

JOINT REVIEW PANEL PUBLIC HEARING

IN THE MATTER OF Application Nos. 1844520, 1902073,
001-00403427, 001-00403428, 001-00403429, 001-00403430,
001-00403431, MSL160757, MSL160758, and LOC160842
to the Alberta Energy Regulator

GRASSY MOUNTAIN COAL PROJECT - BENGA MINING LIMITED

VOLUME 7

VIA REMOTE VIDEO

November 4, 2020

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18 LLP ON BEHALF OF BENGA MINING LIMITED TO THE JOINT

19 REVIEW PANEL RE: RESPONSE TO UNDERTAKINGS #3, #4,

20 AND #5

21

22

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26

1 Proceedings Taken via Remote Video

2

3 November 4, 2020 Morning Session

4

5 A. Bolton The Chair

6 D. O'Gorman Hearing Commissioner

7 H. Matthews Hearing Commissioner

8

9 M. LaCasse AER Counsel

10 B. Kapel Holden AER Counsel

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12 K. Lambrecht, QC Joint Review Panel Secretariat
13 Counsel

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15 T. Utting AER Staff

16 E. Arruda AER Staff

17 D. Campbell AER Staff

18 T. Turner AER Staff

19 T. Wheaton AER Staff

20 A. Shukalkina AER Staff

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22 M. Ignasiak For Benga Mining Limited

23 C. Brinker

24

25 R. Warden For Ktunaxa Nation

26

1	K. Poitras	For Métis Nation of Alberta
2		Region 3
3		
4	Chief B. Cote	For Shuswap Indian Band
5		
6	B. Snow	For Stoney Nakoda Nations
7		
8	R. Drummond	For Government of Canada
9	S. McHugh	
10		
11	A. Gulamhusein	For Municipality of Crowsnest
12		Pass
13		
14	M. Niven, QC	For MD of Ranchland No. 66
15	R. Barata	
16	J. Nijjer	
17		
18	B. McGillivray	For Town of Pincher Creek
19		
20	D. Yewchuk	For Canadian Parks and
21		Wilderness Society, Southern
22		Alberta Chapter
23		
24	R. Secord	For Coalition of Alberta
25	I. Okoye	Wilderness Association, Grassy
26		Mountain Group, Berdina Farms

1		Ltd., Donkersgoed Feeder
2		Limited, Sun Cured Alfalfa
3		Cubes Inc., and Vern Emard
4		
5	R. Cooke	For Crowsnest Conservation
6		Society
7		
8	G. Fitch, QC	For Livingstone Landowners
9	C. Agudelo	Group
10		
11	M. Sawyer	For Timberwolf Wilderness
12		Society and Mike Judd
13		
14	(No Counsel)	For Barbara Janusz
15		
16	(No Counsel)	For Jim Rennie
17		
18	S. Elmeligi	For Alberta Chapter of the
19	A. Morehouse	Wildlife Society and the
20	S. Milligan	Canadian Section of the
21	M. Boyce	Wilderness Society
22		
23	J. Gourlay-Vallance	For Eco-Elders for Climate
24		Action
25		
26	L. Peterson	For Trout Unlimited Canada

1	R. Campbell	For Coal Association of Canada
2		
3	(No Counsel)	For Alistair Des Moulins
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5	(No Counsel)	For David McIntyre
6		
7	(No Counsel)	For Fred Bradley
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9	(No Counsel)	For Gail Des Moulins
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11	(No Counsel)	For Ken Allred
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14	(No Counsel)	For Monica Field
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21	<hr/>	
22		
23		
24		
25		
26		

1 (PROCEEDINGS COMMENCED AT 9:04 AM)

2 Discussion

3 THE CHAIR: Good morning, everyone. Just
4 a reminder that live audio and video streams and video
5 recordings of this proceeding are available to the
6 public.

7 MR. COOKE: (UNREPORTABLE SOUND)

8 THE CHAIR: Mr. Cooke, maybe you could
9 mute your microphone.

10 MR. COOKE: Yeah. My apologies.

11 THE CHAIR: Just a reminder that live
12 audio and video streams and video recordings of this
13 proceeding are available to the public through the
14 AER's website and YouTube. Anyone in the virtual
15 hearing room with the camera and microphone turned on
16 will be captured, and images of you and your
17 surroundings will be broadcast to the publicly
18 available YouTube video.

19 If you have concerns about this, please contact
20 counsel well in advance of the time you are scheduled
21 to participate to explain your concerns. We will try
22 to accommodate your concerns concerning the need for an
23 open and transparent public process.

24 Before we start, are there any preliminary matters
25 that we need to deal with? Okay. Hearing none,
26 Mr. Cooke, Crowsnest Conservation Society is up for

1 their direct evidence on this topic.

2 Direct Evidence of Crowsnest Conservation Society
3 (Purpose of Project, Visual Aesthetics, Alternative
4 Means, Land and Resources Use, Socioeconomic Effects,
5 Historic Resources)

6 MR. COOKE: Thank you, Mr. Chairman. If
7 we can bring into the room our two witnesses, I think
8 they need to be sworn first. That's Heather Davis and
9 Stephanie Duarte-Pedrosa.

10 THE CHAIR: Okay. If we can highlight
11 them and have the court reporter swear them.

12 HEATHER DAVIS AND STEPHANIE DUARTE-PEDROSA, Affirmed
13 RICHARD JOSEPH COOKE, Previously Affirmed

14 THE CHAIR: Go ahead, Mr. Cooke.

15 MR. COOKE: Okay. I think perhaps we --
16 we have a presentation that we will be speaking to. At
17 one point, we'll turn it off, but I would ask the Zoom
18 coordinator to put that up on the screen if -- if
19 that's possible now.

20 Again, we introduced ourselves in the opening
21 statements. We're a local Crowsnest Pass-based
22 environmental conservation group, and in our
23 presentation -- and perhaps I could have the next
24 slide. Next page. Thank you. We will attempt to --
25 our advocacy has been to this point in the process --
26 and our involvement goes back, really, to -- to the

1 inception of this project -- is to facilitate community
2 involvement in the consideration of this project.

3 And at this point, we would -- so our evidence is
4 really to identify what the key issues in -- what key
5 issues and concern impact the CNC, the Crowsnest Pass
6 Community, in this topic area and -- and to make
7 recommendations to the Panel on how they might be
8 addressed in its -- in its decisions. We're going to
9 present some information on what we have been able to
10 determine relate to community issues and concerns. The
11 three of us will make brief presentations just on why
12 we're here -- why we live here and our views on the
13 project.

14 As you can see by the distribution, we have the
15 future, and we have the past, and, in a sense, in
16 Heather, we have the present, and that may, you know,
17 provide some perspective. Heather will carry on and --
18 and make a presentation related to recreation and
19 tourism. We have asked leave to very briefly mention
20 what our priority environmental issues are and some
21 recommendations in that area, and this avoids us making
22 appearances later. And we'll address socioeconomic
23 issues and project sustainability and viability issues
24 and -- and provide a summary.

25 Next slide. Thank you. CCS -- and this is -- I
26 should have mentioned, generally, our presentation does

1 track our -- our submission, which is Registry
2 Document 551, I believe. And so we're not going to
3 elaborate on -- on text in that but try to highlight
4 what comes out of it.

5 One of the things we undertook to do in that
6 submission or we outlined was what is an informal
7 survey of our members and supporters, and that involves
8 an email sent out to 233 people. We have a membership
9 base of around 130. I would comment that the interest
10 in these video -- the video hearing in the
11 Crowsnest Pass has added some members, so we thank the
12 Panel for that. We asked three questions, essentially,
13 in -- in this informal survey. One was people's
14 position on the project. The choices were "opposed" or
15 "qualified or conditional support" or "full support".
16 We included "other", but no one responded to that.

17 The results generally were -- and I don't think
18 this is surprising, given the nature of, you know, our
19 network -- was very strong opposition to the project,
20 85 -- roughly 85 percent; 10 percent offering
21 potentially qualified support, depending on the
22 conditionality and associated with -- with the
23 permitting and the conditions under which it might go
24 ahead; and -- but certainly we have members that --
25 that do support the project.

26 The main messages that come out of this -- and

1 I'll -- if I could have the next slide. This is just
2 illustrative. It's taken out of our -- our submission.
3 That -- that's information that people who are
4 passionately interested can get a sense, but these are
5 the kinds of comments we'd get.

6 Could I return to the previous slide, please?

7 Thank you. The next message is -- we've taken out of
8 this is certainly a strong message that economic
9 development in the Pass is desperately needed for a
10 viable future. We -- we have been a community that has
11 been struggling, and -- certainly in the 40-odd years
12 I've been hanging around permanently or otherwise, and
13 that's certainly been reflected. I think, Fred
14 Bradley's evidence as perhaps best illustrative of
15 that. People, you know, question in a sense the
16 limited and short-term project direct/indirect economic
17 benefits, and, basically, the message is: Are we
18 getting some short-term gain for long-term pain? And
19 that's a common theme, I think, in people's views.

20 Everyone -- or, generally, people view the Pass as
21 the poor sister in terms of the beneficiaries in the
22 region for the project. But, I mean, I think it is
23 clear -- it's clear in Benga's evidence and certainly
24 would be our experience in the area that the
25 neighbouring communities are better positioned to
26 capitalize on project benefits, the MD and Town of

1 Pincher Creek to the east and Sparwood and Fernie to
2 the west. The -- the dominant theme that has come out,
3 I think -- I would suggest, dominant theme is concern
4 about the degraded attractiveness of the Pass for
5 outdoor lifestyle, recreation, and -- and tourism
6 opportunities. And that has been the -- the primary
7 economic driver, certainly, for the last 20 years
8 and -- and particularly most recently, where -- where
9 gains have been made in this, and the community has
10 been moving forward in that direction. The concern is
11 that -- that this economic development route will
12 decline and -- as a result of a return of, you know,
13 visual industrialization.

14 There are messages that I personally find quite
15 disturbing, but -- as people in surveys who write their
16 comments are fairly free with their words, and there
17 were certainly strong words that we received. I might
18 add, though, we're keeping all of this, obviously,
19 confidential in terms of who says what. The message is
20 that people who have come to the Pass would not have
21 had they known there was a prospect of future coal
22 mining. People who are here now have suggested they
23 would leave -- and I know -- I personally know people
24 that are in the process -- and that people who might be
25 considering coming aren't coming. The -- certainly a
26 message that tourists won't come, that they won't stop,

1 and they're going through a pit town; that is a -- is a
2 message and that, you know, the embryonic but growing
3 business base associated with lifestyle, with
4 recreation and tourism will tend to relocate.

5 So there's -- a basic question is: Are we
6 foreclosing on that -- that economic path? There's
7 certainly fears related to project viability, timing
8 uncertainty. This is a long-historical mining
9 community, and even in recent experience, some of which
10 was referenced yesterday, people are sensitive to
11 things being proposed and not happening or things
12 starting and stopping.

13 And, finally, a very strong message, and I would
14 identify it as the elephant in the room in this
15 socioeconomic discussion, is very strong opposition to
16 other proposed coal projects going forward.

17 Could I go down two slides, please? Thank you.
18 The other piece of factual information that may be
19 pertinent to how people feel about this project -- and
20 I again underline, none of this is definitive. It's
21 just nobody else seems to have done it. The proponent
22 hasn't -- have actually surveyed what people think in
23 the community, but this is just information --
24 available information you -- Mr. Chairman, you kindly
25 let us enter this as evidence when we came across it
26 just a couple of weeks ago. The Municipality, as part

1 of its municipal plan development, did a survey. My --
2 I personally filled it out. It was done last June,
3 June 2020. And there's some instructive messages, we
4 think, in that, and these are our interpretations of --
5 of those messages, and others may have other
6 interpretations, and that's entirely legitimate.

7 But one key question was -- asked respondents:
8 What characteristics of the community do they identify
9 with? And 93 percent said the natural environment,
10 dominant. The least -- the one they least identified
11 with was industry. You know, where do people place
12 value in terms of -- of being in the community? And
13 the highest is natural landscape, small-town
14 environment, and outdoor recreation. And these are
15 subjective numbers as opposed to absolute percentages
16 as expressed in the survey.

17 The challenges the community has, economy is -- is
18 Number 1. Aging infrastructure is Number 2.
19 Interestingly enough, environment is -- is quite low on
20 the list, which really suggests that, you know, the
21 environment's pretty good, and there's some other
22 things that need to be addressed. Service
23 improvements, really high rating given to
24 attractiveness and to indoor/outdoor recreation.

25 And, finally, the last -- and this is a subjective
26 question that was in the survey, but we -- I think

1 quite -- quite instructive is people were asked
2 directly what their opinion of achieving a balance
3 between what the Municipality defined as "tourism" -- I
4 would define more broadly as "lifestyle, recreation,
5 and tourism". What balance should exist? The highest
6 rating was given to -- people would like to see a
7 balance with -- with both prioritized, but following
8 behind that was balance with tourism and environment
9 prioritized, and close behind that was balance with
10 industry prioritized. So there is a range of -- this
11 just tells us there's a range of views collectively in
12 the community. We simply offer that as information.
13 We would have liked the Municipality and the proponent,
14 perhaps, to have presented this kind of information in
15 their analysis.

16 Could I go on to the next slide? Okay. We now
17 would -- we can take -- these are the three of us who
18 will speak briefly in who we are and why we're here.
19 We can take the slide presentation down. And it would
20 probably be useful if the three of us appeared in
21 parallel. I'll speak first, then Stephanie, and then
22 Heather. Heather will go on and discuss and make her
23 presentation on recreation.

24 I'm the past of the three of us, as -- as I think
25 everyone can see. My wife and I have been associated
26 with the Pass on a part-time or full-time basis for the

1 last 40 years, have lived full-time in the pass for the
2 last 20 years. We are, what has been said in a recent
3 letter to the editor in the local paper, part of that
4 evil group that are amenity migrants that have
5 theoretically made their fortunes elsewhere, probably
6 in the resource development industry and other
7 business, and come to the Pass to get away from it.
8 I'm not sure that's a fair characterization, but there
9 is that sentiment. We are amenity migrants in that
10 context. Although, I think, ones -- we invested in the
11 Pass a long time ago in terms of we bought land a long
12 time ago and have since built a house on it. We live
13 on one mountain to the west, Saskatoon Mountain -- one
14 mountain to the west of Grassy. And I -- and I don't
15 say that as in the context of having an objection to
16 living one mountain to the west of Grassy. My wife is
17 a health care professional, and she -- we came to the
18 Pass, basically, when our kids left home. We were
19 living in Winnipeg at the time. We first lived in
20 Calgary and then lived in -- in Winnipeg. Our kids
21 left home, and we always planned to come back here, and
22 we did. And my wife worked as a health care
23 professional in the Pass until she retired.

24 But I'm another kind of migrant in that sense, in
25 that I've run, at least what's been to me, a satisfying
26 and lucrative business as an international

1 environmental consultant. I -- my CV is in evidence,
2 and I won't elaborate any more on that. But, in
3 effect, I'm an example of a virtual business operating
4 out of the Pass, and I think that is a new trend. I --
5 we know of a lot of people younger than us that have
6 come to the Pass, young professionals who have very
7 successful careers here, but there's successful careers
8 that operate in other parts of the country and other
9 parts of the world as well, and they do that from the
10 Crowsnest Pass. That is a major source, in my view of
11 in-migration to this kind of community, specifically
12 for the amenities. That's the future, if you -- if you
13 like.

14 I'll conclude just by saying: My own view is I'm
15 part of the 10 percent, in that I certainly have
16 concerns about the development, but I -- there is
17 perhaps some ways to make it work with having
18 industrial -- or having industrial development of this
19 type in parallel with the priority that people like
20 ourselves would attach to living in this community,
21 which is the lifestyle, recreation, and -- you know,
22 associated with that, perhaps tourism.

23 So with that, I'll conclude, turn it over to
24 Stephanie, who is the future and has, I think, a very
25 interesting background. Thank you.

26 THE CHAIR: Yeah. You're still on mute.

1 Don't worry. It's happened to all of us.

2 A MS. DUARTE-PEDROSA: Okay. I'm Stephanie, and I'm
3 20 years -- 21 years old. My -- so my connection with
4 Crowsnest -- I grew up here. I -- my parents are from
5 Edmonton, and they married and then they moved to the
6 United States. So my brother and I, we were both born
7 in Seattle, and as we were growing up, my mom and my
8 dad were like, Oh, my goodness, my children are
9 identifying as American. Oh, my goodness, we need to
10 change this. And so they came to Crowsnest when I was
11 9 years old, specifically to live in a small town in
12 the Canadian Rocky Mountains. That was their goal.
13 And I remember, as a kid, like, them, like, small-town
14 shopping, visiting Nelson, visiting Kimberley, visiting
15 these different towns, and finally coming to Crowsnest.
16 Maybe the Albertan bias; I'm not really sure. But I'm
17 grateful for it.

18 And so I'd kind of consider myself, like, a
19 half-local. Depends on who I talk to. If I talk to
20 people out of town, I'm a loud-and-proud Crowsnest
21 resident. If I talk to someone in Crowsnest who has,
22 like, multiple generations here, then I'm still kind of
23 a city slicker. I left Crowsnest four years ago for
24 school, and I've been back each summer to work. Last
25 year, I worked at the Alberta Tourism Office. That was
26 on the west end of Crowsnest, right by Crowsnest Lake.

1 So I got to help people driving through, gave them
2 maps, gave them advice on hiking trails. And that was
3 really, really fun and really, really -- I guess it was
4 very influential on how I -- how I viewed Crowsnest
5 since leaving, and getting to see it through visitors'
6 eyes was super exciting. And their -- to see their
7 excitement about our mountains and all of the hidden
8 gems and restaurants we have, that was really
9 beautiful, and it was -- it made my heart super -- kind
10 of grow a bit for my -- in relation to my town.

11 I came back to Crowsnest in March. As soon as
12 university was shut down because of COVID, I moved out
13 of my apartment. I didn't want to be stuck in a city
14 or in an apartment building. I wanted to be in my
15 parents' house in Blairmore, which happens to be right
16 next to the forest, because I knew whatever would
17 happen, I would have access to hiking trails and to the
18 wild, which I think I -- yeah, I knew I needed in light
19 of COVID.

20 I think that's something that is kind of this --
21 like, the collective lifestyle of Crowsnest. One of
22 the -- I think the defining pieces is our connection to
23 the public lands that we have, regardless of your
24 political beliefs, your age, your background. Like,
25 you use the public lands hiking, running, mountain
26 biking, skiing, hunting, quadding, dirt biking. My

1 younger brother, he literally camped every single
2 weekend north of -- north of Crowsnest in the Crown
3 land, like, Highway 40 and Atlas Road, like, with
4 his -- with his old friends from high school, dirt
5 biking, camping. It's -- that's, for the locals, so
6 important to us.

7 And I remember, like -- I remember the first time
8 looking at the map where -- to see the exploratory
9 rights that different mining projects have, especially
10 up Highway 40 and Livingstone and then down kind of
11 towards Castle Provincial Park. That made me so
12 uncomfortable to see and -- and the thought of having
13 so much of our public lands restricted for mining and
14 the effect that will have on our collective identity,
15 it -- it kind of made my gut clench a bit. So I think
16 that's something really important looking forward, and
17 I know that's out of the scope of this specific
18 hearing, is, like, how our collective identity will
19 change as land use becomes limited.

20 I've -- something else I wanted to talk about is
21 kind of my family's formula that we have when friends
22 from out of town or family from out of town visit. We
23 always spend one day at Waterton National Park. We
24 always go to the Frank Slide Interpretive Centre to
25 show them Canada's deadliest mining disaster, and we
26 try to do the hike up Turtle Mountain. And then we

1 always go to Fernie, and we go and enjoy the main
2 street and the small shops and the restaurants in
3 Fernie. And it's kind of -- since moving away and
4 thinking and reflecting upon it, it's kind of a weird
5 thought that, like, when we have people visit us in our
6 town, we only spend one day in our town. Everything
7 else we do is in neighbouring places.

8 But in the last few years, like, I've witnessed
9 kind of the momentum shift, and I think there's more
10 and more things to show in Crowsnest. And there's more
11 and more things that I'm proud to show in -- show of
12 our town, such as, like, the community market that I --
13 that I remember as a -- like, it started when I was a
14 kid, and every year it becomes more lively. There's
15 more shops, more locals really excited to show off
16 their products and their services.

17 And to see the growth of and the success
18 of Sinister 7, the ultra -- ultramarathon that happens
19 in July every year, and then all of the races that have
20 developed since Sinister 7, to see all the
21 mountain-biking trails with UROC that they've put in
22 with their volunteers. Working at restaurants and
23 having people from Calgary come down and say, Yeah, I
24 just went mountain biking, and I'm never going to tell
25 my friends in Calgary. No. It's going to be my little
26 secret. No one can have these trails except me; it's

1 so beautiful and so uncrowded. And to hear that kind
2 of excitement and that loyalty to our town and the
3 trails that we have now that we didn't have when I was
4 a little kid, that's super cool to see too.

5 And, like, all those really good things, it was --
6 my dad told me not to use this word, but I kind of
7 found it insulting to read the socioeconomic impact
8 assessment and to see all those recent things in our
9 town that I love and makes me so proud -- to not see
10 those represented in the impact assessment, it really
11 kind of ground my gears because there's so many people
12 in our town giving so many hours to the tourism and
13 recreation industry, and that kind of seemed to be
14 ignored. And I think it really needs to be addressed
15 going forward that they do exist and that there is a
16 lot of potential in that.

17 And something else that I remember reading in
18 preparation for the hearing is a letter from the
19 Municipality, I think, in -- for the most part, it was
20 in support of the mining project. And I remember
21 clearly them using the adjective of "thriving" to
22 describe Fernie, Elkford, and Sparwood. And in some
23 ways, that's true. You know, they do benefit from
24 Teck. But to me, the only town that's thriving of
25 those three is Fernie, and I urge everyone in the Panel
26 to take a little road trip to the Elk Valley and drive

1 through Sparwood and Elkford and through Fernie, and
2 you'll see the liveliness and the spirit is so strong
3 in Fernie because of the small businesses that are
4 nurtured from the tourism and recreation industry.

5 And I don't -- in my opinion, in Sparwood and
6 Elkford, that's not the same thing. And I see
7 Crowsnest right now kind of at this crossroads, and
8 there's a lot of pressure on the Panel to -- in kind of
9 determining the economic future of our town for the
10 next two decades and maybe even longer. And so I kind
11 of see us going down either one road of, kind of,
12 Sparwood and Elkford or the other road of Fernie. And,
13 obviously, like, I guess that's kind of an
14 oversimplified look at it, but I think I -- that's how
15 I feel, and I know there's many people in the town that
16 feel that way as well, that -- a fear of this Panel's
17 decision kind of forcing us to become "a Sparwood" as
18 opposed to "a Fernie".

19 And I know there's also lots of people that kind
20 of have expressed this idea of parallel economies and
21 having the tourism/recreation industry working
22 alongside the mining -- like, the mining industry in
23 our town, and I don't think that's possible. I don't
24 think we can get the best of both worlds in that
25 situation. And speaking as a younger person and having
26 lots of friends from the city and -- I really don't see

1 my friends in their 30s investing their time and their
2 travel in Crowsnest because I think as a -- as a Gen Z,
3 we don't -- we don't want to see mining, like, face to
4 face. We don't want to look at the tar sands. We're
5 not going up to Fort McMurray to vacation. We're not
6 going to Sparwood to vacation. We want -- we want the
7 oasis and the wilderness. And I see those trends, and
8 I think it's really important with the impact
9 assessment to look to the future and those trends and
10 how our generation will be spending our money as
11 opposed to previous generations.

12 And, yeah, I guess another thing too. Like,
13 personally, as a local, like, it's crazy to think that,
14 like, as -- I could be in my mid-40s, and I could
15 return to my hometown, and I could see the coal loadout
16 still active on the opposite side of the highway from
17 our hospital, and that breaks my heart. And to me,
18 that's the most unforgiveable piece of this whole
19 application, is the location of the coal -- the coal
20 loadout being so central in our community.

