August 10, 2020

By e-mail only

Drew Yewchuk
Legal Counsel
Public Interest Law Clinic

Subject: RE: Confirmation of participation at the public hearing for the Grassy Mountain Coal Project

Dear Mr. Yewchuk:

Thank you for your letter of July 17, 2020 where you confirm Canadian Parks and Wilderness Society – Southern Alberta Chapter’s (CPAWS) participation at the public hearing for the Grassy Mountain Coal Project (the Project) and where you provided CPAWS’ views on preferred dates, locations, and format of the hearing. In light of current public health restrictions associated with COVID-19, details regarding hearing dates, format, locations, and logistics will be posted to the Registry and communicated to all hearing participants at a later date.

The Panel understands from CPAWS’ submission that they intend to participate fully in the hearing for the Project. As stated in its June 29 letter to you, the Panel has granted CPAWS full participation rights in the hearing. Full participation includes the opportunity for CPAWS to provide written and oral submissions, to cross-examine parties that are adverse in interest to CPAWS at the hearing, to submit final argument, and to participate in prehearing or technical meetings if convened by the Panel.

A written submission containing the evidence that CPAWS intends to present at the hearing must be provided by September 14, 2020 as per the schedule set out in the notice of hearing. In your written submission, please include an estimate of the amount of time that CPAWS would like to present their evidence at the hearing so that the Panel can establish time limits for all participants (note that not all timing requests may be fully accommodated).

The Panel requests that CPAWS make efforts not to duplicate evidence provided by other non-governmental organizations participating at the hearing to the extent possible.

Please note that CPAWS will have to adopt and speak to their written submissions at the hearing and all witnesses are expected to either swear or affirm that their evidence is truthful. CPAWS’ witnesses should also be available to respond to questions from the Panel and parties that are adverse in interest at the hearing.
Parties who participate in the hearing may be eligible to submit a cost claim to recover some of the costs of their participation under the Alberta Energy Regulator’s Directive 031: REDA Energy Cost Claims. Section 58.1 of the Alberta Energy Regulator Rules of Practice sets out the factors that are taken into consideration when making a decision in respect of an application for costs. Applications for advance and interim funding should be provided to Elaine Arruda at <email address removed> by September 7, 2020.

On August 19, 2020, the Panel secretariat will be hosting an information session (via Zoom) regarding hearing submissions. If you would like to attend the information session, please send an email to Elaine Arruda at <email address removed>.

If you have any questions regarding this letter, you are encouraged to contact Samantha Sabo, Acting Panel Manager at IAAC.GrassyMountain.AEIC@canada.ca.

Yours truly,

Alex Bolton
Chair, Joint Review Panel

cc. Katie Morrison, CPAWS - Southern Alberta Chapter
Christine Laing, Public Interest Law Clinic
Martin Ignasiak, Osler, Hoskin & Harcourt LLP
Mike Bartlett, Senior Project Manager, Millennium EMS Solutions Ltd.
Sarah Nossiter, Benga Mining Ltd.

2 Available online: https://www.qp.alberta.ca/1266.cfm?page=2013_099.cfm&leg_type=Regs&isbncln=9780779803491