subregional management plan in place.

AWA respectfully requests that Summit Coal Inc.'s EPEA and *Water Act* applications, along with any potential subsequent coal extraction activities be denied.

Sincerely,

ALBERTA WILDERNESS ASSOCIATION

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