21 And even -- even Sparwood doesn't have their coal
22 loadout right in their community. They're -- like, you
23 know, the coal loadout -- the closest coal loadout and
24 their Tim Hortons are kilometres apart. Our Tim
25 Hortons will be, like, 300 metres from the coal
26 loadout. And any small-town Canadian knows that Tim

1 Hortons is a central part of our community, and that
2 makes me so mad to -- to think that, I guess -- I mean,
3 I'm not -- I wasn't obviously in the room for any of
4 these discussions on where the coal loadout would be
5 placed, but from what I've heard around town, this coal
6 loadout is kind of the best location for the proponent,
7 but I don't -- it's not the best location for our town,
8 and I think there are alternatives that need to be
9 reevaluated. And if this mine goes through, like, it
10 will break my heart to know that the coal loadout is in
11 kind of the central, central location of our town, and
12 I think that will really confirm the -- as Rick said,
13 kind of the foreclosure of our tourism and recreation
14 industry.

15 And that's -- yeah. So I have -- so I guess --
16 okay. So that's -- that's it. I'm done. Yeah. Thank
17 you. And now Heather.

18 A MS. DAVIS: Thank you, Stephanie. You're
19 very passionate. I love it.

20 Good morning, Chairperson and Panel attendees. I
21 typically greet people with a big, giant "Hello, my
22 friends" on social media and in virtual tours, but
23 today, I think, is serious and represents the potential
24 future for Crowsnest Pass and the eastern slopes of the
25 Canadian Rockies.

26 I moved to Crowsnest Pass the summer of 2014 to

1 work for Alberta Environment and Parks, leading their
2 south portion of the Backcountry Trails Flood
3 Rehabilitation Program where our team reconstructed
4 backcountry trails and riparian areas.

5 Prior to moving to the mountains, I worked in oil
6 and gas and in conventional gas, completing reclamation
7 and remediation projects as a professional agrologist.
8 I would spend my spare time travelling to mountains and
9 even tour-guided for a ski and snowboard company,
10 taking people to mountains in both Canada and the US.
11 The mountains are special to me and hold a place for
12 recreation, healing, and sustainability for now and in
13 the future. Crowsnest Pass is very much a part of
14 this.

15 In March 2018, after winning a provincial Growing
16 Rural Tourism award, I started my own business called
17 Uplift Adventures. I hold several titles, including an
18 environmental scientist, professional guide with two
19 highly recognized organizations, and an entrepreneur.
20 I'm also a board member with the Crowsnest Conservation
21 Society, and I'm here today to provide the perspective
22 of outdoor recreation and how it is a growing -- and
23 how it is growing in the community of Crowsnest Pass.
24 And I see my perspective as being valuable as I'm so
25 intertwined and -- and connected in this industry as
26 it's my livelihood.

1 I started my own business for several reasons, and
2 one of those reasons was I saw an opportunity to grow a
3 sustainable, economic driver in a community that I
4 love. I want to be able to provide employment and
5 quality jobs for residents within my community. I have
6 started this grassroots business in a community where I
7 was the first professional guide with the Association
8 of Canadian Mountain Guides and know that I can be
9 instrumental in growing a professional career for
10 myself and others in guiding.

11 And I -- I only add this next part is because of
12 this -- the talk of not having high-paying jobs in
13 tourism. And there are several high-paying jobs in
14 tourism if you ask the tourism industry. So depending
15 on the level of guiding and experience, there's quite a
16 range in how much a guide gets paid, but a professional
17 guide can make between \$175 a day to \$600 a day, and
18 then they usually get tips on top of that. So it
19 really depends on the level of guiding. Just like any
20 other industry, there's several different levels.

21 I currently employ one person, which is myself,
22 and I contract three guides and instructors for
23 other -- for other things and have several business
24 partners. To express how this industry is growing and
25 even during the pandemic and being shut down for three
26 months, my business grew by 125 percent over the spring

1 and summer. And I'm not alone, as there are other --
2 several other businesses who have started up ventures
3 in this area and provide employment in the community
4 for this growing industry.

5 So I cannot speak on the opinions of other groups
6 and business owners, but I am going to speak on what is
7 currently occurring in our community regarding outdoor
8 recreation. I acknowledge that Kerri and John briefly
9 spoke on this yesterday. But as someone who is deeply
10 integrated in this industry, I want to provide more
11 perspective.

12 So here are a few things that are currently
13 happening in our community. It's been talked about
14 with mountain biking. The United Riders of Crowsnest
15 Pass, a local mountain-bike club, surfaced around ten
16 years ago and has built world-recognized sustainable
17 mountain-bike trails. The momentum for mountain biking
18 in the Crowsnest Pass has increased substantially over
19 the last five years, and in 2020, their trail counters
20 showed a 100 percent increase on their mountain-bike
21 trails.

22 To add value behind the economic driver of
23 mountain biking, there are currently three local
24 businesses through retail, mechanics, coaching, and
25 tours that exist in Crowsnest Pass. Events have
26 surfaced, which is a result of these trails, which

1 brings tourists to town. In 2019, four mountain-bike
2 races came to Crowsnest Pass that attract people across
3 Canada, if not internationally.

4 Trail running has contributed -- has contributed
5 significantly to the economics of Crowsnest Pass and to
6 the mountain culture of this area. A big driver for
7 this community of runners stems from the largest
8 ultramarathon in Canada. This race is
9 162 kilometres -- yeah, crazy -- which intertwines
10 throughout the backcountry around Crowsnest. While
11 this isn't the only race this company directs, the
12 company is based in Crowsnest Pass and provides
13 full-time employment for staff and several seasonal
14 jobs locally. The race brings racers and their race
15 supporters, such as friends and family, to this
16 community. And on the weekend of the big race, it is
17 almost nearly impossible to find a room at any local
18 hotel or B&B. These events attract more people to this
19 community, and some of them buy homes afterwards as
20 either full-time or part-time residents. And myself, I
21 can say that I ran the race in 2012 and then moved here
22 in 2014.

23 To add value behind the economic driver of trail
24 running, there are currently two local businesses
25 through retail and distribution that exist in Crowsnest
26 Pass. Events and businesses have surfaced as a result,

1 including a race that is the only North American stop
2 on the SkyRace series. So this attracts international
3 attention. There -- there are three main races that
4 attract visitors to Crowsnest Pass in terms of running,
5 and there are several small races that foster the
6 culture in this community.

7 Can I ask for the presentation to be brought up
8 and Slide 7?

9 MR. COOKE: Heather, just -- I think ask
10 the slide coordinator to put up -- continue the slide
11 presentation and take down -- take down our faces at
12 this point.

13 A MS. DAVIS: Take down my face.

14 MR. COOKE: Not your face.

15 A MS. DAVIS: Okay. My face doesn't need to
16 be shown, but I guess it has to be. All right. So
17 here is Slide 7. And what I wanted to show here is --
18 sorry. I'm just trying to find where my notes are.

19 So I want to talk about this slide, and here
20 I've -- sorry. It's little distorted, but you can see
21 the Grassy Mountain Coal Project and where that's going
22 to go, the loadout, the highway, where Blairmore is,
23 and you can see Coleman in the back, kind of just
24 underneath Crowsnest Mountain to the -- to the left
25 there. And then you see Pass Powderkeg. So this is
26 the view on top of Turtle Mountain. We heard Stephanie

1 say that this is one -- one hike that she does. And I
2 would say that it is one of the most popular, if not
3 the most popular, hike in the area. And the second one
4 is Crowsnest Mountain. It's an easy hike -- sorry, a
5 difficult hike, easy scramble. So these are the two
6 most popular hikes in the area. And from both of them
7 you will see the Grassy Mountain Coal Project and an
8 active open-pit mine.

9 So we'll just leave this slide up for a little bit
10 as I continue to talk. So hiking and backpacking is a
11 growing -- a growing activity in the region. In 2019,
12 the local hiking club had to start capping the number
13 of people who came on their trips to manage the size of
14 local participants. The Great Divide Trail, a
15 long-distance hiking trail from Waterton to north of
16 Jasper, has recently been rerouted and -- the north
17 section has been rerouted, so the north section of
18 Crowsnest Pass. And they rerouted it from BC to put it
19 into Alberta so they can get further away from the coal
20 mines in BC. In 2020, the Great Divide Trail saw
21 around a 225 percent increase of through-hikers using
22 their trail.

23 And to add value behind the economic driver of
24 hiking, there are currently at least two -- I think
25 there might be three, but I'm not positive -- at least
26 two local business providing guiding and outdoor --

1 sorry, outdoor education -- and this includes things
2 like wilderness first aid and avalanche safety
3 training -- that exist in Crowsnest Pass.

4 The next things I want to talk about are kids
5 camps. There are quite a few outdoor kids camps in the
6 region. But there is one local one, and that's the
7 Crowsnest Pass Bible Camp, and they have two locations
8 within the Municipality of Crowsnest Pass, and they've
9 hosted several youth and kids over the decades. And so
10 they're not a new establishment. They've been around
11 for a very long time. I believe their busiest day in
12 2019 was 178 kids in the backcountry on one day. They
13 have thousands of kids at the Bible camp in a regular
14 year, and they utilize the public lands in the area.

15 We've also talked about the world-class fly
16 fishing that exists in Crowsnest Pass, and one thing
17 that hasn't been brought up is that the regulation in
18 BC has become quite strict for fly fishing, and even
19 fly-fishing guides from Fernie will come over to
20 Alberta to fly fish. And a large reason for this is
21 also that there are less and less fish in the Elk
22 Valley, and this is largely due to the -- to coal
23 mining, their decline. So fly-fishing guides come down
24 from Calgary to fish as well, and we have several local
25 fly-fishing guides and two local fly shops who provide
26 added economic drivers to this area.

1 Other activities that I want to include and are
2 part of outdoor recreation and tourism: We heard Kari
3 briefly talk about bouldering, so bouldering on the
4 Frank Slide, which now has over 2,000 problems. I
5 believe that that's doubled in the last five years.
6 The Slide is now one of the biggest single bouldering
7 areas in Canada, with problems of all grades and
8 styles. There's talk of a guidebook that's going to be
9 released shortly, and the local club, which is based in
10 Lethbridge, hosts an annual event called Tour -- sorry,
11 Tour de Frank Bouldering Festival, and that brings
12 people to this area.

13 Crowsnest Pass has world-class caves as well.
14 This hasn't been super popular, likely due -- likely to
15 do with the technical skills needed to access several
16 caves. Historically, caving tours has been offered
17 through businesses located outside of Crowsnest Pass,
18 and next year, tours will start up again in partnership
19 with a local business.

20 Ski and snowboarding. So a brief description: As
21 you can see on this picture, you see where Pass
22 Powderkeg is. So that's our local ski hill, and this
23 is a small ski hill that is managed by our
24 Municipality. It offers skiing and snowboarding, and
25 even at nighttime, it's quite nice. The local ski hill
26 is also a major trail network for mountain-bike trails

1 in the summer. And then in the winter, those trails
2 turn into fat-biking and snow-shoeing trails.

3 From the ski hill, we will look directly across at
4 the proposed Grassy Mountain Mine. So anyone that's
5 participating in outdoor recreation will have -- on
6 Pass Powderkeg will get a nice view of the mine.

7 In addition, backcountry skiing, ski touring, and
8 snowboarding is also growing in the area.

9 Paddling is more popular in the spring, when the
10 rivers and creeks are higher. There is a local club
11 that exists in the area of Pincher Creek that provides
12 summer camps and hosts a kayaking festival called Three
13 Rivers Rendezvous.

14 Nordic skiing is incredible in the area, and there
15 is also a local club that exists. And climbing is
16 growing in popularity as I noticed more routes being
17 set in the region. We also have a local distributor
18 company in the area that distributes climbing gear
19 throughout Canada.

20 And, of course, there is golfing, which we have
21 already heard how they have received a new clubhouse,
22 and the golf course was moved around to make room for
23 Riversdale's loadout. The golf course does not
24 encompass the entirety of outdoor recreation in
25 Crowsnest Pass.

26 As our global trends change again, I strongly

1 believe we -- we will see a shift in people working
2 remotely and more people moving to places for a
3 lifestyle. I suspect, and I have heard from people
4 saying, that by having an open-pit mine this close to
5 town, it will negatively impact the way people feel
6 about moving to a mountain town for its lifestyle and
7 are visiting a community for its adventure- and
8 nature-based activities. It is difficult to say
9 whether or not these businesses and clubs with
10 volunteers will even stay in Crowsnest Pass once the
11 mine is in operation or if they will leave this
12 community.

13 I have heard several times that people do not plan
14 to stay once the mine opens up or if several mines open
15 up. Outdoor recreation is a big part of tourism in
16 Crowsnest Pass, and tourism does not revolve around
17 hotels and restaurants, which we actually have quite a
18 few of. People must have something to do in order to
19 visit an area, like a quality ski hill, a race, great
20 trails, or events and courses. The environmental
21 impact assessment and its socioeconomic section lacks
22 consultation with the local tourism and outdoor
23 recreation community. It appears that the consultant
24 who prepared the report left a gap regarding what is
25 going on in the community. A cost-benefit analysis
26 should include the assessment of outdoor recreation,

1 lifestyle, and tourism prior to the mine approval.

2 As a visitor and outdoor recreationalist to
3 mountain communities, I do not visit or recreate at a
4 mountain town with an active open-pit mine that's
5 visible from its own town, not to mention several
6 open-pit coal mines.

7 Can we go to the next slide, please. And when
8 large-scale open-pit mines come into an area, one of
9 the first things they do is limit access for
10 recreation.

11 As I hear others speak about this community
12 declining in population and this must mean it is a
13 dying community, I see it differently. I see it as a
14 community that is transforming as people remove the
15 stigma of Crowsnest Pass as being a coal-mining town
16 and seeing it as part of the Canadian Rockies. We are
17 seeing more entrepreneurs and people being creative to
18 build an economy, and if we give people the support and
19 encouragement to do this, this will only grow.

20 As we saw in the past, the Crowsnest Pass
21 struggled after the last coal mine closed down. I
22 don't want to see this again because people
23 are eager -- eager to make a quick but short-lived
24 economic boost.

25 I'll finish with a letter that Frederick Godsall
26 wrote in 1893, prior to the first coal mines to exist

1 in Crowsnest Pass. So here's the quote: (as read)

2 The Crowsnest Pass and Waterton Lakes have
3 been for years a common resort for the
4 surrounding neighbourhood for camping and
5 holiday-making, and there being but few such
6 places in the country, I think they should be
7 reserved forever for the use of the public.
8 Otherwise, a comparatively small number of
9 settlers can control and spoil these public
10 resorts. Every day that it is delayed
11 increases the probability of friction between
12 the government and settlers that may build in
13 these spots.

14 Remember, this was written in 1893.

15 Thank you. I'm going to turn this back over to
16 Rick.

17 THE COURT REPORTER: Sorry. Could I please ask you
18 the name of the person who said that?

19 MS. DAVIS: Frederick Godsal.

20 THE COURT REPORTER: Can you spell the last name,
21 please?

22 MS. DAVIS: G-O-D-S-A-L.

23 THE COURT REPORTER: Thank you.

24 MS. DAVIS: You're welcome.

25 MR. COOKE: Could we go on to the next
26 slide?

1 I'm the next slides, and I recognize,
2 Mr. Chairman, that we are taking a little more time
3 than we probably hoped. I'm going to go fairly
4 quickly.

5 The material that I'm -- I'm presenting generally
6 is -- is in our submission. What's on the slides is
7 extracted generally from the submission. I had hoped
8 to address environmental issues. I -- I won't do that
9 to save time but recommend and hope the Panel would
10 read the next two slides and also read the submission.

11 The main message in both this slide and the next
12 slide is that transparent processes -- and this could
13 be driven by conditionality that would be applied --
14 need to be applied to the subsequent conditioning
15 process and -- and to the actions of the proponent.
16 And I think the main issue is -- is aquatic, and that
17 issue -- that will be well dealt with, obviously, in
18 this hearing. We would like to see some definition of
19 the process and -- and -- but going in, the application
20 of a precautionary principle -- principle to assume
21 damage to two very valued watercourses and -- but
22 underlining very transparent disclosure is required.

23 Could I have the next slide? The same applies to
24 air and noise. These are real or perceived
25 environmental impacts, and I'm not saying "perceived"
26 in a pejorative way. My own experience with projects

1 is perception is reality when it comes to the public
2 and the community, so that needs to be addressed. So,
3 again, a transparent process reporting what is
4 happening with respect to these two issues is required.
5 And there needs to be some discussion. I recognize the
6 Municipality has addressed it in their evidence. I
7 think people like us might suggest some expansion of
8 monitoring and introduction of real-time monitoring and
9 the -- and there's certainly acknowledgement of the
10 need for a creditable complaint process.

11 And there are international standards in terms of
12 international safeguards that are adopted by
13 international -- by -- by my client, if you like, UN
14 organizations and development banks, and those would be
15 useful references that I'm sure the consultants, given
16 their practices, should be aware of.

17 And, finally, the land -- in terms of land
18 reclamation, our primary recommendation -- and I
19 think -- I think this would be -- has been addressed,
20 and Benga can confirm this in the hearing. We were
21 advocating that the whole of the conserved area of
22 Grassy Mountain be subject to reclamation. My
23 understanding is that the application and the
24 submissions, I think, are unclear on that point. My
25 understanding of the evidence that we've heard today
26 from Benga is the intent is to do reclamation on the

1 whole historical footprint of -- of impact. If that
2 assumption is incorrect, perhaps that could be
3 clarified.

4 Next slide. I'm going to go through some of the
5 socioeconomic issues and the recommendations we're
6 making in those regards. And the issue that's been
7 well illustrated, I think, by Stephanie and Heather and
8 certainly in the concerns expressed to CCS is: Can
9 this kind of development -- is it compatible with the
10 direction in terms of economic development that the
11 community is taking? And we would suggest strongly
12 that a golf course that was certainly appreciated, it
13 was built basically as a deal. If that convenience --
14 that land was acquired and used by the coal mine, the
15 community would get a new golf course and that the
16 other condition was they'd never stop golfing.

17 Benga is to be commended for doing that, but that
18 was a business transaction to facilitate the project.
19 What we would suggest is that the proponent be asked to
20 provide, you know, as part of its conditioning, some
21 concrete proposals in advance of approval as to how it
22 will materially support and stimulate the
23 attractiveness and the continued development of the
24 Crowsnest Pass with respect to lifestyle, in-migration,
25 tourism, and related business development.

26 We've made a point related to municipal finance.

1 There's obviously an inequity, the Pass as the
2 community that gets the cost, but it doesn't get equal
3 benefit. And that's not a criticism of the -- of
4 Ranchlands in any way. Ranchlands has made its views
5 very clear. But there needs to be some process before
6 everything's in place to expedite the redistribution of
7 property tax revenue or other offsetting compensation
8 to give the Crowsnest Pass the financial capacity to
9 address its deficits so that it, in reality, can
10 capitalize on -- on the positive economic benefits from
11 the -- from the project. Otherwise, quite frankly,
12 they will go to Sparwood, and they will go to Pincher
13 Creek. We will still be the poor sister. That needs
14 to be done in advance and now.

15 Next slide. The elephant in the room, as I
16 mentioned before, is future projects. I fully
17 recognize that this Panel cannot make any decisions
18 respecting those, but a directional recommendation
19 going forward out of this Panel that the actual
20 socioeconomic impacts that I think we're illustrating
21 are understood before future projects are considered
22 and that a higher regulatory bar be recommended for
23 them, recognizing cumulative impacts, which they will
24 obviously bring. And I think Heather has illustrated,
25 in particular, as soon as you move into the backcountry
26 out of the Pass, there's very significant impacts.

1 Next slide. The last piece relates to what
2 I've -- we've headed "Project Sustainability and
3 Viability". And there's certainly been much discussion
4 already, and there will be more. What we're advocating
5 essentially -- I have seriously -- serious conditions,
6 you know, technically and -- and economically, just
7 from my own background, respecting the viability of the
8 project. If you asked me as an investor, would you --
9 would I invest in this -- I tend to look at things in
10 that regard -- I would not and for quite a number of
11 reasons. There's a lot of risks upfront associated
12 with it.

13 From the community's perspective, what we would
14 like to see ensured and I think is absolutely necessary
15 is that there is a -- a demonstrated and fully -- fully
16 transparent documentation from the outset on what is
17 going on. Now, in terms of -- predominant issue
18 clearly is closure reclamation liabilities. Again, I'm
19 in that business dealing with environmental legacies
20 and financing them, other -- not -- not related to coal
21 but in -- in other areas. And a global observation I
22 would make and an observation as a citizen of the
23 province of Alberta is we've really done a bad job
24 dealing with that. I think the Coal Association
25 certainly illustrated that a good job can be done, but
26 the reality is there's no guarantee it will be.

1 So I've listed here -- and I won't go through them
2 in detail -- some principles that I think need to be in
3 place, basically, to protect the community from not
4 ending up with a long-term liability and the taxpayer
5 from not ending up with a long-term financial liability
6 associated with the projects. And I say all those
7 things not as critical of Benga in any way, as I think
8 every intention probably exists in the beginning, but
9 it is -- the enterprise is going to be ring-fenced in
10 terms of those liabilities by its owners. It's the way
11 I set up my company and many other people do, that --
12 and in the end, whoever owns it, whoever's operating
13 it, there needs to be the financial resources secured
14 external from that in some way to deal with current and
15 future liabilities. I won't -- won't elaborate any
16 more on that.

17 Next slide. The final point in this area really
18 relates to the project life uncertainty. We had some
19 discussion. We've already had discussion on that. The
20 reality is we don't know when construction's going to
21 start. There's a lot of variables that exist, not the
22 least of which, in fact, is when final decisions will
23 be made. Recommendations from this Panel, that goes on
24 to two governments who will have to, I'm assuming, at
25 the cabinet level approve the project. They are two
26 governments that don't necessarily get along all the

1 way, all the time, and I'm sure there will be some
2 discussion between them. My only point is all that
3 takes time as do all of the business -- business
4 activities that are needed to press the button
5 somewhere, probably in a boardroom in Perth, Australia,
6 to whether the money is going to be there. And there
7 will be some lenders involved and all of that. There's
8 a range of technical and market variables that will
9 affect that decision-making, and there's -- I won't
10 discuss those any -- any further.

11 Once permitted and going ahead, project -- I --
12 let me address the second point. The point here, from
13 the community's point of view, is having the community
14 sitting in limbo, waiting, will have some very strong
15 effects on this parallel direction that the community
16 might take. Everybody will sit and wait or go
17 elsewhere during that period. So we are recommending
18 that the consideration be given to some sort of fixed
19 term for an approval. Five years would be suggested
20 notionally and that some kind of public review process
21 be applied to see if it -- if continuance should occur,
22 if the date -- a date certain for completion of
23 construction and the completion of that pre-commitment
24 process is not in place.

25 All of this continues onward during operation,
26 again, with many risks, and I -- and I won't elaborate.

1 There's some words in our -- our submission related to
2 technology risk. I, again, am in that world, to some
3 degree, and strongly believe that we will have to deal
4 with carbon. We'll have to deal with it sooner rather
5 than later, or a lot of what we do is academic, given
6 the approaching tipping point for climate -- for the
7 planet on climate, and the drivers will be how we cost
8 carbon.

9 That process is now occurring. It's driving
10 technology in Europe. It was said, I think, yesterday
11 that all of this is just pie -- pie in the sky. As
12 much as I respect Mr. Houston, I strongly disagree.
13 It's not pie. We have major European steelmakers
14 converting glass furnaces at this point in time in
15 Scandinavia and ThyssenKrupp, Germany's largest
16 steelmaker. That's being driven by carbon costing,
17 which the Europeans are much more advanced, in fact,
18 than we are. I see it in China, certainly in Japan,
19 and also see -- it is a driver of the increased and the
20 expansion of electric arc furnace development,
21 particularly in developing -- industrializing
22 developing countries. I work in Colombia. I work in
23 Turkey, and I see it there and actively involved in
24 projects that way.

25 So this whole uncertainty process continues
26 through the whole life, from the community's

1 perspective. The mechanisms that we get that give some
2 transparency for all this to the community are
3 important to consider.

