



ALBERTA CHAPTER OF THE WILDLIFE SOCIETY

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Honorable Jason Nixon
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February 18, 2021

Re: Response to September 25, 2020 Letter Regarding Statement of Concern No. 31759 Cabin Ridge Project Limited Application No. A10104523 (CEP 200001) and Statement of Concern No. 31760 Elan Coal Ltd. Application No. A10104623 (CEP 200002)

Dear President Pushor and Minister Nixon:

The Alberta Chapter of The Wildlife Society (ACTWS) is a non-profit organization representing over 425 wildlife professionals in the province of Alberta. Our mission is to inspire and empower wildlife professionals to engage in science-based management and conservation of wild animals and their habitats. Our dedication to that outcome is reflected in our thoughtful, innovative work. We are affiliated with The Wildlife Society, the largest organization of wildlife professionals in the world. Each of our members loves Alberta for the diversity of economic, wilderness, and wildlife opportunities it provides. On behalf of the ACTWS, I am writing in response to your letters regarding coal exploration in southern Alberta.

We have been following coal exploration and development proposals in southern Alberta with a high level of interest. We have written multiple letters to Alberta Environment and Parks (AEP), participated in the Grassy Mountain Coal Mine public hearing, and have been working with partners to understand the implications of decisions being made. Several of our members work directly with coal mine environmental impact assessments, reclamation efforts, or research aimed at improving our understanding of coal's ecological impact on the landscape and the effectiveness of mitigation



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tools. We are an organization of scientists and experts who value evidence-based decision making in natural resource and habitat management.

Last year, we submitted two letters with Statements of Concern regarding the Cabin Ridge and Elan Coal mining applications. We would like clarification on a couple of statements made by the Alberta Energy Regulator (AER) in their response to our concerns. More specifically:

1. *“The AER has concluded you have not demonstrated that the members of ACTWS may be directly and adversely affected by a decision on this application.”*

ACTWS’s position is that all Albertans are affected by all decisions on Crown Land. Indeed, the Joint Panel for the Grassy Mountain Coal Mine Application recognized the ACTWS as an affected party and invited us to present at the virtual hearings completed in early December 2020. AER’s position effectively prohibits the ability of essentially all Albertans to comment or criticize land-use decisions made by the AER or the Government of Alberta. Moreover, we find this inconceivable given that the proponent is from Australia. What legislation gives precedence for a foreign-owned entity to enter on Crown Land without the benefit of input from the people living in this province?

2. *“Your concerns regarding cumulative effects of land use and the Livingstone Porcupine Hills Land Footprint Management Plan should be addressed to Alberta Environment and Parks (AEP). Cabin Ridge is required to follow all requirements set out in this management plan. The concerns you expressed are general and not supported by any evidence.”*

We would like to reiterate that Alberta’s Land-use Framework (2008) consists of seven strategies, including one focused on cumulative effects that states: “Cumulative effects management will be used at the regional level to manage the impacts of development on land, water and air”. The Livingstone Porcupine Hills Sub-Regional Plan (LPSRP) indicates that a Cumulative Effects Management Decision Tool will be used by the three specified land-use agencies (Alberta Energy Regulator, Alberta Environment and Parks, and Alberta Agriculture and Forestry) to evaluate new projects in terms of cumulative effects management indicators and thresholds. As the AER is included in the list of land-use agencies that are required to use this tool to evaluate new projects, we are puzzled by the statement that we should address our concerns to AEP. Do we conclude from this that AER does not consider cumulative effects management in its decision making and has no intention of doing so despite the direction provided in the Land Use Framework?

The “evidence” that we included in our original submission was our own Cumulative Effects evaluation of the Southern Eastern Slopes conducted by ALCES™¹. This cumulative effects model indicates timber harvest that has already occurred in the Upper Oldman watershed combined with

¹ A copy of this report has been sent to your Ministry and other senior level bureaucrats. The report has been posted to our website and be downloaded via [this link](#).



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the existing access development currently puts trout in this watershed in a precarious position. These coal exploration programs will exceed responsible conservation requirements for bull trout, Westslope cutthroat trout, grizzly bears, elk, and bighorn sheep. If the Government of Alberta's cumulative effects management tool differs in its assessment, then we would be interested in meeting with staff of both AEP and AER to compare results and assess strengths and deficiencies of the two models.

The ACTWS looks forward to inclusive opportunities for our experienced membership to comment on land use activities, policies, and legislation, and we encourage AEP to demonstrate commitment for sustainable, science-based resource management.

Respectfully,

Alex Beatty, President
Alberta Chapter of The Wildlife Society

cc. Roger Reid, UCP MLA, Livingstone-McLeod
Rachel Notley, Leader of the Opposition
Kathleen Ganley, Energy Critic
Marlin Schmidt, Environment Critic