

September 23, 2019

By email only

Mr. Martin Ignasiak
Partner, Osler, Hoskin & Harcourt LLP
<contact information removed>

Subject: Site Visit Procedures and additions to draft itinerary

Dear Mr. Ignasiak:

The Joint Review Panel (the Panel) for the proposed Grassy Mountain Coal Project (the Project) will be conducting an aerial tour of the Project Area and a site visit to the Grassy Mountain Project Site on September 25, 2019. The purpose of the aerial tour and site visit is for the Panel to observe features described in the evidence, and facilitate its general understanding of the spatial orientation, proximity and proportions of these features by providing first-hand views.

The Panel requests that Benga Mining Ltd. (Benga) add the following three locations to the draft site visit itinerary. The addition of these locations is based on comments received during the public comment period on the site visit that ended on September 4, 2019.

- the proposed location for the saturated backfill site
- representative historic coal waste spoil pile(s)
- the intersections of the upper reaches of Gold Creek and the ultimate pit extent, where the project is in closest proximity to Gold Creek.

The Panel requests that Benga provide an updated itinerary and map reflecting these changes, to be posted on the public registry for the Project. For clarity, at no time will Benga staff participate in the aerial tour.

In carrying out the site visit, the following procedures will be followed:

- In advance of the site visit, a final itinerary of the site visit to the Grassy Mountain Project Site will be posted on the public registry.
- In advance of the site visit, Benga will provide a script for each site visit stop, which will be posted on the public registry.
- The site visit, as noted above, is conducted to provide context for the Panel. It is not conducted to collect evidence and observations made during the site visit are not

evidence. In keeping with this, the Panel will not be making any records of observations made during the visit, including photographs.

- The site visit will be restricted to the Panel, the Panel counsel, the Panel secretariat, AER staff and Benga staff necessary for the safe conduct of the visit to the Grassy Mountain Project Site.
- Staff from Benga who are directly involved in the preparation or presentation of evidence for the hearing are not permitted to attend the site visit.
- The Panel, the Panel counsel, the Panel secretariat, and AER staff will travel in separate vehicles from Benga staff at all times during the site visit.
- Communications between Benga staff and the Panel will be limited to the script and what is necessary for the safe conduct of the site tour. There will be no other information requested by the Panel, the Panel counsel, the Panel secretariat, AER staff or provided by Benga.
- Following the tour, a brief report will be made available on the public registry for the Project that will outline the Panel itinerary and routes taken, and will provide a factual description of what was observed. The report will also include a summary of any alterations or additions to the proposed itinerary.

If you have any questions regarding this letter, you are encouraged to contact Tracy Utting, Acting Panel Manager at CEAA.GrassyMountain.ACEE@canada.ca.

Yours truly,

<Original signed by>

Alex Bolton
Chair, Joint Review Panel

cc: Mike Bartlett, Senior Project Manager, Millennium EMS Solutions Ltd.