4 A comment, the Crows -- the beginning of the end
5 of -- of coal mining in the Crowsnest Pass started with
6 technology change generation -- or manufacture of coke
7 in the Crowsnest Pass, which was widespread, was used
8 to -- one of the -- the big market were steam engines.
9 The CPR was the customer. Conversion to diesel in
10 the -- after the war and through the '50s
11 started --started the decline of underground coal
12 mining in the Crowsnest Pass. We could go through all
13 that again with technology change in -- related to
14 steelmaking.

15 Could I have the --

16 THE CHAIR: Mr. --

17 MR. COOKE: I've just got the last
18 slide.

19 THE CHAIR: Okay.

20 MR. COOKE: Okay. This is really a quick
21 summary. You've heard all this before.

22 We're choosing between a return to a resource
23 economy or continuing development of lifestyle,
24 recreation, and tourist destination. We're not sure
25 whether they can live together, and are we trading, you
26 know, modest near-term benefits for, you know,

1 significant economic and social costs in the long term?
2 CCS is requesting the Panel to consider this basic
3 cost-benefit issue, which is unaddressed at this point
4 in the -- in the submissions by -- by the proponent.
5 We specifically request the Panel to recommend -- or to
6 look at our recommendations respecting mitigation and
7 those costs to the community and its conditionality.
8 The particular ones we flag are having term
9 restrictions and reconsideration at the front end and
10 the issue of future coal-mining development.

11 Could I have the last slide? So I would like to
12 thank you for your attention and just return to a
13 theme. This is a picture of -- the good-looking fellow
14 at the forefront of the picture is -- Keith Bott. The
15 other two are a couple of Pass residents. Sadly, one
16 of them now -- now has recently passed. All of which
17 had a passionate interest on what's going to happen on
18 Grassy Mountain and differing interests. Another old
19 guy took the picture, and that would have been me. My
20 suggestion is -- and you -- you've heard -- you've
21 obviously seen in testimony that this is creating
22 stress in the community. I would just simply suggest
23 that we can work this thing out and work together and
24 this -- this picture perhaps in a small way symbolizes
25 that.

26 So with that, I'll finish, Mr. Chairman.

1 THE CHAIR: Thank you, Mr. Cooke.

2 So I will just turn to the participants for
3 questions.

4 Ms. Janusz, I did say yesterday that if you had
5 some questions about -- about the survey that was added
6 to the record that you could ask some questions about
7 that. Do you have any questions?

8 MS. JANUSZ: I do not, Mr. Chairman. Thank
9 you very much.

10 THE CHAIR: Okay. Thank you, Ms. Janusz.

11 Any other participants who consider themselves
12 adverse in interest have any questions?

13 Hearing none, Mr. Ignasiak, does Benga have any
14 questions?

15 MR. BRINKER: Good morning, Mr. Chair. It's
16 Coleman Brinker calling -- or speaking here. I'm a
17 lawyer with Osler working with Martin -- Mr. Ignasiak.
18 I can advise that Benga has no questions for the panel.

19 THE CHAIR: Okay. Thank you, Mr. Brinker.

20 Ms. LaCasse, Ms. Kapel Holden, any questions from
21 AER Staff?

22 MS. LACASSE: We don't have any questions,
23 Mr. Chair.

24 THE CHAIR: Thank you. Mr. Lambrecht?

25 MR. LAMBRECHT: Sir, there are no questions of
26 this panel, and I thank them for their participation.

1 THE CHAIR: Thank you.

2 Mr. O'Gorman?

3 Alberta Energy Regulator Panel Questions Crowsnest
4 Conservation Society

5 MR. O'GORMAN: Thank you, Mr. Chair. I do
6 have just a couple of questions. And I wonder if we
7 can -- I thought it was a useful illustration, so could
8 we haul back up, please, the presentation that we saw
9 and go to Slide 7? I can tell you the CIAR number if
10 you need me to, but I'm assuming it was the last thing
11 you had on display. Great. Thanks.

12 Q MR. O'GORMAN: So I've got a question for
13 you, Ms. Davis. I thought this was quite a nice
14 picture, illustrated some of the local layout. We've
15 seen other striking pictures displayed through the
16 hearing so far. You talked a lot about some of the
17 nearby trails, mountain biking, some of the
18 recreational tourism opportunities that exist.

19 So I'm curious to know -- I have two questions.
20 One is: Were there to be an operating mine on Grassy
21 Mountain, what do you see as the biggest potential
22 negative impact on the experience of folks that wanted
23 to do these -- use these trails or -- or do hiking,
24 mountain biking, that sort of thing?

25 A MS. DAVIS: Well, I believe Stephanie
26 alluded to it already, where -- how a lot of people

1 don't want to see this kind of activity when they're
2 out recreating. A lot of people, I believe, including
3 myself, when we go out recreating, we want to get away
4 from, you know, stresses in life or be on vacation.
5 And some people might even come from industry, and
6 they're seeking vacation somewhere else to get away
7 from it. So I think the biggest impact is that people
8 stop -- or the biggest potential negative impact would
9 be that people stop visiting Crowsnest Pass and people
10 stop wanting to come to Crowsnest Pass because they see
11 it as not the oasis that currently exists here.

12 Q Okay. Thank you.

13 And so then the follow-up to that is, you know, we
14 get a good sense of the visuals of it here, but in your
15 experience as someone engaged in hiking, mountain
16 biking, running ultramarathons, the -- what sort of
17 percentage of all of that recreational backcountry
18 trail experience would be -- 'cause you -- you
19 mentioned visibility; people don't want to see it. So
20 how much, roughly speaking, of the trails and the, you
21 know, experience would be impacted by being able to see
22 the mine on Grassy Mountain versus are there lots of
23 other areas people could go where they would not see
24 the mine? And, I mean, obviously, you didn't calculate
25 any strict percentage, and I'm not asking for that.
26 Sort of your sense of that.

1 A Yeah. You know, I think a part of my concern and the
2 concern from others is that that hasn't been
3 acknowledged, and it hasn't been studied in any sense
4 or communicated with the outdoor community on how it
5 will be impacted. So that's a big gap in the
6 socioeconomic section, and that's -- that's one of our
7 big concerns. We do not know because there's no
8 evidence to say either way.

9 So in terms of trails and what's in the area, we
10 saw some pictures by Alistair earlier in this Panel
11 review, and he was taking pictures from, actually,
12 quite north of Crowsnest Pass, looking at Grassy
13 Mountain. So there's several places that you're going
14 to see Grassy Mountain, especially in the public
15 land-use zone and then right outside of town. So I
16 think that's one of the biggest concerns is that -- for
17 me, anyways, is that it's visible right from town and
18 right from high spots of recreation and tourism; it's
19 going to be visible from those spots.

20 So Pass Powderkeg is a hot spot. I mean, I don't
21 have the information up or in evidence, but there is --
22 Strava does this -- this heat map, and it shows where
23 people go. I mean, Strava is an app, and on Strava,
24 people have to be using the app, so there are some --
25 some restrictions to it. But on that app and that heat
26 map, it will show Pass Powderkeg as being a hot spot

1 for recreation in this area. So how that's going to be
2 impacted, because now people mountain bike on that --
3 on those trails, and they're looking out across an
4 open-pit mine, I think, is severely going to impact
5 recreation in the area and why people come to the area.

6 Q Okay. Thanks, Ms. Davis. I appreciate that, a little
7 bit of extra clarity there.

8 I have one other question, and it's for you,
9 Mr. Cooke, and we'll simply have -- let's slide it down
10 to Slide 13, please. 13. All right.

11 Mr. Cooke, thank you for your suggestions on this
12 front, and you spoke to it, and I didn't hear you
13 address in your comments on this slide the extent to
14 which you think -- or, you know, your views on -- your
15 clarity on the Mine Financial Security Program in
16 operation in the province and -- to which, if Benga
17 complied with the requirements of that program, these
18 remain concerns and issues for you, or do you think
19 that these concerns would be alleviated?

20 A MR. COOKE: I guess my answer to that,
21 without being intimately familiar with it, with -- with
22 coal mining, I was basically addressing the principle
23 as there is a history, and certainly a very specific
24 history in Alberta, of thinking that we're covering
25 accumulating liabilities and finding out at the end of
26 the piece that we haven't. There's an obvious example

1 with orphan wells, which AER -- it's a problem I know
2 AER's working on. There's certainly good illustrations
3 of this being done well that Mr. Campbell illustrated,
4 but they're all associated with very large --
5 generally, very large companies with ongoing
6 operations. They're not new companies; they're not new
7 ventures. Or they're with utility-related coal mines,
8 which, again, I think is a -- is a different structure.

9 So I -- my comments are simply, again, from a
10 community perspective. We need to understand how that
11 works, not just referencing a program administered by
12 bureaucrats. All due respect to bureaucrats. Fred
13 Bradley had an interesting illustration of this. Fred,
14 who's a man of -- a close friend and -- and a man of
15 substantial vision, he's referencing a program that he
16 pushed as a cabinet minister during the Loughheed
17 government, you know, the use of the Heritage Trust
18 Fund to emulate what Superfund is in the US. And I --
19 the two are not -- I'm much more familiar with
20 Superfund and how it's administered, which evolves, is
21 the money has to be there when you need it, and these
22 recommendations that I'm -- that we've put together
23 here are really directed at that being assured and
24 assuring to the public and to the taxpayer.

25 So the proof is in the pudding. There's a long
26 history in the Crowsnest Pass. You see it in the

1 Crowsnest Pass of what happened historically, which, I
2 think, apart from the last mine to close in -- in the
3 Pass, in Coleman, nobody did much historically in coal.
4 That's our experience, so providing that surety through
5 whatever mechanisms is probably important in your
6 decision-making.

7 So in summary, no, I'm not sure I would rely on
8 what's on the books now. I know worldwide, where I --
9 I do environmental liability, legacy cleanups -- I'm
10 doing about three of them right now in various parts of
11 the world. Any system that was in place wasn't looking
12 after them, and now, you know, international funding or
13 borrowing by developing countries is trying to address
14 what are serious health and environmental risks long
15 after the fact.

16 So my -- my cynicism generally about processes
17 governments establish and then rely on 25 years later
18 is -- is mixed. I hope that answers your question.

19 Q I just wanted to hear your views on that. Thank you,
20 Mr. Cooke. That's my last question.

21 I'll thank the both of you, and I'll throw in a
22 final comment to Ms. Duarte-Pedrosa that I think you
23 will, at the end of this process, I'm speculating, have
24 been the youngest person to present to us with your
25 views. So for what it's worth, I -- I always
26 appreciate seeing young people get engaged in processes

1 like this that will impact their lives and their
2 future. And you spoke quite well. You let us know
3 your passion for this issue. So I just wanted to add
4 an extra thank-you. I appreciate you speaking with us.
5 That's it for me.

6 THE CHAIR: Thank you, Mr. O'Gorman.

7 Mr. Matthews, any questions?

8 Q MR. MATTHEWS: Yeah. Thanks, panel, for your
9 thoughts and sharing your experiences.

10 I have a question for Ms. Duarte-Pedrosa and
11 Ms. Davis. It's interesting and, like my colleague,
12 Mr. O'Gorman, was saying, it's nice to hear the youth
13 perspective, and I'm just wondering if you could help
14 me understand the importance of youth and tourism to
15 Crowsnest Pass. Like, do you have a sense of how
16 many -- let's say, for employment, what the direct,
17 indirect, and perhaps induced businesses or
18 opportunities and employment have been created through
19 your clubs, or do you have any sense of those numbers?

20 A MS. DAVIS: I think that was directed at
21 both Stephanie and I. I was thinking about that 'cause
22 I was wondering if that question would arise. And, I
23 mean, without actually doing a thorough assessment,
24 it's hard to determine exactly. I would say, though,
25 in outdoor recreation, it does fluctuate because it
26 can -- there's seasonal times that it's busier than

1 others. I mean, summer is obviously a very busy time
2 in tourism here. Winter, I would say, is becoming more
3 popular. So there are also people that live in
4 Crowsnest Pass that work at Castle Mountain Resort, for
5 example. So there is still -- still those seasonal
6 jobs available in the non-busy side of the year.

7 So, for example, when I worked for Alberta
8 Environment and Parks, I ran a trail crew. Several
9 people that were on the trail crew would work with me
10 in the summer, and then they would transition over to
11 ski patrol at Castle Mountain in the wintertime.

12 And in terms of employment, it's hard to say. I
13 was trying to think about it 'cause I was thinking it
14 might come up. And there's outdoor recreation, and
15 then there's tourism. So in the outdoor recreation
16 sector, I would say maybe about between 50 and 100
17 people, but that could be full-time seasonal as -- as
18 well, and -- and there could be some of those -- you
19 know, work for a certain organization in the summer and
20 then switch to a different one in the wintertime.

21 But then in tourism, I mean, we talked about --
22 you know, there's the Frank Slide Interpretive Centre
23 that's tourism based. That's not really outdoor
24 recreation focused on the same level. There's the
25 Bellevue Underground Mine. There's what Stephanie did.
26 I mean, the visitor centre's currently not open this

1 year as some of those cuts came provincially. So there
2 are other -- I mean there are, obviously, the hotel and
3 restaurant sector as well, which I do not think that
4 that's the entirety of tourism in Crowsnest Pass, which
5 I want to kind of get away from that stigma. I mean,
6 they -- they do definitely benefit from tourism, but
7 you don't need to have a restaurant and tourism, or you
8 don't need to have -- I think my point is -- is
9 accepted there.

10 So, yeah, in the outdoor recreation, probably 50
11 to 100 is what I'm thinking, but I think that there's
12 more assessment that needs to be done on that to come
13 up with actual numbers.

14 A MS. DUARTE-PEDROSA: I also know, like, Spry
15 and Alpenland in Blairmore, they're two
16 relatively recent businesses, and they often employ
17 younger people for retail. I know Karey out of Sweet
18 Riders, which is -- like, she does the mountain-biking
19 clinics. She -- I used to work for her when I worked
20 for Boys and Girls Clubs as a teenager, and I know
21 she's expressed -- like, she has kind of her proteges.
22 Like, she has youth that she's identified as really
23 good mountain bikers that she wants to train to become
24 instructors as well. So I think as Crowsnest evolves
25 to be -- if it evolves to become kind of a
26 mountain-biking centre beyond just the volunteer trails

1 that we have had up until the last few years, I think
2 there really is, career-wise, some potential for young
3 people growing up here and developing their mountain
4 biking and also skiing with the -- like, the
5 Livingstone Ski Academy. It's a public high -- it's a
6 public school, but they also have evolved to be, like,
7 an outdoor school. So they go skiing, like, I think,
8 two to three times a week, like, during the school
9 week, at Castle, and there's also training and stuff at
10 Pass Powderkeg. So there's potential for young people
11 to work with that as well.

12 A MS. DAVIS: And if I could add a little
13 bit to that -- sorry, Stephanie -- you know, it was
14 actually -- for me to become accredited through the
15 Association of Canadian Mountain Guides was quite
16 difficult because there were no other guides here. So
17 I had to do all of my mentorship and supervision in
18 mountain communities at a distance from here. And
19 since then, there -- since I've been able to get my
20 accreditation, now I can supervise other people to grow
21 in that industry.

22 And I -- there's already one girl that I have been
23 supervising and mentoring, and I have several people
24 that are interested in going into the program to go
25 into guiding. And the girl that I have mentored, she
26 will be writing her exam next year, and she's already

1 started her own business. So, like, that just shows
2 kind of the -- the snowball effect that happens once
3 you start bringing that industry in. It starts being
4 created, and then it gets bigger and grows. So I -- my
5 business hasn't been around that long, but it's already
6 started to trickle in and inspire other people to start
7 their businesses so that they can promote the area, and
8 then they'll be hiring -- well, maybe hiring other
9 people as well.

10 Q That's great. And it's nice; it's exciting to hear of
11 youth initiatives coming in a community -- a small
12 community, and I commend you both on your work?

13 And thank you, Mr. Cooke, for your presentation as
14 well. I have no more questions.

15 THE CHAIR: Thank you, Mr. Matthews.

16 I have no further questions.

17 Mr. Cooke, is there any final clarifications that
18 you want to make? I think your evidence has been
19 pretty clear, so I'm not sure I see the need. But any
20 final words?

21 MR. COOKE: No, no. Just to thank you,
22 Mr. Chairman, and thank the Panel for your tolerance of
23 us and -- and your attention, and I certainly wish you
24 the best in your deliberations from here forward.
25 Thank you again.

26 THE CHAIR: Okay. Yeah. So thank you,

1 Mr. Cooke, Ms. Davis, and Ms. Duarte-Pedrosa, for your
2 participation and sharing your perspectives with us.

3 Very helpful to the Panel. So thank you.

4 (WITNESSES STAND DOWN)

5 Discussion

6 THE CHAIR: Okay. It's about 10:30, so
7 time for our break. Just before we do, I just wanted
8 to ask if Ms. Gulamhusein is here. We do have in the
9 schedule, Municipality of Crowsnest Pass, a short time
10 for direct, and I just wondered if that is still the
11 intention of the Municipality, to seat some witnesses.

12 MS. GULAMHUSEIN: Good morning, Mr. Chair. This
13 is Ms. Gulamhusein. It is, in fact, our intention to
14 make a very short comment and to provide no witnesses
15 in light of the developments that have happened in the
16 hearing. And so I could do that right now -- it is
17 literally going to be a minute -- or certainly I'm
18 prepared to do that after the break, but we do not plan
19 to have any witnesses.

20 THE CHAIR: And what about the session
21 starting tomorrow on geology? I think we also had you
22 scheduled there. The reason I'm asking is I'm just
23 wondering if any of the participants have questions for
24 the Municipality, you know, when there might be an
25 opportunity to ask those questions.

26 MS. GULAMHUSEIN: Right. Our witness is

1 available, the expert that we had to provide a report
2 that's been submitted. He is available, and he is
3 available this morning, and he can be made available at
4 the other times. I don't have instructions yet with
5 respect to whether we will be doing direct on the next
6 topic block, so unfortunately I can't say, but our
7 witness is available this morning, and I do understand
8 that there may be some other parties that wanted to
9 question him.

10 THE CHAIR: Okay. So I'll just do a quick
11 poll to get a sense of whether people have questions.

12 So participants other than Benga who may be
13 directly and adversely affected, are there people who
14 have questions for the Municipality of Crowsnest Pass?

15 MS. JANUSZ: Barbara Janusz. Yes, I do
16 have some questions prepared for the expert witness
17 that the Municipality or Brownlee had intended to call
18 earlier.

19 THE CHAIR: Okay. Thank you.

20 And who else?

21 MR. COOKE: Mr. Chairman, it's Rick Cooke
22 from Crowsnest Conservation. We would probably like to
23 ask a few questions very briefly of the Municipality.

24 THE CHAIR: Okay. And, Mr. Brinker, do
25 you know if Benga has any questions?

26 MR. BRINKER: I think, Mr. Chair, we're

1 actually a little bit confused. I'm wondering if
2 Ms. Gulamhusein can clarify for us. She mentioned that
3 she would like to make a statement on this topic rather
4 than their witness or their expert. We're wondering if
5 that might be better -- her statement might be better
6 suited for final argument rather than evidence on this
7 topic block.

8 THE CHAIR: Yeah. Can you clarify,
9 Ms. Gulamhusein, what your intent was?

10 MS. GULAMHUSEIN: Certainly, I can. Thank you.

11 Actually, it was simply just to say that we would
12 not be making any submissions in light of Benga -- the
13 two topics that we wanted to speak about, Benga has
14 already committed to adopting, which were the
15 socio-community economics advisory committee and the
16 principles. We were going to speak about those. In
17 lights of Benga's acknowledgment, we don't feel that
18 there -- we need to speak about them other than to say
19 we hope that they would be conditions if this project
20 was approved. Beyond that, that's -- that's actually
21 all I was going to say.

22 I was also going to clarify an error that I had
23 made earlier about distances from the hospital to the
24 access of the mine, but that's a very minor point.

25 MR. FITCH: Mr. Chair, it's Gavin Fitch
26 for Livingstone Landowners Group.

1 THE CHAIR: Yeah.

2 MR. FITCH: We also intended to have --
3 ask a few questions of the expert witness for the
4 Municipality. We're not wedded to doing it today. It
5 doesn't matter to us, but we did intend on
6 cross-examining that witness.

7 THE CHAIR: Okay. And any other
8 participants?

9 MS. OKOYE: Good morning, Mr. Chair. It's
10 Ms. Okoye.

11 THE CHAIR: Yes?

12 MS. OKOYE: I did have questions for the
13 Municipality of Crowsnest Pass, but it doesn't seem
14 that Ms. Gulamhusein will be calling any of the
15 councillors. My question is actually directed to them.
16 I don't have questions for her expert witness. So I
17 don't know at what point she will be calling them, if
18 at all, on any of the topics.

19 THE CHAIR: Okay. And Ms. LaCasse or
20 Ms. Kapel Holden, any questions for the Municipality?

21 MS. KAPEL HOLDEN: Good morning, sir. Staff did
22 have a couple of questions in regards to some of the
23 recommended conditions that the MD was looking for.
24 I'm not sure if someone will be available to speak to
25 that.

26 THE CHAIR: Okay. Thanks, Ms. Kapel

1 Holden.

2 Mr. Lambrecht?

3 MR. LAMBRECHT: Yes, sir. I did have one
4 question of the Municipality. It would relate to -- it
5 would fall generally under the accidents and
6 malfunctions topic area. I would hope that the expert
7 witness might be able to answer them, but a municipal
8 official familiar with zoning and emergency planning
9 might be helpful.

10 THE CHAIR: Okay. So it sounds like there
11 is a number of participants as well as counsel for the
12 Panel that have some questions for the Municipality, so
13 Ms. Gulamhusein, maybe what I can ask is on the break,
14 if you have the opportunity, if you could confer with
15 your client and see when they might be available to
16 answer questions if they're not providing direct. It
17 sounds like we probably could do this today or,
18 alternately, in the next session, which starts
19 tomorrow. I don't think there's probably a strong
20 preference, from what I'm hearing. So if you could get
21 back to us after the break, that would be appreciated.

22 MR. FITCH: Sorry, Mr. Chair. It's
23 Gavin Fitch again. We have our witnesses ready to go,
24 so what I'm thinking might work is if we skip over the
25 Municipality of Crowsnest. LLG can begin its direct
26 evidence, and then potentially we could do the

1 Municipality at the end of the day or, as you say,
2 potentially tomorrow.

3 THE CHAIR: Okay. I think that would work
4 for the Panel.

5 That would give you a bit more time,
6 Ms. Gulamhusein, but I think you wanted to say
7 something. Is there anything you want to add?

8 MS. GULAMHUSEIN: I just wanted to clarify. The
9 only witness that we planned to call at any point was
10 our expert, and he is available now, but we're
11 certainly willing to accommodate the Panel as they --
12 as they see fit, and he can be made available tomorrow
13 as well. There is no intention to call any of the
14 municipality's councillors.

15 THE CHAIR: Okay. Let's leave that for
16 now, and we'll revisit it after the break. But in
17 terms of your expert, if he is available right after
18 the break, we could do that or after the Livingstone
19 Landowners Group. Do you have a preference?

20 MS. GULAMHUSEIN: No, we don't have a
21 preference. It's fine whichever way the Panel sees
22 fit.

23 THE CHAIR: Okay. Mr. Fitch, do you have
24 a preference?

25 MR. FITCH: Sorry, Mr. Chair. I just had
26 to unmute. Well, you know, we are ready to proceed

1 with cross-examining the expert, but on the other hand,
2 we would be just as happy to get going on our own
3 evidence. So I guess if I had to express a preference,
4 it would be for us to go with our evidence now. But I
5 recognize that would be not following the established
6 order, so we're fine with just following the regular
7 order.

8 THE CHAIR: Okay. Well, Ms. Gulamhusein,
9 let's put your witness up after the break if he's
10 available. If he's not, we'll do what Mr. Fitch
11 suggested and go to Livingstone and try and slot him in
12 later. And then if there are questions that the
13 witness isn't able to answer, then I guess we'll have
14 to think about what, if anything, we need to do about
15 that later.

16 MS. GULAMHUSEIN: He will be available. He's on
17 the call already.

18 THE CHAIR: Okay. So it's 20 to 11. So
19 let's take 15 minutes and return at 5 to 11. Thank
20 you.

21 (ADJOURNMENT)

22 THE CHAIR: Ms. Gulamhusein, I just wanted
23 to kind of revisit something with you. So I guess
24 there's a question in my mind about whether your expert
25 is going to be able to answer some of the kinds of
26 questions I'm anticipating participants may have. You

1 know, when the Municipality provided its opening
2 statement, you read that statement. You didn't provide
3 any witnesses to speak to it. You weren't sworn as a
4 witness, so, you know, I don't consider you a witness;
5 I consider you counsel at this point in time.

6 If the Municipality doesn't put up somebody who
7 can respond to questions about the written submission,
8 there may be a limit to what the Panel can do with some
9 of those recommendations or parts of it. And so I just
10 want to make you aware of that and whether that might
11 change the Municipality's view as to whether it wants
12 to put somebody up to speak to its written submissions,
13 other than your consultant.

14 MS. GULAMHUSEIN: Mr. Chair, I appreciate that.
15 Thank you very much.

16 I will convey that message to the Municipality,
17 and I know that we are scheduled for two more possible
18 direct, and I'll have to -- I'll have to find out from
19 them whether they -- how they propose to deal with
20 that. I think at this point, the Municipality was not
21 planning to put anyone forward, and maybe they'll have
22 to rethink that. But at this point, that is -- that's
23 where we stand on that.

24 Part of that is informed by some of the
25 developments, particularly as with respect to this
26 topic block, Benga has, on the record, said that they

1 would adopt the recommendations that the Municipality
2 was concerned about, and so there was a feeling that
3 there was no need to give any direct on that basis.

4 THE CHAIR: Okay. So there may be other
5 participants who have questions, and I think staff
6 supporting the Panel may have some questions. So,
7 again, I think your client just needs to be aware of
8 what the risks are if they don't put somebody up.

9 MS. GULAMHUSEIN: I will convey that to my
10 client and advise the Panel as soon as possible.

11 THE CHAIR: Okay. Maybe I'll just kind of
12 circle back. In terms of the participants who
13 indicated they had questions, I'm now curious about
14 whether those questions are for representatives of the
15 Municipality or whether they might be for the expert
16 witness 'cause I think we were expecting that the
17 environmental issues would be dealt with in the other
18 topic areas. That's where I'm now a little uncertain
19 about whether putting up your expert witness right now
20 is going to be helpful.

21 So, Mr. Fitch, any comments on that?

22 MR. FITCH: Yes, Mr. Chair. As I say, we
23 don't really have a preference as to when we
24 cross-examine this witness. I can tell you the
25 intention in doing so is not to get into any great
26 detail on environmental effects. We'll be exploring

1 really just what did this witness do, like, what's
2 this -- what is this report and the witness's, you
3 know, qualifications in certain of the subject-matter
4 areas. You know, so we expect it would be 10 to
5 15 minutes.

6 THE CHAIR: Okay. Well, just based on
7 that alone, let's put up your expert witness,
8 Ms. Gulamhusein, and we'll see who has questions for
9 him, and then any questions that are for the
10 Municipality will have to wait until we hear back from
11 you on whether or not there may be additional
12 witnesses.

13 MS. GULAMHUSEIN: Okay.

14 THE CHAIR: So if you could introduce your
15 witness, and then we'll get him sworn.

16 MS. GULAMHUSEIN: Great.

17 So the witness for the Municipality is
18 Mr. Mark Wittrup, and he should be on the screen.

19 MR. WITTRUP: I am.

20 MS. GULAMHUSEIN: Okay. Great. And Mr. Wittrup
21 wrote -- you can confirm that you wrote the report that
22 was appended -- that is appended to the Municipality's
23 submission, CIAR Number 545. Can you confirm that you
24 prepared this report?

25 MR. WITTRUP: I did prepare that report,
26 yes.

1 MS. GULAMHUSEIN: Okay. And --

2 THE COURT REPORTER: Excuse me.

3 MS. GULAMHUSEIN: -- is that report accurate, to
4 the best of your knowledge?

5 MR. WITTRUP: Yes.

6 THE COURT REPORTER: Excuse me.

7 MS. GULAMHUSEIN: And do you have any
8 corrections or modifications to that report?

9 MR. WITTRUP: Not at this time, no.

10 MS. GULAMHUSEIN: And you adopt that as part of
11 the submissions you're going to make?

12 MR. WITTRUP: I do.

13 MS. GULAMHUSEIN: Okay.

14 THE COURT REPORTER: Excuse me. The witness hasn't
15 been sworn in.

16 MS. GULAMHUSEIN: Oh, pardon me. Go ahead. I
17 apologize, Madam Clerk [sic].

18 MARK WITTRUP, Sworn

19 Direct Evidence by Municipality of Crowsnest Pass
20 (Purpose of Project, Visual Aesthetics, Alternative
21 Means, Land and Resources Use, Socioeconomic Effects,
22 Historic Resources)

23 THE CHAIR: Ms. Gulamhusein, maybe you
24 should just start again now that he's sworn.

25 MS. GULAMHUSEIN: Sure. I apologize.

26 Q MS. GULAMHUSEIN: Mr. Wittrup, can you confirm

1 that the expert report appended to the Municipality's
2 submissions which are marked CIAR Document Number 545
3 that they were prepared -- that this report was
4 prepared by you?

5 A Yes, it was prepared -- prepared by me.

6 Q And do you have any corrections or modifications to
7 this report that you wish to make?

8 A I do not.

9 Q And this evidence is accurate, to the best of your
10 knowledge and belief?

11 A It is.

12 Q And you adopt that as your direct evidence in this
13 proceeding?

14 A I do.

15 Q Thank you.

16 THE CHAIR: Mr. Fitch, if you are prepared
17 to go, we'll start with you, if you have questions for
18 this witness.

19 MR. FITCH: Thank you, Mr. Chair. I am
20 going to turn this cross-examination over to my
21 associate Mr. Agudelo.

22 MR. AGUDELO: Good morning, Mr. Chair,
23 Panel. Thank you for having me here.

24 Madam Court Reporter, my name is Cesar Agudelo.
25 I'll spell that out for you. C-E-S-A-R for my first
26 name, and my last name is Agudelo, A-G-U-D -- as in

1 "delta" -- 'E' -- as in "echo" -- L-O, Agudelo. And
2 I'm an associate with the LLG.

3 Mr. Agudelo Cross-examines Municipality of Crowsnest
4 Pass

5 Q MR. AGUDELO: Okay. Mr. Wittrup, are you
6 there with us?

7 A I am.

8 MR. AGUDELO: If we can please have CIAR 705
9 pulled up. Zoom Host, if we -- we're only seeing one
10 camera at the moment, so ...

11 MR. FITCH: The Chair.

12 MR. AGUDELO: The Chair, yeah.

13 THE CHAIR: Can you see the witness?

14 MR. AGUDELO: I can't see the witness. I
15 see the document now, though. Oh, there we are.
16 Everybody is back in.

17 Q MR. AGUDELO: All right, Mr. Wittrup. This
18 document that I -- that we've pulled up, is this your
19 curriculum vitae?

20 A Yes. It's my short form.

21 Q Short form. And would you say it accurately represents
22 your academic and professional experience?

23 A Yes, it does.

24 Q Thank you.

25 In your education, it says that you graduated with
26 an honours bachelor's in science and geology?

1 A That's correct.

2 Q And you went on to get a master's in geology?

3 A Correct.

4 Q Thank you.

5 And you're a registered engineer and geologist in
6 Alberta?

7 A Yes, I am, and the C provinces.

8 Q Thank you.

9 If we turn to the last page of that document,
10 PDF 3, at the very bottom there's a section there
11 called "Selected Technical Publications". I take it
12 these are publications that you've published?

13 A Yes, they are. And if there's a coauthor or a
14 contributor, they've been noted as well.

15 Q Thank you.

16 There's a publication there called "Small Modular
17 Reactors Application and Opportunity"?

18 A Correct.

19 Q Is this a publication, or was it a presentation?

20 A That was a presentation.

21 Q Thank you.

22 And there's another one, the third one down,
23 called "Small Modular - Reactors: Application to
24 Mining and the North", October 17, 2019. Is that a
25 presentation or a publication?

26 A That was a presentation.

1 Q Thank you.

2 MR. AGUDELO: Zoom Host, if we can pull up
3 aid to cross -- I think I titled it LLG A2X, Number 2
4 with our PowerPoint presentation.

5 Thank you.

6 And if we can scroll just to the next slide there.

7 Q MR. AGUDELO: Would this be the document
8 that you're referring to in your third point?

9 A Correct.

10 Q Thank you.

11 And if we turn to the very last slide -- or the
12 second-to-last, I believe. "SMRs", that's a type of
13 nuclear reactor; am I correct?

14 A Correct. SMR as in "small modular reactor", reactors
15 generally under 300 megawatts.

16 Q Thank you.

17 And was this a presentation for -- to encourage
18 industry to get into the, for lack of a better term,
19 SMR game?

20 A It's -- it was a presentation to -- in this case, to
21 the Saskatchewan Mining Association conference, and,
22 yes, it's to introduce the -- the concept in order to
23 promote -- at least promote the -- the thinking of
24 using.

25 Q Thank you.

26 MR. AGUDELO: Zoom Host, can we move on to

1 aid to cross -- A2X Number 3, Bill C-69. Thank you.

2 Q MR. AGUDELO: Mr. Wittrup, this is an
3 article that you wrote for the Canadian Mining Journal;
4 is that correct?

5 A Correct.

6 Q And it is -- is it fair to characterize it as an
7 opinion piece on the regulatory process?

8 A Yes, it is.

9 Q And it was published in a magazine that was aimed at
10 industry; correct?

11 A Correct.

12 Q If we can go back to CIAR 705, please. And the first
13 page, PDF 1. At the bottom of the page, under "Key
14 Project Experience".

15 Mr. Wittrup, it says there that you're
16 vice president, environmental and regulatory affairs
17 with Clifton. That's your current position?

18 A Correct.

19 Q And in the description of your position there, you say:
20 (as read)

21 Focus on pragmatic regulatory solutions for
22 large projects to ensure timely and
23 predictable development.

24 A Correct.

25 Q Is that a way of saying that you're an expert in
26 getting -- or helping projects get through the

1 environmental regulatory system?

2 A It's one of the things I do, yes.

3 Q Thank you.

4 So you help industry navigate that system?

5 A Well, actually, I help any client navigate that system.

6 Q Thank you.

7 Can we pull Aid to Cross A2X Number 1, called
8 "Fission".

9 Mr. Wittrup, were you recently retained by the
10 company Fission Uranium Corp. to oversee that company's
11 regulatory environmental permitting process?

12 A I was, but not recently. I've actually been doing this
13 for over three years now, and this was just a -- a
14 press release to demonstrate the -- that Fission was
15 active in those areas.

16 I would add one correction to this, since this was
17 issued in July, in that I am no longer a special
18 advisor to their board.

19 Q Okay. Thank you.

20 There is something that -- in that news release in
21 the second paragraph, the first sentence. It says:
22 (as read)

23 Fission's regulatory and environmental
24 permitting process is overseen by
25 Mr. Mark Wittrup [being yourself] -- has
26 40 years of experience in the uranium sector

1 and specializes in environmental and
2 regulatory work.

3 Would you say that's a fair description of your
4 experience, Mr. Wittrup?

5 A Yeah. I actually started May 1st, 1980, in the uranium
6 business in La Ronge, Saskatchewan, so yes.

7 Q Thank you, Mr. Wittrup.

8 Let's move on to the submission by the
9 Municipality, CIAR 545, please. And if we can go
10 to PDF 36. Let's enlarge that a little bit if we can,
11 please. Thank you.

12 In that first paragraph, the last sentence, it
13 says that the intent of your report was to provide the
14 Municipality, your clients, a general assessment of the
15 proposed mitigations presented in the proponent's,
16 Benga's, and their likely effectiveness; is that
17 correct?

18 A Yes.

19 Q And you reviewed the proposed mitigations in eight
20 different areas; am I right?

21 A Correct.

22 Q And if you scroll down a little bit in that same page,
23 please. And the eight areas that we see there listed,
24 are those the areas that you reviewed for -- from the
25 proponent's EIA?

26 A Correct.

1 Q Thank you.

2 And just for the record, those areas are noise,
3 air pollution, light pollution, health concerns, visual
4 impacts, protection of watershed, weed control, and
5 increase in traffic; is that correct?

6 A Yes.

7 Q Thank you.

8 And let's go to page 37. That's PDF 37. Let's
9 scroll down a little bit. That first full paragraph.
10 In the first sentence that starts: (as read)

11 With respect to the Municipality's concerns,
12 the limits and the potential effects and
13 mitigation have been well-tested within the
14 EIA process, and proposed mitigations appear
15 reasonable.

16 So your conclusion there in your executive summary is
17 that the proponent's concluded -- conclusions on
18 potential effects of mitigations appear reasonable?

19 A Correct.

20 Q And when you say "well-tested" in the process, you mean
21 that in the back-and-forth between interveners,
22 government agencies, the JRP, the -- Benga's
23 proposed -- position has been tested and scrutinized
24 and come out on the other end reasonably?

25 A Through 12 addendums, yes.

26 Q Thank you.

1 Please tell me, Mr. Wittrup, are you a health
2 expert?

3 A I'm not a health expert per se, no.

4 Q And are you an air pollution expert?

5 A I'm not an air pollution expert per se, no.

6 Q Are you a wind expert that can assess wind patterns and
7 the effect on air particulate and pollutants?

8 A I'm not an air pollution modeller, no.

9 Q And fair to say, also, that you're not a noise expert?

10 A I'm not a noise expert, no, and --

11 Q And ...

12 A No. Go ahead.

13 Q And you've never conducted a noise-impact assessment?

14 A No, but I have directed noise-impact assessments be
15 done, and I'm the one that has to ultimately arbitrate
16 whether they were done properly and -- and would be
17 useful for conclusion in environmental studies. And
18 that would be the same for the other topic areas you've
19 mentioned.

20 Q So the other topic areas that you're not an expert in,
21 you just direct are, for example, aquatic life and
22 environmental toxicology?

23 A Yes. I would hire experts in those areas and then
24 review their -- their conclusions.

25 Q So it is fair to say that you're -- you accept the
26 reasonableness of mitigations and testing on areas --

1 on eight areas that you are not an expert in and for
2 which you provided no direction or hired the experts?

3 A So I've reviewed them on the same basis that I would
4 have done for an environmental impact assessment that I
5 was charged with organizing and developing and
6 following through the whole process. So as a -- as
7 a -- as an experienced environmental generalist, I've
8 reviewed those -- what I would've expected to see in a
9 mine and what was proposed and believe that they put
10 reasonable mitigations in place based on that
11 experience.

12 Q As a generalist --

13 A M-hm.

14 Q -- you also did not review the socioeconomic impacts
15 because that was outside your area of expertise; am I
16 correct?

17 A It wasn't part of what I was requested to look at, no.

18 Q But if we turn to PDF 43 of that document there in
19 front of you, that skinny little paragraph in the
20 middle that starts with, "the areas of public
21 consultation". Second sentence there, it states:
22 (as read)

23 Also, the socioeconomic impacts were not
24 examined, as they are outside the expertise
25 of the reviewer and the scope of the
26 assignment.

1 So it is fair to say you're not -- you did not review
2 this because it was not within your area of expertise?

3 A It was both. And I would have reviewed it as a
4 generalist if that had been part of my assignment.

5 Q Thank you.

6 I want to turn to PDF 0 -- 42, actually. The
7 section called "Methodology". Do you have a paragraph
8 there that's --

9 Oh, sorry. I was not looking at the screen.
10 The -- if we scroll down in that same page. Oh, no,
11 that's not the page. You are still on page 43. You
12 need to go to page 42. Sorry. And towards the bottom.
13 The bottom half. There we go. Thank you.

14 So the paragraph that starts, "Given the time
15 restrictions", it says there: (as read)

16 There was no exhaustive look at calculations
17 and the minutia of the work.

18 Is that correct?

19 A That's right.

20 Q It was an overall look at the methodology and
21 conclusions; correct?

22 A Correct.

23 Q And in the next paragraph, the second sentence that
24 starts, "This review" -- it goes into the next page,
25 43 -- you state that: (as read)

26 It is not an audit or a deep technical review

1 but a general review.

2 Is that correct?

3 A Correct.

4 Q Thank you.

5 Can you turn to PDF 49, please. And I need
6 that -- scroll down a little bit. Actually, towards
7 the end. The bottom half, actually. Thank you.

8 The last sentence before Section 3.5, it says
9 there that: (as read)

10 Benga basically predicted that it can be
11 managed --

12 Sorry. That's not the sentence I meant to -- I meant
13 to talk about. All right. I apologize.

14 Let's go to the "Discussion" part. In that second
15 sentence of the "Discussion" part says -- it says:
16 (as read)

17 Benga has essentially predicted no impacts
18 from the mine to the Municipality's air
19 quality with all the mitigation in place.

20 Is that correct?

21 A Yeah.

22 Q Okay. Is it fair to say that you accepted the
23 predictions of Benga and Benga's air-quality models?

24 A I accepted the mitigations as being ones I would expect
25 to see in a -- in a similar situation.

26 Q But you would agree with me that those mitigations are

1 based on the models that Benga used; correct?

2 A Yeah. Absolutely. And I would note that -- that the
3 only real way to test this is to build the facility and
4 put the monitoring in place.

5 Q This is your evidence, that the only way to test this
6 is going ahead with the project, even though we go
7 through a lengthy process of creating models and hiring
8 scientists and experts?

9 A So -- so modelling is as good as the inputs and -- and
10 the -- the methodologies, but, in the end, they're
11 still simply just models. And they can be accurate;
12 they can be inaccurate. And -- and they can be skewed
13 by the perception of the modellers as well. I mean,
14 all I'm saying is that the only proof that the models
15 are accurate would be to test that with real-world
16 data.

17 Q And this was based on a review that had no exhaustive
18 look at calculations, no audit, and no technical
19 review; correct?

20 A That's correct. Yeah.

21 Q Benga made many predictions about the effects of air
22 quality, for example -- that's one of the topics -- and
23 you did not assess those predictions were accurate;
24 correct?

25 A No.

26 Q Thank you.

1 A That wasn't part of my -- the scope of my assignment.

2 Q So your scope of the assignment was basically to accept
3 Benga's predictions and, based on that, assess the
4 mitigations?

5 A No. My assignment was to review the -- the material
6 provided in the full environmental impact assessment
7 with particular regard to the -- the nine areas that
8 were of particular concern to the Municipality of
9 Crowsnest Pass and -- with my experience in mining, and
10 look at -- at what was proposed as mitigations in those
11 particular areas, and to see whether, on balance, I
12 would reasonably -- reasonably have expected to see
13 those mitigations in a project.

14 Q There's a sentence quite interesting in your discussion
15 there that -- the third sentence in the discussion
16 starts: (as read)

17 This, of course, is the results of predictive
18 modelling, and the reality may not exactly be
19 as predicted.

20 Correct?

21 A Second sentence, but yes.

22 Q Third sentence.

23 A Third sentence. You're correct. Sorry.

24 Q Thank you.

25 A Yeah.

26 Q And your recommendation on this discussion point was

1 to -- that Benga put in place a monitoring system near
2 the hospital; was that not -- is that not right?

3 A Yes.

4 Q And tell me, Mr. Wittrup, does monitoring prevent
5 pollution or detect when pollution happens?

6 A Well, monitoring is used to detect what the air quality
7 would be like, and that was one of the discussions
8 about if mitigations are effective, and that was the
9 general tone of this, was if they're effective, then
10 they would likely prevent any significant impacts, but
11 you always need to monitor.

12 And the monitoring location chosen was also of
13 particular concern to the Municipality in that it lies,
14 I believe, 650 metres from the turnoff to the road, and
15 so it's close to the loadout facilities and was of
16 particular concern because there would be members of
17 the community that were -- that were in a vulnerable
18 condition there. So it was the likely spot to -- in my
19 mind, to put a permanent monitoring station.

20 Q So the answer to my question is basically "yes", it's
21 there to detect whether there's pollution in the air?

22 A Correct.

23 Q Thank you.

24 Let's move on to the next topic that I'd like to
25 discuss in your report, and it's on PDF 52, please.

26 It's close to the bottom half of it. "Health

1 Concerns", I believe. Thank you.

2 In the second sentence of the first paragraph of
3 "Health Concerns", you say: (as read)

4 For health affects [and I assume you meant
5 "effects"] to occur, a source pathway and
6 receptor are required.

7 Is that correct?

8 A Correct.

9 Q And remind me, you're not an epidemiologist or a
10 toxicologist; correct?

11 A No.

12 Q And in this Section 5 of "Health Concerns", you
13 discussed the air-pathway pollutants; correct?

14 A I did.

15 Q So you talked about inhalation, chronic inhalation, air
16 contaminants; correct?

17 A I'm sorry. Repeat the question.

18 Q You talked about inhalation, chronic inhalation, air
19 contaminants. That was the discussion of your health
20 concerns?

21 A Focused mostly on dust.

22 Q Focused mostly on dust. Yes. Thank you.

23 And this section did not discuss water pathways or
24 pollutants; am I right?

25 A It did not.

26 Q And are water pathways or pollutants not an important

1 consideration for the towns that are going to be
2 drinking the water?

3 A They are, but it was, you know, not part of the scope.

4 Q Not part of the scope. But I thought --

5 A Of my scope.

6 Q Of your scope. But I thought, sir, your scope was to
7 review the addenda, the EIA. That was your scope;
8 right?

9 A Yeah.

10 Q So are you aware that Benga had been asked to review
11 their human health risk assessment, or was that outside
12 your scope, even though it was within the addenda?

13 A Sorry. I'm not following your question. Could you
14 repeat that, please?

15 Q The question was: Were you aware that Benga was asked
16 to reassess their human health risk assessment to
17 include water pollutants?

18 A Yes. That was done in one of the other addendas, if I
19 recall correctly.

20 Q You did not discuss that point in your health concerns?

21 A No, but there is a section on water quality.

22 Q There's also a section on air quality. So you made a
23 section on health concerns on air and a section for air
24 quality, but you did not discuss the health concerns of
25 water in your "Health Concerns" section; is that
26 correct?

1 A I did not.

2 Q Thank you.

3 I have two more topics to discuss with you,
4 Mr. Wittrup.

5 A M-hm.

6 Q I would like to turn to PDF 57, please. This time it's
7 the top half for a change. The first full paragraph,
8 it states: (as read)

9 While not stated explicitly, the EIA leaves
10 the impression that the overall mitigation
11 strategy is to protect the western slopes
12 cutthroat trout, and if the species is
13 protected, then all other valued components
14 of the environment will be protected as well.

15 Was that your impression, Mr. Wittrup?

16 A That was my impression, and it's -- a fairly common
17 methodology is if you're protecting the most sensitive
18 species, you're protecting all of the other species.

19 Q And that's an impression based on a review that
20 included no exhaustive look at calculations, no audit,
21 and no technical review; correct?

22 A I reviewed the -- the document as a -- as an expert in
23 the environmental effects of mining, and in that
24 regard, the statement is -- is correct, in my opinion.

25 Q You already talked about the level of methodology that
26 you applied; correct?

1 A Well -- well, but -- yeah. Anyways, go ahead.

2 Q Did this section of water protection -- "Protection of
3 Watersheds", did it receive the same level of depth as
4 your health concerns?

5 A I would say yes.

6 Q Thank you.

7 Mr. Wittrup, on PDF 73 -- if we turn to that page,
8 please. Bottom half of that page, please. The first
9 paragraph, the second-to-last sentence,
10 the -- actually, kind of towards the middle. The
11 sentence that says, "The EIA appears, on balance".

12 Do you see that sentence, Mr. Wittrup?

13 A I do.

14 Q And it says: (as read)

15 ... appears to be, on balance, to be a
16 reasonable estimate and if so, the actual
17 environmental impacts to the Municipality
18 will be negligible after mitigations while
19 the socioeconomic impacts should be largely
20 tangible and positive over the life of the
21 project.

22 A M-hm.

23 Q That's your conclusion; correct?

24 A It's part of my discussion, but yes.

25 Q I'm going to put it to you, Mr. Wittrup, that you
26 actually do not know or have a basis for that

1 conclusion. Correct?

2 A Which part of it?

3 Q That's actually a good question, Mr. Wittrup. Let's
4 walk through it.

5 Let's talk about the environmental impacts. For
6 example, you're not aware if Benga's using the right
7 guideline for its water models; correct?

8 A I was leaving the -- the discussion to the experts in
9 that regard.

10 Q You were leaving the discussion of the experts -- of
11 whose experts? Benga's experts?

12 A No. There's experts on both sides in this process, and
13 the -- the JRP has the -- the unenviable task of -- of
14 working through all of that discussion and -- and
15 coming to a conclusion.

16 Q The unenviable but very necessary task, wouldn't you
17 say?

18 A Absolutely. Yes.

19 Q Also, Mr. Wittrup, you simply got an impression that
20 they were protecting the west coast -- westslope
21 cutthroat trout; correct?

22 A Yes. It was my -- from my reading, I didn't find it
23 explicitly stated.

24 Q You have no expertise in wind patterns specifically for
25 the Crowsnest Pass; correct?

26 A No.

1 Q So you base your conclusions on the environmental
2 impacts on the Municipality to be negligible on an
3 assessment that involved no substantive look at
4 calculations, no audit, and no deep technical review;
5 correct?

6 A That's correct. It wasn't part of the scope of my
7 work, and so I reviewed it on a -- an overview basis
8 using my experience in mining to look at all of the
9 mitigations that were proposed through the different
10 mechanisms and related to the nine areas that were of
11 concern to the Municipality.

12 Q There's another part of that conclusion, since you ask
13 which part, that talks about the socioeconomic impacts.
14 That was also outside your scope; correct?

15 A It was.

16 Q And outside your expertise; correct?

17 A Specific expertise, yes.

18 Q So you really have no basis to say that the
19 environmental impacts are minimal and the socioeconomic
20 impacts are positive; correct?

21 A So on reading all of that documentation, that was
22 my -- my belief that that would be the case. So while
23 I'm not --

24 Q Based on all the documentation, I was under the
25 impression that, given the time constraints, you didn't
26 read all of it?

1 A I didn't read all of it. So -- so walking through it,
2 I did a high-level review of -- of all of the
3 documentation except for a few that I didn't
4 specifically look at. Started with executive summaries
5 and conclusions, worked through the concordance tables
6 and -- and noted responses and completeness discussions
7 and the information that was added and the questions
8 posed in 12 addendums. And then I reviewed all of the
9 commitments, even as modified through to the tables in
10 Addendum 12.

11 Q That's why we got a health concerns discussion that did
12 not talk about air pollutants, even though it was one
13 of the specific --

14 A We talked about dust. I think -- I think your comment
15 previously is it didn't talk about water quality.

16 Q Well, Mr. Wittrup, they're talking off the top of the
17 mountain and putting the rocks next to the water, and
18 you did not test the assumptions into -- that went into
19 the modelling --

20 A So --

21 Q -- that were used for the mitigation. How is
22 that -- is that a good basis to conclude that the
23 Municipality should support this?

24 A Well, actually, I don't say anywhere here in this
25 document that the Municipality should support this one
26 way or the other.

1 Q Thank you, Mr. Wittrup. Those are all my questions.

2 THE CHAIR: Thank you, Mr. Agudelo.

3 Sorry. Ms. Okoye, I probably should have started
4 with you. Did you have questions for this witness, or
5 were your questions for the Municipality?

6 MS. JANUSZ: I'm sorry. Are you referring
7 to myself?

8 THE CHAIR: No. I was actually asking --

9 MS. JANUSZ: Sorry.

10 THE CHAIR: -- Ms. Okoye.

11 MS. JANUSZ: Okay. Sorry about that.

12 THE CHAIR: Yeah. No worries.

13 Ms. Okoye, are you in the room? Do you have any
14 questions for this witness?

15 Okay. I don't see Ms. Okoye.

16 Mr. Cooke, I think you indicated you had questions
17 for the Municipality, but I wasn't sure whether they
18 were for this witness or not.

19 MR. COOKE: Yes. Thank you. Our
20 questions are -- primarily be with representatives
21 directly with the Municipality, but I have a couple of
22 short questions that I'd like to ask this witness.

23 THE CHAIR: Okay. Go ahead.

24 Mr. Cooke Cross-examines Municipality of Crowsnest Pass

25 Q MR. COOKE: Mr. Wittrup, you -- your
26 recommendation is the creation of a community advisory

1 committee, and I -- if I recall -- I don't want to
2 necessarily have this called up, but it was in the
3 previous -- one of the previous aids to cross. You
4 basically suggested -- or the words implied to me, at
5 any rate -- that Benga should develop a relationship
6 with the Municipality that would create that -- that
7 body; is that correct?

8 A Mr. Chair, that's correct. The Municipality itself had
9 one of their -- one of the things they wanted to
10 explore was the type of committee, the -- the social
11 community and economic effects advisory committee that
12 was made a commission -- that condition of the
13 environmental assessment certificate for the recent
14 Teck expansion at Sparwood. And the concept of that
15 committee appealed to them greatly, and -- and so we
16 had a -- a closer look at that and -- and brought it
17 forward as one of the recommendations.

18 Q Okay. In your experience, a broader experience, you
19 know, projects often do -- sort of some of us have
20 experience with them -- set up such committees.

21 In your experience, does the proponent then, in
22 effect, delegate that responsibility to some other
23 body -- in this case, the Municipality -- and then you
24 have a committee, or is it more common for the
25 proponent to identify the stakeholders, one of which is
26 the Municipality, but also involves, you know, many

1 other interests in a community, to set it up on that
2 basis?

3 A Well, the Teck model -- the Teck and District of
4 Sparwood model really talks to having significant
5 representation from the Municipality. I believe it's
6 three councillors and five to seven members of the
7 community. And those members of the community have to
8 sort of pass a -- a bit of a means test in terms of
9 interest and ability to contribute. And then there
10 would be senior management members from the mine
11 itself.

12 So if I understand your question correctly, it's
13 kind of a hybrid of the two -- two end points you had.

14 Q I guess I might, in principle, from experience
15 disagree, but I won't explore that now.

16 I'm just trying to get an idea whether it is
17 better that a proponent deals directly with
18 stakeholders, one of which is the Municipality, or that
19 you kind of launder this responsibility through a
20 government institution and then to the public. And it
21 would seem to me that there are two models that might
22 be pursued.

23 A Yeah. To -- to be clear, this was the -- the Teck
24 Sparwood model is directly between the Municipality and
25 the -- the mine, not -- but I -- I don't want to -- one
26 of the other things we know is that there needs to be a

1 direct complaint/feedback mechanism with the mine
2 itself as well and -- so that you're not doing sort of
3 what you're talking to, which is laundering complaints
4 through a broader committee unless they're
5 unresolvable.

6 Q No, I wasn't doing that. Quite separate from this. I
7 think there's complaint mechanisms --

8 A M-hm.

9 Q -- and if you are familiar with our evidence, we are
10 one of the peoples -- people that, from the outset, has
11 suggested a complaint mechanism and perhaps looking at
12 international models for doing that.

13 A Yeah.

14 Q But, no, I'm talking about the broader so-called
15 advisory committee and how it might be structured in
16 terms of its relationship with the community and
17 specific stakeholders.

18 Maybe just to conclude that is that you would
19 agree that there are the two models that one could use
20 or that a proponent could use, in effect, as to -- to
21 inform the community; one direct, one through a
22 municipality?

23 A Correct. And -- and, you know, I -- I -- I -- I
24 hesitated all the way along by using the title from the
25 Teck Sparwood community because it -- it starts to
26 presuppose the shape of what that committee or that

1 relationship might look like. And I really think it's
2 up to the two entities to sort that out.

3 Q Meaning? The two entities are who? The Municipality
4 and the proponent, or the -- or the proponent and the
5 community? And they're different.

6 A Well, in this case, the Municipality and the proponent.
7 I think the bridge there is having the five to seven
8 community members.

9 Q Which are selected by an entity and, obviously, with
10 whatever interest -- a government agency or a
11 government entity, albeit elected, with their interests
12 and biases going into that selection?

13 A Was there a --

14 Q We all know how it works.

15 THE CHAIR: Do you have any more
16 questions, Mr. Cooke?

17 Q MR. COOKE: No. Just one very brief one,
18 and that's just related to air monitoring.

19 Are you familiar with air-monitoring systems that
20 would have the capability of providing, basically,
21 realtime transparency in the information that it is
22 generating? And I'm thinking specifically both air and
23 noise and specifically of the critical parameters.

24 A I do know there are realtime systems available. In
25 fact, when I was ADM, we were investigating using some
26 interesting technology from Israel that allowed for

1 monitoring to be put up fairly inexpensively in --
2 in -- in a number of locations for looking at
3 everything from emissions from old abandoned oil and
4 gas sites to areas where there was dust involved. So
5 I'm pretty sure that technology's out there.

6 Q I guess I would certainly agree with it's widely used
7 in various parts of the world for ambient monitoring of
8 industrial facilities and --

9 A Yeah.

10 Q -- might have application in this case.

11 MR. COOKE: Thank you very much, Chairman.
12 That goes to all the questions I have.

13 THE CHAIR: Thank you, Mr. Cooke.

14 Ms. Janusz, do you have any questions for this
15 witness, or are your questions more for representatives
16 for the Municipality?

17 MS. JANUSZ: I do not have any questions of
18 this witness, and I may have some to the councillors of
19 the Municipality should they decide to make themselves
20 available. Thank you very much.

21 THE CHAIR: Okay. Thank you.

22 I'll just circle back. Ms. Okoye, if you're
23 listening, do you have any questions for this witness
24 before I move on?

25 MS. OKOYE: No, sir, I don't have
26 questions for him. I have for the representatives of

1 the Municipality.

2 THE CHAIR: Okay. Thank you, Ms. Okoye.

3 Does Benga have any questions for this witness?

4 MR. BRINKER: No, Mr. Chair, Benga has no
5 questions for Mr. Wittrup.

6 THE CHAIR: Okay. Thank you.

7 Ms. LaCasse or Ms. Kapel Holden, any questions?

8 MS. LACASSE: I believe Ms. Kapel Holden
9 doesn't have any questions for this witness.

10 I have a question with regard to air monitoring,
11 but I think it is more appropriately asked of the
12 Municipality as opposed to Mr. Wittrup. I could try
13 him out on it, but I am not certain he'll be able to
14 answer.

15 Should I proceed, Mr. Chair?

16 THE CHAIR: Sure. You can put it to the
17 witness. But, Mr. Wittrup, if you don't feel it's an
18 appropriate question for you, just let us know.

19 Alberta Energy Regulator Staff Questions Municipality
20 of Crowsnest Pass

21 Q MS. LACASSE: So if the Zoom host, or
22 someone related to the Zoom host, could pull up
23 Document Number 544, which I believe is the
24 Municipality's submission, and if they could go to page
25 PDF 11.

26 So that section of the submission is not

1 Mr. Wittrup's report, but it's the submission for the
2 Municipality with regard to air pollution. And in
3 paragraph 51, the Municipality says that it is
4 satisfied that if Benga implements mitigation measures
5 as outlined, they will effectively mitigate concerns
6 about air quality, including pollution and dust,
7 particularly at the loadout.

8 Then in the same document, if you could go to page
9 PDF 14. And here we're into the submissions on health,
10 and in particular the Municipality's recommendation
11 that Benga install a permanent air-quality monitoring
12 station at the Crowsnest Pass Health Centre and the
13 Crowsnest Pass Medical Clinic, or other suitable
14 approximate locations.

15 So I'm aware, Mr. Wittrup, of a statement you made
16 with regard to a hospital receptor being of concern on
17 page 50 of that document, which is, I think, 10 -- page
18 10 of your report.

19 In any event, what I want to know is does the
20 Municipality feel that the proposed monitoring station
21 in Blairmore near the loadout facility, and proposed by
22 Benga, is sufficient or insufficient? And, again, I'm
23 looking for the Municipality's position on this. So I
24 don't know if you are able to do -- provide that.

25 A I'm not able to provide that, Mr. Chair, as I was
26 retained by counsel, not by the Municipality. I have

1 had no communication with the Municipality.

2 Q Okay. Well, based on Mr. Wittrup's answer, I believe I
3 need to get an answer from someone speaking on behalf
4 of the Municipality. Thank you.

5 A Okay.

6 Q Those are my questions.

7 THE CHAIR: Thank you.

8 Thank you, Ms. LaCasse.

9 Mr. Lambrecht, do you have any questions for this
10 witness or more for representatives of the
11 Municipality?

12 MR. LAMBRECHT: Sir, I would like to proceed
13 to question this witness and see if he is in a position
14 to provide informed evidence on matters I would put to
15 him.

16 THE CHAIR: Okay. Go ahead.

17 The Joint Review Panel Secretariat Staff Questions
18 Municipality of Crowsnest Pass

19 Q MR. LAMBRECHT: Mr. Wittrup, welcome to these
20 proceedings. I have a couple of introductory questions
21 for you.

22 First, have you observed the proceedings since
23 they began, or reviewed the transcripts for those
24 passages you may not have been able to observe?

25 A I have done both, and -- but I would say my coverage
26 has probably been about 80 percent.

1 Q All right.

2 I'm going to ask you -- I'm going to ask the Zoom
3 host to present a number of documents by way of
4 preamble to this question, and then I will pose my
5 question to you at the end. And I would ask you to
6 indicate -- if you feel you are not in a position to
7 provide informed opinion, please let us know.

8 A Okay.

9 Q All right.

10 Now, your report is PDF page 545 -- or CIAR 545.
11 And if we go to PDF page 22 there, you can see there's
12 a heading dealing with the emergency management plan --

13 A M-hm.

14 Q -- in the submission itself.

15 If you go to PDF 73, in the third paragraph there,
16 and especially the first sentence, you also discuss
17 emergency preparedness and response in your report?

18 A M-hm.

19 Q So you will know from either observing the proceedings
20 or reading what you have of the transcript that --

21 You can take that down, Zoom Host, thank you.

22 Mr. Wittrup, you will know that --

23 Zoom Host, could you please pull up PDF -- CIAR
24 564 at PDF 24. And can you scroll down, please. All
25 right.

26 Now, Mr. Wittrup, I'm going to direct your

1 attention in this one to the last paragraph on this
2 page under the bolded heading "Potential For Large
3 Scale Slope Failure". This is a submission of one of
4 the Indigenous groups here.

5 A M-hm.

6 Q And there have been other participants who have
7 expressed a concern about rockfall from
8 Turtle Mountain.

9 So I'm going to ask next the Zoom host to present
10 CIAR 208, please. All right.

11 Mr. Wittrup, have you had a chance to look at this
12 document at all?

13 A I can't -- can't read it very well. Oh, there we go.
14 I have not.

15 Q All right.

16 Could I go to PDF page 2 of this document, please.
17 All right.

18 The general scope of this letter is that the
19 Alberta Geological Survey monitors Turtle Mountain?

20 A M-hm.

21 Q And assesses risk of rockfall.

22 And you will see in the second paragraph there
23 that there are large areas of low displacement rate
24 block movement on both south and north peaks and that
25 the survey is monitoring this movement.

26 And you'll indicate there that -- in the next

1 paragraph that the AGS assesses Turtle Mountain as
2 having a low risk of large block displacement, but in
3 the next paragraph that there is a risk of larger
4 rockfalls from the top edge of the mountain.

5 Do you see that, sir?

6 A M-hm.

7 Q All right.

8 Now, I'd like to ask the Zoom host to present
9 PDF -- or CIAR 686, please, at PDF 37. All right.

10 Sir, this is a -- one of the slides from the
11 presentation of a prior participant, Mr. McIntyre.
12 Would you agree that it is a representative depiction
13 of the rockfall from Turtle Mountain?

14 A I do. It looks like the Frank Slide. I've actually
15 been through that several times by rail.

16 Q All right.

17 Sir, I want to ask you to undertake to produce a
18 map of the municipal boundaries of the Municipality of
19 Crowsnest Pass; and within that, to show if there is
20 any restricted development area associated with
21 Turtle Mountain.

22 Are you in a position to make that undertaking,
23 sir?

24 A Not without any full geotechnical assessment behind me.

25 Q You are not in a position to undertake a produce a map
26 of the municipal boundaries of Crowsnest Pass, sir?

1 A I can do that. I can do that on this diagram, yes.

2 Q That's not what I'm asking, sir.

3 It appears to be, from the record --

4 A M-hm.

5 Q -- we do not have a map of the municipal boundaries of
6 the Municipality of Crowsnest Pass.

7 I'm thinking that it would be prudent to have such
8 a map within the area, and I'm wondering if you could
9 undertake to produce such a map. I'm thinking the
10 Municipality must have one.

11 MS. GULAMHUSEIN: Mr. Chair, if I may step in?

12 THE CHAIR: Go ahead, Ms. Gulamhusein.

13 MS. GULAMHUSEIN: Thank you.

14 I don't think Mr. Wittrup is in a position
15 to -- to produce the map. The Municipality can provide
16 a map of its municipal boundaries.

17 And to be clear, are you asking for the zoning
18 within the Municipality?

19 MR. LAMBRECHT: I'm asking for two things.
20 But firstly, if there is a -- if you -- if the
21 Municipality could produce a map showing its municipal
22 boundaries so that we have that on the record.

23 And then within that, if the Municipality has
24 exercised -- within that, if there is any restricted
25 development area associated with Turtle Mountain,
26 either the front side or the back side, and what that

1 may be.

2 Q MR. LAMBRECHT: Mr. Wittrup, are you in a
3 position to know whether there might be any restricted
4 development associated with the rockfall areas of
5 Turtle Mountain?

6 A Mr. Chair, I am not in a position to outline such
7 areas.

8 Q All right.

9 Do you know as a matter of emergency planning how
10 the Municipality may have organized itself to address
11 any response to risk of rockfall from Turtle Mountain?

12 A Mr. Chair, I do not have that information, and -- or
13 knowledge of it.

14 Q Do you know if the Municipality has communicated with
15 the proponent or any other public or private entity
16 concerning the potential for rockfall at
17 Turtle Mountain?

18 A I do not know that information.

19 Q All right.

20 And do you know how the Municipality may have
21 exercised its municipal zoning powers in relation to
22 the rockfall zone associated with Turtle Mountain?

23 A Mr. Chair, I do not.

24 Q All right.

25 Sir, I think I've gone as far as I can with you.
26 I appreciate your patience in responding to my

1 questions, and I don't have anything further for you.

2 Thank you for your participation.

3 A You're welcome.

4 THE CHAIR: Okay. Mr. Matthews, any
5 questions?

6 MR. MATTHEWS: Thank you, Mr. Wittrup. I
7 don't have any questions.

8 THE CHAIR: Mr. O'Gorman?

9 MR. O'GORMAN: No, I don't have any questions
10 either.

11 Thank you, Mr. Wittrup, for your presentation and
12 appearing today.

13 THE CHAIR: I don't have any questions for
14 you either, Mr. Wittrup.

15 Ms. Gulamhusein, do you want to do any re-direct?

16 MS. GULAMHUSEIN: No, Mr. Chair, we're fine.
17 Thank you.

18 THE CHAIR: Okay. Thank you.

19 Okay. It is 12:00, so I guess we're at lunchtime.
20 And so 12:00. Let's take 45 minutes and resume at
21 12:45, and at that point we'll start with the
22 Livingstone Landowners Group direct evidence.

23 Thank you.

24

25 PROCEEDINGS ADJOURNED UNTIL 12:45 PM

26

1 Proceedings Taken via Remote Video

2

3 November 4, 2020 Afternoon Session

4

5 A. Bolton The Chair

6 D. O'Gorman Hearing Commissioner

7 H. Matthews Hearing Commissioner

8

9 M. LaCasse AER Counsel

10 B. Kapel Holden AER Counsel

11

12 K. Lambrecht, QC Joint Review Panel Secretariat
13 Counsel

14

15 T. Utting AER Staff

16 E. Arruda AER Staff

17 D. Campbell AER Staff

18 T. Turner AER Staff

19 T. Wheaton AER Staff

20 A. Shukalkina AER Staff

21

22 M. Ignasiak For Benga Mining Limited

23 C. Brinker

24

25 R. Warden For Ktunaxa Nation

26

1	K. Poitras	For Métis Nation of Alberta
2		Region 3
3		
4	Chief B. Cote	For Shuswap Indian Band
5		
6	B. Snow	For Stoney Nakoda Nations
7		
8	R. Drummond	For Government of Canada
9	S. McHugh	
10		
11	A. Gulamhusein	For Municipality of Crowsnest
12		Pass
13		
14	M. Niven, QC	For MD of Ranchland No. 66
15	R. Barata	
16	J. Nijjer	
17		
18	B. McGillivray	For Town of Pincher Creek
19		
20	D. Yewchuk	For Canadian Parks and
21		Wilderness Society, Southern
22		Alberta Chapter
23		
24	R. Secord	For Coalition of Alberta
25	I. Okoye	Wilderness Association, Grassy
26		Mountain Group, Berdina Farms

1		Ltd., Donkersgoed Feeder
2		Limited, Sun Cured Alfalfa
3		Cubes Inc., and Vern Emard
4		
5	R. Cooke	For Crowsnest Conservation
6		Society
7		
8	G. Fitch, QC	For Livingstone Landowners
9	C. Agudelo	Group
10		
11	M. Sawyer	For Timberwolf Wilderness
12		Society and Mike Judd
13		
14	(No Counsel)	For Barbara Janusz
15		
16	(No Counsel)	For Jim Rennie
17		
18	S. Elmeligi	For Alberta Chapter of the
19	A. Morehouse	Wildlife Society and the
20	S. Milligan	Canadian Section of the
21	M. Boyce	Wilderness Society
22		
23	J. Gourlay-Vallance	For Eco-Elders for Climate
24		Action
25		
26	L. Peterson	For Trout Unlimited Canada

1 R. Campbell For Coal Association of Canada
2
3 (No Counsel) For Alistair Des Moulins
4
5 (No Counsel) For David McIntyre
6
7 (No Counsel) For Fred Bradley
8
9 (No Counsel) For Gail Des Moulins
10
11 (No Counsel) For Ken Allred
12 (Not Present)
13
14 (No Counsel) For Monica Field
15
16 S. Frank For Oldman Watershed Council
17 A. Hurly
18
19 C. Forster, CSR(A) Official Court Reporters
20 S. Howden, CSR(A)
21 _____
22 (PROCEEDINGS COMMENCED AT 12:46 PM)
23 THE CHAIR: Okay. Mr. Fitch, are you
24 ready to proceed?
25 You are ready to proceed, Mr. Fitch?
26 MR. FITCH: Yes, I am. Thank you,

1 Mr. Chair.

2 So just to lay the groundwork for the Panel, this
3 afternoon the Livingstone Landowners Group will have
4 five witnesses. The first four are members of the LLG.
5 They're local landowners, and they will be sitting as
6 our first panel, effectively, our landowner panel.

7 And then once they're done, our second panel is a
8 panel of one, Dr. Chris Joseph, who is the
9 socioeconomic impact assessment expert that the LLG
10 retained and who has filed a report in this proceeding.

11 So we're going to start with our landowners, and
12 then we're going to go to Dr. Joseph.

13 In terms of how it will work, we have three
14 members of the LLG in our boardroom here in Calgary.
15 One member, Mr. Sid Marty, couldn't travel to Calgary
16 today so -- but he's on Zoom.

17 Do we know that, actually?

18 MR. AGUDELO: He was going -- I will just
19 find out.

20 MR. FITCH: He's the last one to speak, so
21 we'll get that sorted out.

22 So we have three here, one on Zoom. They have
23 each got remarks that they prepared. We'll run through
24 those. And then when we're done with the landowners,
25 we'll move on to Dr. Joseph, if that's acceptable to
26 the Panel.

1 THE CHAIR: So are you thinking that
2 questions for the landowner panel would be after
3 Dr. Joseph or before?

4 MR. FITCH: I was thinking before.

5 THE CHAIR: Okay. That's fine.

6 MR. FITCH: We're flexible.

7 THE CHAIR: Yeah. No. That makes sense.

8 MR. FITCH: Okay. So just by way of
9 introduction, Mr. Chair, we have three members of the
10 Livingstone Landowners Group here with us in Calgary;
11 firstly, Mr. Bill Trafford, who -- Mr. Trafford is the
12 current president of the LLG; we have Mr. John Lawson;
13 and we have Ms. Bobbi Lambright; and as I said, by
14 Zoom, we have Mr. Sid Marty.

15 So perhaps I can have the court reporter affirm or
16 swear our four witnesses, or at least three of them, to
17 start.

18 BILL TRAFFORD, JOHN LAWSON, BOBBI LAMBRIGHT, Affirmed

19 MR. FITCH: Sid, are you on the line?

20 We'll work on Sid, but in the interest of getting
21 things moving, I'm just going to begin.

22 Direct Evidence by Livingstone Landowners Group

23 (Purpose of Project, Visual Aesthetics, Alternative
24 Means, Land and Resources Use, Socioeconomic Effects,
25 Historic Resources)

26 Q MR. FITCH: Mr. Trafford, we'll start with

1 you. You can confirm that you are the current
2 president of the Livingstone Landowners Group?

3 A Yeah, I can confirm that.

4 Q Thank you.

5 And I understand you've prepared some remarks that
6 you would like to present to the Panel?

7 A I have.

8 Q Would you please do that?

9 A Yes.

10 First I'd like to thank the Chair and the Panel
11 for allowing us to participate in these proceedings.

12 As background, my parents came to Alberta in the
13 1940s after stints in Egypt, Romania, and Venezuela.
14 My father, an only child after his brother was killed
15 in the war, was exempted from military service because
16 of his unique ability to find and develop oil fields.

17 They made Alberta their home and thoroughly
18 enjoyed every aspect of the outdoor life in the
19 southwest Rockies.

20 They had seven children, six boys and one girl,
21 and I now have over 40 direct family members in
22 Alberta, and all of them recreate in the area we're
23 talking about. I also have two brothers who have homes
24 in the area, as I do.

25 I've spent many years riding and hiking along the
26 Eastern Slopes. Notably, three of my brothers and I

1 rode a stretch of the Great Divide Trail along the top
2 of the Eastern Slopes from Etherington Creek near
3 Longview to Coleman over the course of two summers
4 somewhat successfully and not without several mishaps.

5 As an extended family, we're all attached to the
6 area and sincerely hope that now all of our
7 grandchildren can enjoy -- enjoy it as we do and as
8 their great-grandparents did. Having spent many --
9 time in many parts of the world, this is a special
10 place.

11 All of my extended family asked me to express
12 their concern and hope that this area is protected from
13 irreparable damage.

14 We all recognize the difficulty Alberta is facing.
15 All of the 40-plus members of my family are committed
16 to living, working, and raising families in Alberta.
17 We know how important growing our economy and creating
18 jobs is to all of our futures, and we all want to help.
19 I can commit to you that not one single one of them
20 believe that mountaintop removal to mine for coal is
21 beneficial to the future of Alberta.

22 My volunteer role as president of the Livingstone
23 Landowner Group is largely driven by the same
24 motivation as Peter Lougheed and other great Albertans,
25 like Charlie Fischer, a prominent businessman who spent
26 a great deal of his -- his wealth acquiring and

1 protecting land in the area, saw the importance of this
2 unique environment and the need to protect it for the
3 people of Alberta.

4 LLG is a not-for-profit association of landowners
5 and residents in the area east of the Livingstone Range
6 to the Porcupine Hills and north of the Oldman River
7 Reservoir. We have over 125 members ranging from
8 third-generation ranchers to a number of landowners who
9 make their homes in the area, with careers spanning
10 professions from law, the arts, educators, health care
11 professionals, and business owners and leaders. All
12 are highly concerned with the impact this mine will
13 have. All have made significant time and financial
14 contributions to ensure that everything possible is
15 done to avoid damaging the air, water, and precious
16 ecosystems along the Eastern Slopes.

17 Our mandate since LLG was established in 2004 has
18 been to work with industries interested in investing --
19 investing in the area to ensure their plans are
20 sustainable and respect the unique environmental
21 aspects of the area. We have worked successfully with
22 oil and gas initiatives, logging, wind, and -- and
23 transmission development activities. We are not
24 against development but believe development in this
25 area should be done in a way that is sustainable and
26 does not damage the environment.

1 This corner of Alberta has been classified by the
2 Nature Conservancy of Canada as the last 5 percent of
3 the Great Northern Plains. It is a crucial habitat for
4 many species that depend on the unique combination of
5 mountain or plains or montane in this area.

6 A critical thing to understand is that this land,
7 particularly the native fescue, cannot be successfully
8 reclaimed. Significant long-term efforts by many
9 experts over the years have tried after pipelines,
10 drilling sites, and transmission lines have disturbed
11 the native fescue grass, all of it completely
12 unsuccessful. It is now recognized that it can't be
13 done.

14 That is the primary reason the Nature Conservancy
15 of Canada acquired an easement on the largest track of
16 undisturbed native fescue in Southern Alberta, what's
17 called the Waldron Ranch. This is the largest
18 conservation easement in Canadian history. They
19 understood the damage to this area cannot be corrected
20 through any means of restoration or remediation. A
21 very large strip mine in close proximity poses a known
22 risk to the essential air and water needed to sustain
23 this environment that cannot be mitigated, reclaimed,
24 or repaired. When it's gone, it's gone.

25 In addition to the direct work we have done with
26 developers -- developers, our members are and continue

1 to be significant contributors to the creation and
2 development of the South Saskatchewan Regional Plan as
3 well as the efforts to ensure the sustainability of
4 Crown land in the Livingstone and Porcupine Hill areas.
5 Many of our volunteers -- many -- many of our members
6 volunteer their time in the summer to -- to maintain
7 trails and creek crossings damaged by OHE -- OHV
8 traffic.

9 We've involved -- we have been involved in many
10 other similar efforts. These have taken enumerable
11 person years of effort by our members and others in the
12 community and is a testament to the concern Southern
13 Albertans have for the environment and, importantly,
14 the watershed from the Eastern Slopes.

15 Our members are highly concerned about the
16 potential impacts this mine will have on the future of
17 Alberta. Many of them have spent their careers in some
18 way involved in the oil and gas industry in the
19 province. Many of our members and the companies in
20 Alberta that employ them have worked very hard and
21 diligently to become, as Premier Kenney has proudly
22 proclaimed on many occasions: (as read)

23 The world leader in the environmentally safe
24 and ethical production of oil and gas.

25 This is a reputation and brand that will be incredibly
26 valuable in the years ahead, as the concern over

1 production in countries without regard for environment
2 or human rights will make our oil and gas the preferred
3 choice.

4 It would be shortsighted and hypocritical to allow
5 a known environmental risk like mountaintop-removal
6 coal mining to tarnish that hard-earned reputation.

7 An Australian coal miner from the Montem company,
8 who also have interests in the area, by the name of
9 Rod Tindall stated that Alberta's regulatory regime for
10 coal was highly favourable. These are companies that
11 can and do operate around the globe, and the fact that
12 Alberta's regulations are more favourable than
13 countries like Indonesia and Malaysia should be cause
14 for concern to the Panel. Albertans should not be so
15 shortsighted that we need to accept lower standards
16 than other countries and the significant environmental
17 risk for small returns and potentially large
18 remediation cost.

19 We understand that the purpose of this hearing is
20 to determine whether the proposed mine is in the best
21 interests of Albertans and Canadians and understand
22 this is a complex question. Do the economic benefits
23 outweigh the environmental risks?

24 You will hear from a number of experts on the
25 environmental risks and -- and on the very poor
26 valuation of the socioeconomic benefits. That, alone,

1 should make your job easier.

2 My background is in business, primarily in
3 valuating and delivering very large-scale
4 transformational projects in North America, Europe, and
5 here in Alberta, essentially determining if the risk is
6 worth the reward. For me, this is an easy one.

7 Benga presents an economic picture that assumes
8 metallurgical coal will stay at US 140 a tonne. The
9 main market for this type of coal is China. As
10 reported by Alex Turnbull, a noted fund manager based
11 in Singapore, that was published in The Guardian
12 earlier -- earlier this month, stated: (as read)

13 The market dynamics are changing for China's
14 coal purchases. Coal imports have dropped
15 sharply from all countries in 2020.

16 Initially this was contributed to COVID, but
17 as China's economy has resumed growth and
18 certainly growth in its energy-intensive
19 sectors, coal imports have dropped sharply
20 from all countries, not just Australia.

21 Indonesia exports were down 30 percent year
22 on year in September.

23 Mr. Turnbull goes on to say: (as read)

24 China's plans for slower but more
25 self-sufficient growth will slow their energy
26 demand.

1 China represents 51.7 percent of the metallurgical coal
2 market. India represents 11.8. China is the largest
3 importer, by far, of metallurgical coal.

4 Mr. Youl's comments on Monday that India could
5 replace this significant drop in Chinese demand through
6 India is a stretch. Clearly China controls the demand
7 and, therefore, the price.

8 The current price -- the impact on this -- on the
9 price of coal production produced from this proposed
10 mine is obvious: downward. The current price is at or
11 near a hundred dollars a tonne. Benga's own estimate
12 [sic] state that at US a hundred dollars a tonne, the
13 provincial tax and royalties would amount to a paltry
14 \$9 million per year, at best.

15 Clearly there is a significant risk, the mine
16 being uneconomic and the cleanup costs then falls on
17 Albertans. As Benga would not directly answer the
18 question whether its owner would have any liability in
19 the event of its insolvency can only be assumed that
20 they would not, and the remediation costs would fall to
21 the Mine Financial Security Program, as -- as Benga
22 mentioned on Monday.

23 As the Alberta Wilderness Association has
24 documented and the auditor general has pointed out in
25 2015, there is a significant liability gap with the
26 program. There is every reason to believe that this

1 mine will not generate the economic value that
2 proponents assume and that Albertans will be left on
3 the hook once again, as we've seen from other debacles
4 in the past, including orphan wells.

5 We in Alberta have been sorely impacted by the
6 boom-bust effect of commodities. For more than two
7 decades, we have known that reliance on volatile
8 commodity prices is not a good strategy for the
9 province. We have seen what OPEC can do to oil prices.
10 Is it really wise for Alberta to tie our economic wagon
11 to another commodity at the mercy of the much more
12 one-sided Chinese economic and trade policies?

13 And it should be noted that over the last few
14 days, there have been persistent rumours that China
15 will stop the majority of imports, including coal, from
16 Australia with minimal or no notice. So one can
17 imagine that would -- what that would do to this mine.

18 The Panel should also recognize that the
19 Royal Bank of Canada has recently instituted policy
20 that they will decline to finance any endeavour related
21 to the practice of mountaintop removal to mine coal.
22 The shareholders of the Royal Bank of Canada,
23 predominantly Canadians, have made the thoughtful
24 determination that this is a bad investment, both
25 because of the environmental risk and the financial
26 risks. It would seem to be very challenging to argue

1 in this setting that it's in the best interests of
2 Albertans and Canadians.

3 Using -- using the vernacular, I'll leave you with
4 the answer to the question: Is the juice worth the
5 squeeze? No.

6 Thank you for your time.

7 Q Thank you, Mr. Trafford.

8 Just one point of clarification. You mentioned
9 that many LLG members volunteer their time in the
10 summer to maintain trails and creek crossings damaged
11 by OHV traffic. Just for the record, what does "OHV"
12 stand for?

13 A Off-highway vehicles.

14 Q Thank you.

15 MR. FITCH: All right. Mr. Chair, we're
16 going to move on to the next member of the LLG panel,
17 and that is Mr. John Lawson.

18 A MR. LAWSON: Thank you.

19 Good afternoon, Panel Members, hearing
20 participants, and others. I appreciate the opportunity
21 to speak today.

22 I will also acknowledge the land rights of the
23 Treaty 7 people, particularly my most immediate
24 neighbours, the Piikani.

25 My name is John Lawson. I was born and raised in
26 Southern Alberta. Since the early 1990s, I have owned

1 property, lived, and ranched in the nearby Porcupine
2 Hills. I have also been a member of Livingstone
3 Landowners Group, or LLG, since its formation, and for
4 the past two years, I've worked on behalf of the group
5 in this process.

6 I am not here to present detailed and extensive
7 evidence on the issues identified. I will leave that
8 to the subject experts and legal counsel. I am a
9 citizen who has lived and been active in the area
10 community, the economy, and environment for many years,
11 observing and caring deeply about its future.

12 In a sort of parallel existence, I have also spent
13 much time -- much of the past four years involved in
14 public policy and governance in Canada as a senior
15 official and consultant in other provinces and Northern
16 territories, working for governments, as an advisor to
17 governments, and as a consultant advisor to
18 First Nations and other clients.

19 Q MR. FITCH: Mr. Lawson, in fact, you were
20 the deputy minister of justice in Yukon, were you not?

21 A Yes, that's -- that's correct.

22 Q And deputy minister of the executive council in Yukon?

23 A Yes, that's -- that's also correct. I've had the good
24 fortune to hold a number of positions of that nature in
25 the Yukon over a number of years.

26 Q Right.

1 A I was asked to speak first today to the interests and
2 concerns of the Livingstone group and its membership.
3 So I will, inescapably, I guess, repeat a bit of
4 Mr. Trafford's comments, but I will try to keep those
5 as minimal as possible. And then offer some comments
6 from a more personal perspective and put forward a few
7 questions and considerations that I believe essential
8 to be considered by the Panel and, subsequently, the
9 provincial and federal governments.

10 As Mr. Trafford noted, the LLG was formed in 2004
11 as an entirely volunteer nonpartisan and distinctly
12 nonprofit organization of local residents, landowners,
13 and others concerned about the present and future of
14 the region and the natural qualities of the environment
15 that attracted so many of us to come here and have
16 sustained so many more.

17 LLG has not and does not now take positions simply
18 against development or industry. It has consistently
19 been receptive to new ventures and opportunities,
20 provided that those are suitable and compatible with
21 existing interests and values of the area and that
22 proposed developments can take place in ways not just
23 economically but also socially and environmentally
24 responsible and sustainable.

25 And lastly, neither -- neither LLG nor, to my
26 knowledge, anyone else concerned about Grassy Mountain

1 and opposed to this application is opposed to economic
2 opportunities or employment in the area. We understand
3 that there are people who would seek such
4 opportunities, and we have no quarrel with those
5 people. But for mine benefits to be of value, they
6 need to be stable and lasting, not just one more round
7 in the boom-and-bust cycles so common in resource
8 extraction. They must add to the existing economy and
9 the community, not substitute or detract from them, and
10 promises made must be real and maintained in the
11 future.

12 These factors underlie LLG's concerns with
13 Grassy Mountain and participation in these hearings.
14 Succinctly stated, the LLG does not believe that the
15 Grassy Mountain Project, as it was envisioned, or
16 additional mines not subject to these hearings but
17 being proposed, is or in their current form, can be
18 made appropriate, safe, or compatible with the primary
19 and long-enduring values and needs of this area.

20 The LLG submitted a number of letters of
21 state -- or statements of concern going back to 2017,
22 raising the following issues, which I'll note very
23 briefly: Retention of the natural beauty and
24 international claim of the Crown of the Continent
25 landscape; protection of sensitive and fragile local
26 animal and plant species; proximity of the mine to

1 recognized environmentally sensitive areas and
2 irreplaceable ecosystems; lack of attention to
3 reclamation and associated difficulties accentuated by
4 harsh, dry, and highly variable climatic conditions;
5 use of public lands for water capture, collection, and
6 treatment; possible diversion of streamflows and
7 conversion to industrial use; downstream degradation of
8 water quality in the Crowsnest and Oldman River
9 systems, particularly selenium contamination with
10 long-term or permanent damage to fish and other
11 species; detracting and degradation of recently
12 established area parklands from visual impacts, noise,
13 and downwind dust; and, finally, impacts on health and
14 well-being of the local population.

15 I note each of those to illustrate that the list
16 of concerns and problems associated with this mine is
17 extensive. It is long. The issues are serious, and
18 they're not unique to LLG. They are shared by many in
19 the surrounding area, some participating here in their
20 own right, others not.

21 Longstanding and prevailing priorities and values
22 to people throughout the area are well-reflected by
23 multiple opinion -- public-opinion surveys and
24 exercises that are being conducted over the past
25 several years.

26 Mr. Chair, I would note that I have not included

1 those here, but I can certainly provide references to
2 those and any other documents if the Panel or Benga
3 would like me to do so.

4 Q Sorry. And just for the record, Mr. Lawson, you're
5 referring to the fact that all of the concerns that you
6 just enunciated have been previously set forth in
7 letters filed by the LLG, and we can refer to those
8 document --

9 A Correct.

10 Q -- numbers if you want to, but for the sake of --

11 A Yes. And I was also referring to the -- a -- the
12 number, I believe, is five different public opinion
13 surveys conducted over the past, roughly, five to seven
14 years that have, each of them, confirmed the same
15 prevailing values and so -- of the population, much
16 broader than LLG.

17 In early 2019, the LLG established a working
18 committee to follow mine development and the impact
19 assessment process more closely, and the board and
20 committee have worked to coordinate efforts within LLG
21 and also with other people in organizations having
22 complementary objectives and expressing the same or
23 similar concerns about Grassy Mountain.

24 Throughout, LLG and our legal counsel have worked
25 continuously and closely with the Canadian Parks and
26 Wilderness Society; we have communicated and cooperated

1 regularly and actively with the Alberta Wilderness
2 Association and Grassy Mountain Coalition and, more
3 recently, with the Municipal District of Ranchlands,
4 the Pekisko group, and their respective counsel. All
5 have worked to avoid unnecessary duplication of efforts
6 or costs to focus on key issues and to maximize our
7 efficiency and resources, and to assist the Panel to do
8 the same.

9 The important issues and legal roles on each have
10 been identified and allocated among the groups, and
11 expert resources have been engaged as needed. LLG has
12 focused primarily on four major issues from the much
13 longer list: mine engineering and design; human health
14 impacts, including associated local wind conditions and
15 economic impacts.

16 The shorter list does not imply a less importance
17 or resolution of concerns with respect to other issues
18 that we are not specifically addressing. Those are
19 vitally important but will be fully addressed by
20 others.

21 As mentioned, witnesses will present evidence on
22 each of the four issues. I will comment on only a few
23 general but, we think, critical points or questions.

24 With regard to mine design and engineering, it is
25 not at all clear that Benga has the knowledge or means
26 to adequately protect creeks and surface water flows or

1 to adequately capture and treat water that is
2 contaminated.

3 Selenium, in particular, is an obvious and serious
4 concern to residents, recreation and ecotourism
5 interests, agriculture, and anyone else dependent on
6 the Crowsnest and Oldman systems. That's over
7 1 million people across Alberta and beyond.

8 We need only look across the border into
9 British Columbia to see how elusive solutions for
10 selenium capturing and treatment have been,
11 notwithstanding many years and millions of dollars
12 spent to find them. Yet we have here in this
13 application rather bland assurances absent evidence to
14 show that it can be effectively contained or treated in
15 this environment and on the scale of the proposed mine.
16 We are asked to simply believe.

17 There are promises of reclamation but lack of
18 detail and up-front financial or other commitments to
19 ensure that such reclamation really will happen, and
20 history shows us that it commonly does not.

21 What is in the Grassy Mountain commitments and
22 plans that will make them different? And who will pick
23 up the cost if Benga cannot or does not meet its
24 obligations?

25 Here and elsewhere in the environmental impact
26 assessment, a number of issues requiring mitigation and

1 future remedy are insufficiently addressed. Concerns
2 are discounted as being not significant; undertakings
3 are offered to monitor and assess further, as
4 necessary; and, finally, to do something undefined to
5 remedy them if they really do prove to be serious.

6 I suggest there is nothing in such a vague and
7 undefined approach to reassure the public or that
8 should satisfy the Panel or governments.

9 With respect to human health effects, wind
10 patterns in the area are extreme, sporadic, and unique.
11 We live in an area where small gravel can be picked up
12 and blow horizontally. Burning embers can travel
13 miles. Roofs and windows are blown off or other
14 buildings. It beggars belief to present a view where
15 winds across the mine site are dramatically less than
16 all around it.

17 We do not believe that modelling and projections
18 by the proponents are sufficient or adequately take
19 into account Chinook and inversion patterns affecting
20 dispersion of dust and other fine-particulate matter.
21 And importantly, an understatement of wind effects will
22 cause understatement of related potential health
23 effects.

24 Second, modelling an -- assessment methods for
25 health effects are also limited and inadequate. Using
26 one methodology, and apparently not looking further,

1 the proponent concludes the increased health risks will
2 be minimal or insignificant. Those conclusions are
3 seriously at odds with on-the-ground studies and
4 emerging science showing very significant and increased
5 risks directly associated with mountaintop-removal
6 mining. Higher cancer rates; higher heart, lung, and
7 kidney disease rates; higher rates of birth defects;
8 and higher levels of impaired functioning. Recent
9 studies indicate growing evidence of brain atrophy and
10 impairment and depression attributable to small-matter
11 particulate matter crossing of the blood-brain barrier.

12 Selenium effects may be best known in relation to
13 fish, but we should not take comfort from that. I
14 spoke to a doctor friend recently about impacts on
15 people, and his response to a question I asked was
16 that: (as read)

17 We may not -- we may know less because
18 studies are fewer and more difficult for
19 human populations, but we can be quite sure
20 that if we are poisoning fish, we are also
21 poisoning people.

22 How many residents and other people is industry
23 prepared to put at that increased risk? How many will
24 government permit? And for what in return? Some
25 short-term jobs, some community donations or Australia
26 Day celebrations, or 1 percent royalties? We suggest

1 it isn't working; it's not a good equation.

2 Federal requirements are clear. Government
3 agencies and authorities are to apply the precautionary
4 principle in the exercise of their powers and
5 responsibilities with respect to these applications.
6 To do that, and after careful review of the evidence
7 emerging on health effects of mountaintop-removal
8 mining, I would argue that neither the Panel nor Canada
9 can reasonably recommend or approve the Grassy Mountain
10 Mine as it is proposed.

11 Knowing what we do, watching evidence emerge, and
12 recognizing that long-term health and even lives of
13 employees and area residents alike could be seriously
14 jeopardized, what higher standard or principle could
15 possibly justify approval?

16 Lastly, with respect to economic impacts, we
17 believe that the benefits have been overstated or
18 unsupported by evidence and that offsetting costs have
19 been largely ignored. A valid case has not been made
20 that economic benefits will outweigh adverse
21 environmental or other effects and support a conclusion
22 that the project is in the public interest.

23 Mine life and production are estimated and
24 averaged over the projected mine life. Revenues are
25 estimated based on projected coal prices over the same
26 period. But in real life, interruptions, shutdowns,

1 and market fluctuations are common in the industry.
2 They can greatly affect revenues, public employment,
3 and infrastructure. They do not appear to be fully
4 considered in company projections.

5 Alternative fuels and means of steam production
6 are becoming more feasible, some forecasts predicting
7 that they will occupy 50 percent of world markets
8 within as little as ten years. If those projections
9 are at all accurate, what will be the effect on
10 Grassy Mountain markets and viability?

11 Third, company employment forecasts were
12 questioned, and we understand those have recently been
13 revised downward, but questions remain. Automation of
14 jobs in the industry is proceeding rapidly in other
15 mines and other places. With plans for camp housing
16 for as many as 300 workers, how does that match
17 municipal government expectations of new-housing demand
18 or resident expectations of getting hundreds of new
19 jobs? And what, if any, assurances exist that promised
20 employment opportunities here will be valid for more
21 than a few years in initial operation or even by the
22 time the mine might come into production?

23 Little attention is paid by Benga to economic
24 opportunities and employment losses in other sectors if
25 the mine is approved. There will be losses. To
26 consider only a few examples: Nature-based tourism

1 does not look to mine sites for hiking and outdoor
2 travel. Fly fishing, a major recreation and tourism
3 attraction to the Crowsnest and area, will be severely
4 impacted if selenium or other water contaminants start
5 to affect fish populations.

6 As adverse human and animal health effects
7 emerge -- or if they do, as predicted and found in
8 other mining regions, what pressures will they put on
9 health care and infrastructure? And how much will that
10 cost both affected individuals and governments?

11 The last on this list: If selenium starts to
12 adversely affect crops and livestock health, as they've
13 been found to do, how does Benga propose that those
14 industries will respond or be compensated?

15 Beyond those key issues, in our view, Benga have
16 inadequately addressed in their work to date several
17 aspects of a comprehensive environmental impact
18 assessment that are essential to full consideration and
19 required by both levels of government. Provincial
20 legislation requires safe and environmentally
21 responsible development, protection of the environment,
22 and conservation-wise allocation and use of water.

23 Federal legislation and Panel terms of reference
24 go further, outlining a number of specific requirements
25 of the impact assessment, and as noted above, the
26 obligation exists to apply the precautionary principle

1 in the exercise of the Panel's duties.

2 The onus, then, is clearly on Benga to show that
3 it meets all federal and provincial requirements. In
4 several respects, we do not believe they've done so.

5 Environmental effects of malfunctions are
6 accidents. Grassy Mountain, by any definition, is a
7 massive, long-term project with -- with multiple
8 opportunities for system failure, accident, and other
9 unforeseen events or circumstances across all aspects
10 of its operation. Damages from some failures could be
11 catastrophic and long-lasting, but there is little
12 evidence that these possibilities or the immediate
13 responses necessary to each of them have been seriously
14 addressed.

15 For weather-extreme precipitation events, how
16 robust and able to handle them are current designs? If
17 we instead or also have prolonged winds, heat, and
18 drought, how will Benga operate without creek flows or
19 prevent or respond to forest fires erupting from the
20 mine or nearby? What specific and effective
21 contingencies, what detailed plans are in place to deal
22 with any such events within the range of even what we
23 know today?

24 Comments from the public. Comments critical of
25 the mine proposals have been frequently ignored or left
26 unanswered in various rounds of information requests

1 and responses. Benga has enthusiastically worked with
2 supportive individuals, community organizations, and
3 events, and quite assiduously -- yet, perhaps,
4 unsatisfactorily -- responded to issues raised by
5 federal and provincial officials and participating
6 First Nations.

7 But how many offers to meet and really consider
8 issues and options with LLG or CPAWS or AWA or
9 individuals vocal about mine risks and advantages?
10 Benga has been noticeably silent and nonresponsive to
11 critical citizen and NGO complaints. Does that meet
12 regulator or government requirements to show that such
13 comments have even been seriously considered?

14 Mitigation measures. Some aspects of current mine
15 design are obviously intended to mitigate expected
16 impacts from operations in expected conditions. But
17 what about the unexpected? Again, it seems that
18 accidents or unforeseen circumstances have been
19 addressed not with developed solutions but too often by
20 discounting the risk and then simply undertaking to
21 monitor and take some kind of undetermined adaptive or
22 corrective action if that becomes necessary. Where are
23 the assessment of options, the specifics of contingency
24 plans?

25 Requirements of a follow-up program. There is
26 recognition of a probable need in some circumstances,

1 but commitments to making a program comprehensive and
2 effective are not apparent. We expect the regulator to
3 address this in great detail if it and governments
4 conclude that the mine should proceed. But where are
5 the proposals and commitments now from Benga itself?

6 As to alternative means of carrying out the
7 project, we believe that assessment of those has been
8 limited and superficial. Wherever it might occur,
9 mountaintop removal is, perhaps, the crudest approach
10 possible. It's a favoured industry approach, no doubt
11 cheaper and more productive than other means. But in
12 the location proposed here, given the conditions that
13 exist and the critical water, land, and other values of
14 this landscape, it should be rejected out of hand.
15 There is no evidence that coal mining of any kind is
16 somehow essential here. But even if it were, it should
17 be mandatory for the proponent to first consider and
18 submit serious evaluation of other possible and less
19 damaging approaches.

20 Changes caused by the environment. We do not
21 accept that Benga -- the Benga claims that their
22 operations will be largely unaffected by these. We
23 disagree. Climate change is occurring. We will almost
24 certainly face water shortages periodically in the
25 future. Extreme parts -- precipitation, wind, and
26 other events are also forecast to increase. How will

1 this mine adapt to such changes over the next 25 years?
2 Does Benga imagine that its replanting and regrowth
3 strategies will work in locations and soils that are
4 already problematic or in places simply without soil?
5 And if it can't, how or by whom is the area ever to be
6 reclaimed?

7 Finally, consideration of all incremental air
8 pollutant and GH -- GHG emissions is a requirement. We
9 do not see that this has been done. I note here one
10 example to illustrate the problem. Recent research and
11 International Energy Agency reports indicate much
12 larger than previously estimated leakage of methane gas
13 from coal-mining activities, each type of methane being
14 a climate equivalent of 30 tonnes of CO2 and bringing
15 GHG emissions or contributions from mining to levels
16 comparable to the world aviation and shipping
17 industries combined.

18 What levels of methane emissions from total
19 mountaintop removal, excavation, and subsequent
20 recontouring work are expected? What can or is planned
21 by Benga to reduce or contain such emissions? And how
22 will it adapt to meet more restrictive GHG emission
23 limits likely to be imposed in future, or will it plan
24 to simply oppose them and perhaps sue for damages?
25 And what value or importance are regulators and
26 government going to attach to such fundamental

1 questions?

2 Mr. Chair, I'd like to turn for a few minutes to a
3 more personal perspective. As noted at the outset,
4 since 1993, my wife and I have owned our residence in
5 Ranch (AUDIO FEED LOST) -- in the Porcupine Hills
6 adjacent to Livingstone Ranch, the Oldman River, and
7 perhaps 15 miles from the Grassy Mountain proposed
8 project.

9 My family first came to Southwest Alberta about
10 120 years ago, many of them making their living from
11 farming and ranching for most of that time. I spent
12 vacation and recreation time in the Southern Eastern
13 Slopes for over 60 years, first on trips to picnic,
14 pick berries, sometimes fish, ride, or often just
15 wander.

16 Not so long ago, the landscape was relatively
17 intact, quiet, and undisturbed, much as it had been for
18 centuries. Certainly there was economic activity:
19 logging, some very early oil and gas, farming and
20 grazing in some areas, trapping and hunting, and, yes,
21 it was scattered activities and remnants of an older
22 mining industry, including coal. But there was nothing
23 on a scale or of a nature comparable or -- to or even
24 approaching what is being proposed now.

25 Glaciers and year-round pack ice were scattered
26 along higher ridges and in valleys throughout the year.

1 One could drink from virtually any stream without
2 serious worry of contamination, other than possibly
3 beaver fever or other natural runoff.

4 As far back as the Palliser expedition in the
5 1850s, the unique values of this area were recognized.
6 In nineteen eighty -- 1881, I'm sorry, it was described
7 by a Scottish journalist, Dr. Jim McGregor as:

8 (as read)

9 So favourable are the conditions, climate and
10 other of the country we have now traversed
11 that men hear about speak of it as God's
12 country.

13 In the following year, by John Macoun, a biologist and
14 scientific expedition leader, who said: (as read)

15 As a stock-raising country, the district is
16 the best in America.

17 Sources of clean water, surviving natural grasslands,
18 and healthy forests can still be found, and we still
19 have ranching, farming, recreational use, nature-based
20 tourism, and other pursuits, but in a relatively short
21 time, we have seen we have largely caused most of the
22 natural areas of this -- natural values of this area to
23 decline.

24 Grassy Mountain, if it is approved, will be
25 another very large step in that direction, not just
26 risking and degrading the precious water resources

1 remaining but now the very mountains from where those
2 originate.

3 And we're beginning to see clearly the effects of
4 climate change on the landscape -- disappearing
5 glaciers, less snowpack, smaller streamflows, hotter
6 summers, higher fire risk -- all coming at us and all
7 forecast to be more serious in the years ahead. We
8 cannot afford -- Alberta cannot afford to jeopardize
9 the future of this unique and sustaining landscape for
10 the sake of short-term industrial ambitions and profit
11 for relatively few jobs and the probability of a
12 gigantic mess left behind.

13 My wife, Jillian, made a number of submissions to
14 the Panel from January 2019 and forward. They largely
15 echo the issues raised by LLG and others, but I note a
16 few of very particular concern to us.

17 First -- and I know I'm repeating this point -- we
18 believe the extreme nature and variability of wind and
19 water effects are not well-understood or reflected in
20 the proponent's assessments.

21 The entire area is subject to persistent and
22 extreme wind conditions. We know it from empirical
23 studies, and we know it from living here. Strong
24 Chinooks and inversions exaggerate the effects arching
25 the countryside, sucking the moisture out of the
26 ground, and dramatically affecting dispersion patterns

1 and distribution of small particulates. We have heard
2 expert testimony to this in previous sour gas hearings
3 in this area. But how did the proponents study these
4 unique patterns, or did they? And what is proposed to
5 deal with them?

6 We have seen years when springs and small creeks
7 shrivelled and went underground or just dried up and
8 disappeared. All of them are used by people or
9 livestock or wildlife, sometimes all three. What
10 effects will large mines requiring large amounts of
11 water have on supplies that are already so tenuous?
12 And if systems or assumptions fail and those sources
13 are contaminated or lost, what does Benga propose to do
14 to replace or mediate -- remediate? I think the answer
15 is simple: They will not be able to do so.

16 Serious health effects from mountaintop removal
17 are now becoming much better known than they were just
18 a few years ago. Not to repeat the list from above,
19 but brain impairment and chronic heart and lung disease
20 associate are these -- are both long-term and more
21 immediate. While health care expenditures are
22 considered by many to be excessive or out of control
23 and the Province is busily announcing major reductions
24 in service and funding, what sense can it make now, and
25 how can it be justified, that we would give large mine
26 owners and developers approval to proceed with

1 developments that will affect and incapacitate some,
2 place more strain on health and other social services,
3 and cost all of us more?

4 And third, mining may be a long-term industry for
5 those who own and control, but it is often a
6 boom-and-bust industry for everyone else and for the
7 communities nearby it. We can see this from earlier
8 cycles in the Crowsnest. We can look to Tumbler Ridge,
9 Grande Cache; we can look across Northern Canada or
10 internationally, including Australia, from where our
11 new mine investors are coming.

12 The history is much the same: large promises,
13 larger expectations, frequent failures and shutdowns,
14 unemployment, business closures, and unreclaimed damage
15 left behind.

16 Optimism may be a great thing to have, but those
17 who simply believe that this time will be different
18 should look and read very carefully what has happened
19 so commonly in the past.

20 The concept of solastalgia was raised by a speaker
21 last week. It is important enough to expand on
22 briefly. I was going to raise this in my comments
23 earlier. Glenn Albrecht, an Australian philosopher who
24 originally researched the phenomenon, states that:

25 (as read)

26 Solastalgia is when your endemic sense of

1 place is being violated.

2 It is the homesickness you feel when you are still at
3 home.

4 Used now with respect to wildfire, volcanos, and
5 widespread effects of climate change, it was first used
6 to describe the effects of persistent drought and
7 open-cut coal mining in New South Wales.

8 Research shows that solastalgia is a worldwide
9 phenomenon. There is an increase in ecosystem distress
10 syndromes matched by a corresponding increase in human
11 distress syndromes.

12 (as read)

13 Solastalgia [Albrecht wrote] is the pain or
14 sickness caused by the loss of or inability
15 to derive solace from the present state of
16 one's home environment. It exists where
17 there is recognition that the beloved place
18 in which one resides is under assault.

19 I would submit that if Grassy Mountain and other mines
20 are approved, we can expect solastalgia to follow.

21 Mr. Chair, we believe that full understanding and
22 consideration of all the issues and evidence to be
23 presented in these hearings will provide reasons enough
24 to reject the Grassy Mountain application. But I would
25 like to conclude my comments with two additional
26 points, perhaps not so specifically addressed in the

1 hearings, but arguably more important and overlaying
2 this entire process and decisions to be made.

3 Provincial and federal governments have recognized
4 and made promises to protect the Eastern Slopes and our
5 headwaters for over a hundred years. Watershed
6 protection has been designated as the highest priority
7 from management. In fairly recent years,
8 Peter Lougheed's Conservative government implemented
9 the coal policy in 1976 to protect the Eastern Slopes.
10 The oil and gas regulator in 1993 issued IL --
11 Information Letter 93-9 providing specific direction on
12 limitations on industry operations along the Eastern
13 Slopes for similar reasons.

14 This application is different from many others,
15 and it should be considered as such. It and other
16 current mining proposals recently described by one
17 writer as "the Australian invasion" -- Grassy Mountain
18 being only the first -- are of a scale and nature that,
19 if approved, will irreversibly alter and degrade the
20 Southern Eastern Slopes.

21 Grassy Mountain is not just another project. It
22 is not even just another large mine project. It is an
23 assault on the region and the heart of the Eastern
24 Slopes, an assault that will change -- that is, in
25 fact, designed to change the very nature of the slopes
26 and how they are regarded going forward.

1 I submit that that transformation cannot be
2 allowed to happen, not just because the mines are
3 Australian -- although for those looking to economic
4 benefits, foreign ownership will almost certainly mean
5 more revenue leaving Canada and going offshore -- and
6 not just because we do need to transition off coal, but
7 precisely because these projects are on the Eastern
8 Slopes, a precious, unique, irreplaceable
9 world-recognized treasure to be maintained and
10 protected. The Eastern Slopes are not and they must
11 not be treated as a collection of gravel pits or
12 sandboxes interchangeable to be moved about and dug up
13 by big toys for private enrichment.

14 But all (INDISCERNIBLE - BACKGROUND NOISE) and
15 wishful thinking aside, it is accepted science around
16 the world that climate change, global warming is
17 happening. It is a real phenomenon. It is
18 accelerating. We are moving rapidly towards dangerous
19 and irreversible levels of GHG emissions, and we,
20 humans and heavily industrialized societies, are
21 primarily responsible.

22 Panel terms of reference state what is required to
23 be considered in this respect, in this application.
24 But common-sense, federal government and international
25 commitments to further reduction of greenhouse gas
26 emissions, not just slower increases, but real

1 decreases; an acknowledgement of pending crises all
2 demand more. I believe that the Panel and both levels
3 of government have a right and a responsibility to go
4 there. Public interest, protection of the environment,
5 and the precautionary principle, all broad and somewhat
6 subjective terms, can and should be used to go beyond
7 technical or legal minimums to make the wisest
8 decisions possible.

9 I noted earlier a number of public opinion surveys
10 completed here over the past decade, all coming to very
11 similar conclusions: Reinforcing the priorities of
12 protection of our environment, water resources, fish
13 and wildlife populations; of low-impact uses; and
14 setting aside undisturbed land for future generations.
15 The majority of respondents in every case were not
16 swayed or convinced otherwise by the chance for profits
17 and short-term benefits.

18 And it's abundantly clear around the world that
19 local people, local communities, and local environments
20 are often disproportionately and adversely affected by
21 major industrial developments. The same local people,
22 communities, and environments are often failed by
23 assessment processes and regulatory decisions relating
24 to large-scale developments that focus more on
25 statistics and numbers than promised revenues that
26 function more comfortably within a business-as-usual

1 framework.

2 I believe we are collectively and seriously
3 overdue in making decisions that recognize business as
4 usual, merely meeting the legal minimums, and perhaps
5 making safe and small incremental shifts are no longer
6 enough. They can no longer be a default or a
7 defensible approach to ever larger and more complex
8 problems.

9 I have some understanding and appreciation of the
10 responsibilities facing the Chair and Panel. Your task
11 is enormous and decisions will be difficult. Perhaps,
12 unfortunately, made difficult by some recent private
13 consultations and decisions taken by the Government of
14 Alberta to advance coal industry interests. But those
15 are for another discussion.

16 All challenges and difficulties notwithstanding,
17 we look to you to make the wisest long-term
18 recommendations and decisions possible to protect
19 long-prevailing and sustainable values of the people
20 and natural values of this region, to recognize much
21 larger and pressing climate and environmental needs,
22 and to reject and recommend rejection of the
23 Grassy Mountain application.

24 I thank the Panel for your time, and I'd be happy
25 to respond to any questions.

26 Q Thank you, Mr. Lawson.

1 I am now going to ask Ms. Lambright to deliver her
2 remarks.

3 A MS. LAMBRIGHT: Sorry for the -- the movement.
4 I like to be able to look people in the eyes when I'm
5 talking to them, and we -- the setup with these
6 meetings is a little bit challenging because the
7 camera's off to the side, and I wanted to be able to
8 look at least as directly as -- as possible at each of
9 you.

10 So, first of all, thank you very much for the
11 opportunity to -- to be here today and to share some of
12 both my personal perspectives and perspectives of the
13 Livingstone Landowners Group in terms of the
14 Grassy Mountain Mine project.

15 So just to give you a little bit of background
16 around who is talking to you, I'm a landowner. I'm a
17 resident. We live -- my husband and I have a -- a
18 ranch property, about 400 acres, pretty much 15 to
19 20 kilometres due east of Grassy Mountain. Most of our
20 land is native prairie, and we also are privileged to
21 have a small permanent creek that boasts a few of our
22 native fish.

23 I'm also a member of the Livingstone Landowners
24 Group. I've been a member of this group for something
25 in the order of ten years. I'm currently on the board,
26 and as John -- or, sorry, Mr. Lawson and Mr. Trafford

1 have mentioned, we all have many volunteer roles, and I
2 have the role of secretary as well as -- as other
3 opportunities as they arise.

4 I also am a former senior executive in the energy
5 industry. I was in that industry for over 30 years,
6 mostly in senior executive roles, predominantly here in
7 Canada, in Alberta, the Yukon, Northwest Territories,
8 and the last few years of my career, I was actually
9 based in Perth, Australia, and had overall
10 accountability for our company's infrastructure,
11 assets, and operations in that country while I was
12 there.

13 So I have some experience in regulatory
14 proceedings. I've certainly had my share of dealing
15 with very large and complex technical documents,
16 usually with some accountability for protecting my
17 country -- or my company's interests in dealing with
18 those documents.

19 So I think it would be fair to say that I come
20 here with multiple perspectives. You know, that of
21 someone who lives and loves the land where I live,
22 somebody who understands the business drivers and the
23 needs for economic growth, and certainly over the years
24 with Livingstone Landowners, I think I've had an
25 opportunity to gain a deep appreciation of the area
26 where we live both -- environmentally, culturally,

1 historically, and its uniqueness and significance, not
2 just to the province, but to Canada and to the world.

3 One of the things I don't think that's been
4 mentioned specifically here is that the area we're
5 discussing is one of the most endangered ecosystems in
6 the world. You know, a lot of people talk about things
7 like the Amazon rainforest, but the -- the grasslands
8 and the grasslands where they meet the mountains truly
9 is one of the most endangered ecosystems anywhere. We
10 have -- we are part of the last 1 percent of Canada's
11 grasslands. And as I'm sure you observed in the -- the
12 Benga application, you know, some of the area directly
13 in -- where they're placing their mine is fescue
14 grassland, which -- rough fescue grassland, which is
15 some of the most difficult grasslands to remediate.

16 And I know that not just because of reading about
17 it, but because we have actually attempted on our
18 property, because there is past scarring from pipelines
19 and -- and other activities in the past, to restore
20 some of that grassland, purchasing the -- the
21 appropriate seeds and nurturing them, and I can tell
22 you it is extremely difficult, even on a very, very
23 small parcel of land. So I can only begin to imagine
24 how difficult it would be to actually reclaim with
25 native grass in that -- in that critical area.

26 And just a comment on that, because one of the

1 reasons those grassland ecosystems are so incredibly
2 important is because they sustain a wide variety of
3 birds and wildlife that really don't live anywhere
4 else. If we lose the grasslands, we lose them.
5 So one of the points, I think, that's really important
6 to me and to our members is that what is going to be
7 lost with the proposed Grassy Mountain Mine will not be
8 able to be replaced. There will be reclamation; of
9 that, I have no doubt, but it will not replace what has
10 been lost.

11 The land -- the land that we're talking about, a
12 few people have mentioned, I think, in Benga
13 particularly, you know, that there's been a lot
14 of -- of scarring, there's, you know, old mine sites
15 that have not been reclaimed. And that's all true. I
16 mean, we -- we took a look at that land when we had a
17 tour. I think Mr. Fitch might have mentioned it in one
18 of his -- his comments. We did a tour up to make sure
19 that we understood what we were talking about. It's
20 one thing to read things, you know, online or in -- in
21 reports; it's quite another to physically be on the
22 ground and see what you're talking about.

23 So, yes, there are scars on that land. There's
24 scars from logging, even scars from careless users.
25 But a lot of the land is still supporting a tremendous
26 diversity of plant and animal life, many of which is

1 rare and endangered. And we certainly do not think
2 there is any excuse for destroying that remaining
3 legacy just because there are a few scars in a small
4 area.

5 Another thing that has been mentioned -- and --
6 and I won't spend a lot of time on this -- is the
7 importance of the Eastern Slopes and -- and the fact
8 that that importance has been readily captured in
9 numerous land-use plans, environmental frameworks,
10 designations, environmentally sensitive designations,
11 proposed recovery plans. All of those things are there
12 because decades and decades of work have been done to
13 identify the importance of this area and the need to
14 maintain it in a natural state.

15 You had two very dynamic young ladies presenting
16 to you this morning who talked about the importance of
17 that area, not just for wildlife, but for tourism, you
18 know, for recreation. And there is definitely an
19 increasing draw to our natural spaces, perhaps because
20 there's so few of them left.

21 But my husband and I love to -- to get out. And
22 when we first came down here, we were drawn because of
23 this beautiful landscape. And my husband's a fly
24 fisherman; we like to ride horses; we kayak; we hike.
25 This summer we took our horses out to an area called
26 The Gap, just not that far from Grassy Mountain, and we

1 were absolutely overwhelmed by the volume of people
2 that were recreating in that area and the amount of
3 traffic on that backwoods gravel road, and I think it
4 is just indicative of the hunger that people have, you
5 know, for these special places and the consequence to
6 all of us when those places get destroyed. And the
7 reality -- and I think you've heard it in spades from
8 almost every resident that has spoken to you -- is that
9 coal mining is simply not compatible with most of these
10 other land uses.

11 I mean, one of the things today is that most of
12 the land uses that are occurring are complementary.
13 There's ranching; there's tourism; there's recreation
14 downstream; there's agriculture; there's -- even
15 logging to some extent is compatible because the trees
16 will regrow. Coal mining is not. And, you know, that
17 is -- is the heart of the concern, I think, that all of
18 us are bringing to the table in these discussions.

19 So just a little bit more maybe about our LLG
20 members' concerns. Both Mr. Trafford and Mr. Lawson
21 talked a bit about that. We do have a very diverse
22 membership. It's quite interesting, actually, because
23 we range from the third-generation ranchers to business
24 leaders, physicians, geophysicists. And one of the
25 things that has happened with this Grassy Mountain Mine
26 application is that we have been contacted more than we

1 ever have in our history by people not just in our
2 members but outside of our membership who are deeply
3 concerned about what they -- what they believe is the
4 risk of the coal mining in the Southern Eastern Slopes,
5 and have been reaching out to us to share information
6 that they have, research that they have done on a
7 completely volunteer basis to say, You need to know
8 this. You need to take this into consideration. And
9 it has been very helpful. I think it's also very
10 telling in terms of -- of how important this issue is,
11 not just to the small group of us who live in that area
12 but to all of Alberta.

13 I know that -- that within our group, we have
14 invested -- and I personally have invested -- literally
15 thousands of hours in understanding the details of the
16 application that Grassy Mountain has put forward and in
17 trying to understand both the risks that are faced and
18 the mitigations, and it has been a disillusioning
19 exercise.

20 You know, I think there's been -- been quite a few
21 comments made about the quality of the evidence that
22 is -- is being presented, and -- and I'll -- I want to
23 talk a little bit more about that in a minute.
24 But I just want to start by reinforcing something I
25 think you figured out with all of the applications so
26 far, is that we believe strongly that this application

1 needs to be denied outright. It's one thing to talk
2 about other potential mitigations that could be applied
3 or maybe more monitoring that could be done, but the
4 risks are extreme, and the rewards are uncertain.

5 And as Mr. Lawson mentioned to you, in the terms
6 of reference, the -- the whole thing around the
7 precautionary principle -- and there are many legal
8 people here who could speak to that much more
9 eloquently than I, but in layman's terms, it seems
10 pretty simple: You're asked to ensure that the
11 decision that is made protects people; in other words,
12 it is better to be safe in what you decide than to be
13 sorry afterwards, particularly when you consider that
14 the consequences are irreversible.

15 I'd like to move on to sort of three major
16 concerns that LLG has identified with the evidence
17 that's been presented by Benga. The first one -- and
18 this has been reiterated in almost every submission by
19 the expert -- expert witnesses, by people opposing the
20 project, and that is that the evidence that they have
21 submitted lacks scientific rigour and reliability,
22 contains serious gaps and inconsistencies.

23 And I don't intend, you'll be grateful to hear, to
24 go through every report or every piece of evidence that
25 uses those words, but everyone from some of the
26 impacted federal departments to individual groups has

1 included in their evidence statements such as:

2 (as read)

3 Benga has not adequately described the risks;
4 Benga's assessment, you know, of -- of
5 potential future changes in the severity and
6 frequency and duration -- of short-term
7 extreme precipitation are not scientifically
8 robust; the EIE -- EIA would not pass a
9 standard peer-review process among wildlife
10 professionals; the EIA presents overly
11 optimistic goals that will be hard to
12 achieve; the design is deficient; the
13 existing base design does not adequately
14 address the environmental risks.

15 These are not isolated by one or two. These are
16 statements by people with decades of experience in the
17 industry and in analyzing aspects of these reports. So
18 that is of huge concern to our organization.

19 Here we are, five years and multiple rounds of
20 questions and filings, and we still lack robust
21 evidence-based and scientifically sound EIA documents
22 with comprehensive and reliable mitigations.

23 How can we as a group with the concerns that we
24 have trust that the risks are even fully understood,
25 let alone mitigated in that circumstance?

26 The second thing that we are deeply concerned

1 about is the consequence of error if a decision is made
2 to approve the project. Those consequences would be
3 devastating, they would be long term, and largely
4 irreversible. You know, as I was reading Benga's
5 application and looking at just the environmental
6 component, there's many that -- that I could talk
7 to -- you know, they fairly lightly use terms like, The
8 impacts are not significant. Yet you will see that in
9 preparing the mine site, they will be destroying, you
10 know, I think it's 27 different rare plants. That
11 includes the whitebark pine, the limber pines, the --
12 the grasslands that I mentioned. There will be --
13 their words -- direct mortality, you know, of multiple
14 animals and plants. There will be loss of habitat,
15 loss of food sources, loss of movement corridors.
16 These are not insignificant things. And, yes, at some
17 point, there will be some type of reclamation. Will
18 that reclamation restore what we've had? Will it bring
19 back the -- the plants and the animals that were there
20 before? We think not, based on past experience.

21 I guess another deep concern around this is that
22 the risk -- and several people have mentioned this as
23 well, but the risk is magnified by the terrain in which
24 they are proposing to build this mine. It's mountain
25 terrain. It is extreme in terms of the climate
26 conditions or the -- sorry, the climate conditions.

1 You know, just -- just to give you an example on
2 that, within the last two weeks at our home, we have
3 had extreme temperature swings. One day we went out,
4 it was minus 24 degrees, and we had over a foot of
5 snow, and that had been the case for several days.
6 Within a matter, literally, of days, the wind had
7 ripped through. And I use that word advisedly. It
8 ripped through. The snow was gone, and the temperature
9 was plus 16. We have had I don't know how many wind
10 warnings or alerts in the last two weeks, and we don't
11 get a wind warning or an alert unless the wind speed is
12 expected to be in excess of 100 kilometres per hour.

13 And various people have talked about, you know,
14 how -- how damaging that could be, but I think just to
15 make it real for you, we have driven out of our yard
16 onto the main Highway 22, which goes near our place, to
17 find not one but multiple semitrucks overturned in the
18 ditch, large motor homes overturned in the ditch.
19 That's why they have those wind warning signs,
20 including the one that Mr. McIntyre showed you that
21 broke when the wind speed hit 180 kilometres an hour.
22 Those aren't freak storms. That's life in that area.
23 And we all put up with it because it's so incredibly
24 beautiful when the weather is behaving, and that's most
25 likely in the summertime.

26 There's a small gas plant just down the road from

1 our home. The roof of that gas plant at one point was
2 peeled back like a can opener and had to be completely
3 replaced. A large metal hay shed not too far from
4 where we live, the entire front of that shed was ripped
5 off and blown several kilometres into a power line,
6 which then created a wildfire. These winds are nothing
7 to trifle with, and it certainly has been repeated in
8 these hearings that that does not appear to have been
9 adequately considered in a lot of the promises and
10 comments that have been domain -- are made.

11 So, I mean, just to kind of sum up this section,
12 what we're saying is that the consequence of making a
13 mistake and approving this plant and having
14 something -- or this mine and having something go wrong
15 is -- is extreme, and it's very important that that be
16 understood and taken into consideration.

17 The third major concern that we have related to
18 the application -- and I had to prioritize because
19 there's many -- is the cumulative impact, and that
20 received very little, if any, attention. And
21 cumulative impact really takes place in two different
22 ways. I think one of the groups that has presented
23 evidence already indicated that this area has already
24 been subject to a lot of activity that has been
25 damaging, whether that's the old mining, which was
26 never cleaned up, and there's still elevated levels of

1 selenium in the water systems because of that; whether
2 it's the much-higher-than-desirable linear footprint
3 that has occurred in the area. There are impacts on
4 this environment, and if Grassy Mountain is approved,
5 what that will do is make a bad situation a thousand
6 times worse.

7 The next aspect of the cumulative impact is that
8 if Grassy is approved, it will be a catalyst for even
9 greater levels of mining in that same area. And it's
10 not just those of us who are opposing the mine who are
11 saying that. I mean, I'm sure you recall the testimony
12 from Robin Campbell with the Coal Association, you
13 know, who answered, I believe, one of the Panel
14 questions, that, yes, he believes those projects are
15 going to occur, and there are a lot of people,
16 including the Coal Association, that are working very
17 hard to make sure that happens.

18 In fact, there's been multiple documents on the
19 public record since 2018 from companies like Atrium
20 and -- Atrium Elan, Montem, Cabin Ridge that have
21 indicated their intention to proceed with additional
22 mining in that area. They have been extremely
23 aggressive in exploration activity. In fact, Atrium
24 just announced the results of their latest, you know,
25 fairly extensive exploratory work. And they have also
26 been public with the actions that have been taken by

1 the Alberta Government to open the door to mining in
2 those areas.

3 I know from our own research, when we looked at
4 the coal leases that had been approved on former
5 Category 2 lands, it's well in excess of 600 square
6 kilometres of land. Almost all of that is north of the
7 Crowsnest. And the way these mines are proposing to be
8 built, you're looking at huge industrial swaths that
9 would be in excess of 50 kilometres long of -- of mine,
10 just open mine -- open-pit mines in some -- even more
11 sensitive area than what we're talking about with
12 Grassy. And although I know that's not specifically
13 within the scope of this discussion, I think it's
14 something that people need awareness of because it will
15 certainly exaggerate the consequences that we are
16 concerned about.

17 I'd like to move on now to some specific concerns
18 about different aspects of the impacts that we are
19 anticipating if the Grassy Mountain Project is
20 approved.

21 The first one is specific to the water and the
22 sensitive species. And you will be thankful to know
23 I'm not going to spend a great deal of time on this one
24 because it has been so thoroughly covered and will be
25 covered in more depth. But certainly all of us that
26 live in this area -- and I would include the proponents

1 and supporters of the mine in this. They have all
2 talked about the importance of making sure that our
3 water and our air and our land is protected.

4 I guess the difference is that many of them are
5 looking to the mine to provide them with the
6 information that they need and have accepted Benga's
7 assurances that those problems will not occur. We have
8 done a lot of research, as I mentioned, both as
9 individual members and through our expert witnesses,
10 and we don't share that confidence. Certainly with
11 respect to selenium reaching into the water, there is a
12 huge body of research that demonstrates the concern,
13 and there is no field-proven decis -- or solution at
14 this point.

15 You know, I mentioned that we get a lot of calls
16 from people who are concerned, and a lot have supported
17 us in fighting this mine. And some of the -- I wish I
18 had brought some of these, but some of the pictures
19 that we have been sent are from guides who work in the
20 Elk River system. And you've heard about the massive
21 fish kills that have occurred, particularly in
22 the -- in the Fording River because of the high levels
23 of selenium. What you may not be aware of is the
24 impact on the new fish, because the way I understand
25 it, selenium affects the reproductive system of these
26 fish. So every now and then, the guides are pulling

1 out of the rivers these fish that are missing gill
2 plates, that have deformed heads. This is evidence of
3 the impact of the selenium poisoning. So it's not just
4 a case of it killing the fish. It also creates these
5 deformities; evidence that the water system is not
6 healthy.

7 Teck Resources has, I think, been trying extremely
8 hard to address this concern, and certainly it's been
9 getting a lot of attention because of the application
10 by Grassy Mountain to go ahead with the mine in
11 Alberta. But they are on track to spend \$1.6 billion
12 on water-quality improvements. This is after having
13 built the mines and put in place what were presumed at
14 the time to be adequate water-quality control
15 measurements.

16 According to their website, they will
17 spend -- have spent an additional \$800 million by the
18 end of this year. And just last week -- and I'm
19 presuming the Panel is probably aware of
20 this -- Environment and Climate Change Canada had given
21 them another order for an additional 350 to \$400
22 million in improvements that they need to make to their
23 water-management system, and that's on top of probably
24 400 million that they're still planning to spend as
25 part of the plan that they had published. So that is a
26 huge investment in water-quality improvement, and those

1 measures certainly far exceed what the Benga proposal
2 includes. And even with that level of spending, the
3 protections have not been proven.

4 We've talked also, when it comes to water, about
5 the challenges with the water flow and the extreme
6 variability in water flows at different times of year
7 and between years, depending on whether it's a wet year
8 or a dry year.

9 One of the things that -- if you haven't been to
10 our area, you probably haven't noticed, but if you
11 drive down Highway 3 between Pincher Creek and the
12 Crowsnest Pass, there is a large body of water in the
13 spring that represents the Old Man River Dam overflow
14 area. In the spring, it is very, very high. Lots of
15 water in it. By fall, it's a dust bowl. If you have
16 selenium contamination or other contaminations in the
17 silt, that will be blown all over Southern Alberta
18 because it is literally just dust. And if you drive
19 down that road, you can see the great clouds of dust
20 coming up from that area every fall because the water
21 is low at that time and there is no overflow.

22 So I've talked about the devastating impact on
23 wildlife. That, of course, includes the cutthroat
24 trout. So those are obviously areas of extreme concern
25 to everyone in -- in this region.

26 Human health is another one. And, of course, all

1 the things I've talked about with respect to the
2 temperature, the wind speeds, the weather would suggest
3 that no matter what mitigations Benga is intending to
4 put in place, there will be coal dust and particulates,
5 and they will be broadly dispersed. And we are again
6 aware, through extensive literature and expert reports,
7 that that dust and those particulates cause human
8 health impacts.

9 One of the other things I wanted to share here is
10 that I believe Benga has said on a number of occasions
11 that they are confident in their mitigations and
12 there's not going to be, you know, dust into the
13 communities, and they'll be responsive if there's
14 complaints.

15 I came across a document, and it hasn't been
16 filed, but it's publicly available, and it's called the
17 "Sparwood Liveability Assessment", which was produced
18 in 2019. And that document is a very detailed report
19 that was actually -- and I'm just looking here for my
20 reference so that I can make sure I tell you this
21 correctly. The report was part of -- the requirement
22 for the report was part of the environmental approval
23 for the Baldy Ridge extension. The Province of
24 Alberta's environmental assessment office required
25 spar -- or the district of Sparwood to do this report
26 with support from Teck, and it's a very detailed

1 document. They put a tremendous amount of effort into
2 it. It took the head consultants -- it took them three
3 months to do the -- to do the research and to compile
4 the report.

5 The consultant was actually embedded in the
6 community, and they had multiple mechanisms for
7 collecting community feedback, everything from
8 interviews to in-person meetings with people to survey
9 documents, multiple meetings to get information about
10 different aspects of life in Sparwood, with the goal,
11 obviously, of identifying those things that were
12 positive, those things that were negative, and looking
13 for solutions.

14 And I raise it here because one of the aspects
15 that the report considered was the impact of
16 mine-related dust. And what the report found was that
17 74 percent of the respondents agreed or strongly agreed
18 that mine-related dust in Sparwood was affecting their
19 quality of life.

20 They also made sure that they included not just
21 public opinion, but they sought to collect actual data
22 to see if that aligned with public opinion, and there
23 are in excess of a hundred dust-related Teck feedback
24 complaints in 2018. And Sparwood does not experience
25 the same level of winds that we are known for in -- in
26 the Crowsnest Pass and in this area. So that is

1 obviously, you know, a concern.

2 And I think it's something that has been missing
3 in this process and particularly in the material that
4 Benga has produced, is there has been very little
5 evidence of real-life application of some of the
6 mitigations that they are proposing to use, which makes
7 it very difficult to know if they'll be effective if
8 all you're -- all you're relying on is modelling.

9 This takes me to the last and, in my opinion, the
10 most critical area for more detailed examination, and
11 that is the economic impacts and risks. What has
12 happened -- or what I observe so far in the hearing is
13 that the people who have stood up as proponents of the
14 Grassy Mountain Project are largely driven by the
15 expectation of significant positive economic impact.
16 In fact, I think that there have been multiple
17 presentations to the Panel from groups that has said,
18 you know, here's why economic growth and development is
19 needed in our community; we're suffering; we don't have
20 enough money. You know, we want sustainable economy,
21 and we are in favour of it subject to you, the Panel,
22 ensuring that there are no adverse environmental and
23 human health risks.

24 So I thought it would be helpful if we could look
25 at what maybe some real-life experience has been
26 elsewhere in terms of the economic impacts and risks.

1 And I think one of the key points is that the
2 evidence that Benga has brought forward did not address
3 the downside economic risks and, in our view, is -- is,
4 like many pieces of the evidence, incomplete and
5 inadequate to paint that picture.

6 So let me just share a couple of -- of areas where
7 there could be adverse economic impact.

8 The first one relates to water. You've had, I
9 think, a number of pieces of evidence supplied about
10 the importance of the Oldman River headwaters to all of
11 Southern Alberta. It supplies somewhere in the order
12 of 200,000 people with freshwater. It's also
13 absolutely critical to supporting the agricultural
14 industry through irrigation. Something like 45 percent
15 of the water used in irrigation comes from the Oldman
16 River water system. So there is a significant risk to
17 irrigators both in terms of water availability,
18 particularly in low-flow years, and also the impact of
19 contamination. And that risk only gets greater if
20 there are more mines in the future.

21 So there was a report developed in 2015 by
22 Paterson Earth & Water Consulting out of Lethbridge,
23 and the report was done for the Alberta Irrigation
24 Projects Association. And it found that the irrigation
25 industry contributed about \$3.6 billion to the
26 provincial growth domestic product and that 89 percent

1 of the irrigation-related benefits accrued to the
2 region and the province and only 11 percent to the
3 irrigation producers; so a very significant and perhaps
4 overlooked economic driver that is directly related to
5 Grassy Mountain because it is tied to the headwaters of
6 the Oldman River system.

7 Those irrigation activities, according to the
8 report, employed 35,000 people. They also noted that
9 the irrigated agriculture industry provided very
10 critical support to the livestock industry and to
11 value-added food processing. And I don't have the
12 numbers on those industries, but I'm sure you can
13 appreciate the magnitude of impact in Alberta if we
14 were to see negative impacts on irrigation, which then
15 resulted in negative impacts on those industries.

16 Another one, which has already been quite ably
17 spoken to at the local level by Heather and Stephanie
18 from the Crowsnest Pass Conservation Society, is
19 tourism and recreation. So they addressed the numbers
20 in the local community, which is good, because I don't
21 have those numbers. What I do have is sort of a big
22 picture from Travel Alberta in 2017, and that's, I
23 think, probably indicative of what the tourism industry
24 normally contributes. I'm sure the numbers are much
25 lower in 2020. But in 2017, Alberta's tourism economy
26 was more than \$8.9 billion, supported 22,000 operators,

1 and employed 72,000 people.

2 So from a potential downside of this mine, you
3 have very real threats to agriculture, food processing,
4 ranching, recreation, and tourism that have not been
5 accounted for in the material that certainly I have
6 reviewed in the filings.

7 The next thing that I think the community and
8 others are counting for -- counting on, having listened
9 to Benga's assumptions, is a significant surge in jobs
10 and drawing new people into the community. In fact, I
11 believe in testimony earlier this week, Mr. Houston
12 stated that Benga will have 400 direct mining jobs
13 during operations, and 120 direct employees on average
14 during construction. And he said those jobs would be
15 split, I think, it was 70/30 between Alberta and
16 British Columbia.

17 He further stated that Benga is forecasting
18 in-migration to the area of 660 people, so that's to
19 the Crowsnest Pass area in Alberta and a further 430 to
20 BC. So, I mean, those are big numbers and I'm sure are
21 extremely attractive when you're looking at a community
22 that has been struggling with growth.

23 So the core assumption, as I understood it from
24 Benga, is that approving Grassy Mountain Mine will lead
25 to the influx of permanent, highly paid, young workers
26 and development of new service industries and community

1 amenities. So that's the assumption, I think, many of
2 the proponents are working from.

3 Unfortunately, that assumption is very much at
4 odds with the reality of the communities in the
5 Elk Valley. So that study that I referred to earlier,
6 the Sparwood Liveability Assessment, they described
7 Sparwood as the central location for mining operations
8 and mining staff in the Elk Valley, and it is probably
9 the largest community there. There's smaller ones like
10 Elkford. So certainly the assumption would be that
11 they will be the centre for the operations and mining
12 staff and, presumably, that they would live there. So
13 Sparwood has, I think, a population of about 3,700
14 people.

15 In 2009, according to the study, Teck Coal
16 employed 400 -- or, sorry, 4,457 employees at coal
17 mines in the Elk Valley. Only 18 percent of those
18 employees lived in Sparwood.

19 For the Elkview mine -- and the Elkview Mine, much
20 like Grassy Mountain, is really close to the community.
21 It's only 2 kilometres from Sparwood, and they -- Teck
22 employs over 1,100 people -- 1,139 people in that mine
23 at the time they did the survey. Of those people,
24 22.8 percent live in Sparwood, so 260. So
25 proportionately, they are not getting a significant
26 number of employees living in those communities as a

1 result of the mine.

2 What I found equally or perhaps even more
3 interesting is that most of these highly paid mine
4 workers -- and Benga certainly has emphasized the value
5 of these workers getting higher paid than, say, the
6 tourism industry. Most of these workers choose to
7 spend their salaries somewhere else. So they -- they
8 looked at two groups, the people who worked regular day
9 shifts in the mine, and they determined that 83 percent
10 spend less than 50 percent of their salaries locally.

11 Of the respondents on what they call their "4x4
12 shift", which is four days in and four days out, 63
13 percent spend less than half of their income locally.
14 So much of the money is actually going outside of the
15 communities that are experiencing the direct negative
16 impact of the mines.

17 The other thing that has been talked about -- and,
18 again, I think the impression, certainly, that I've
19 gotten in listening and reading the Benga material is
20 that they will provide a somewhat stable economic base
21 for these communities and that other things
22 will -- will grow around those.

23 Unfortunately, as I think many others have stated,
24 coal companies have very much a boom-and-bust track
25 record. They frequently shut down. There's frequently
26 layoffs, and then there's rehires. When things go

1 really off the rails, the mines get shut down
2 completely with no cleanup and no reclamation. And if
3 you go through the history of mines in BC and Alberta,
4 you can see this pattern recurring over and over again.

5 So I think Mr. Lawson mentioned Grande Cache.
6 That's a classic example of a mine that has gone
7 through multiple ownerships. You know, as one owner
8 goes bankrupt, somebody else comes to the table, picks
9 it up, runs it for a few years, shuts it down when
10 commodity prices go down. That mine is currently
11 closed. Initially, they said they were closing due to
12 COVID, but they have not reopened, apparently because
13 of low commodity prices.

14 So it seemed worth taking a look at what has
15 happened in the neighbouring community, Sparwood, with
16 Teck Coal. And I should say here, I'm not trying to
17 pick on Teck Coal. I think as a mining company, they
18 have actually put tremendous effort into trying to do
19 some of the right things. It is the nature of the
20 industry.

21 So I was unable to get information all the way
22 back to when Teck first purchased the mines in the
23 1990s, but in more recent years -- in 2009, they cut
24 13 percent of their workforce -- that was 1,400 jobs --
25 because of decline in the global steel demand.

26 Then a few years later, in 2014 and 2015, they

1 laid off 2,000 workers over an 18-month period, again
2 because of a dip in commodity prices.

3 Then in 2019 -- and this was pre COVID, so it was
4 in October -- they announced that they were cutting
5 500 jobs immediately due to unprecedented loss of
6 80 percent of its profit margins in four months due to
7 lower commodity prices. This was in a letter written
8 to employees from Teck.

9 Then in March of this year, they reduced their
10 Elk Valley workforce about by 50 percent at the time,
11 presumably because of COVID. And I don't honestly know
12 what their workforce is now. And I use these examples
13 simply to illustrate that this is an industry that goes
14 up and down a lot, and that is something you can
15 weather if you're a large corporation, as long as it
16 doesn't go too far down, but it is extremely traumatic
17 for the workers and for the communities.

18 And if you read any of the news articles -- and I
19 haven't brought them today -- you -- that talk to the
20 miners and to the families and to the communities that
21 have been become dependent, you know, on mine revenue,
22 it is devastating every time one of these instances
23 occurs. And as I've just shown, it occurs fairly
24 frequently. It is that type of industry.

25 So that was the information that I wanted to share
26 with the Panel today. I'm sure there's much more we

1 could talk about, but I wanted to thank you for the
2 opportunity to speak with you today, and to
3 acknowledge, as others have, that you have a
4 challenging task in front of you. The record is huge.
5 It's becoming more daunting by the day. And the
6 considerations are complex.

7 But I think, most critically, everyone in this
8 process, whether they have spoken to you as a proponent
9 or an opponent, are looking to you to ensure that the
10 environment and the people are appropriately protected.
11 And, really, the only rationale that has been given for
12 why this could conceivably be in the public interest is
13 if there is extraordinary economic benefit. And while
14 I disagree with that philosophically, it is also, I
15 think, fair to say that the economic benefits have been
16 dramatically overstated, and there has not been
17 reasonable consideration of the downsides.

18 So given all of that information, given great
19 risk, you know, to our water, to our health, to the
20 environment, all of the major gaps and deficiencies
21 that are noted in these plans in evidence by very
22 credible, very experienced expert witnesses, we urge
23 you not to allow this project to proceed.

24 Thank you very much for your time.

25 Q Thank you, Ms. Lambright.

26 MR. FITCH: Mr. Chair, the final member of

1 this witness panel is Mr. Sid Marty. As I've
2 indicated, Mr. Marty is joining us from his home via
3 Zoom.

4 Mr. Marty, can you hear me?

5 A MR. MARTY: Hello. Can you hear me?

6 Q MR. FITCH: I can hear you. So it looks
7 like we're good to go. Mr. Marty, do you want to
8 provide your thoughts and remarks to the Panel?

9 THE COURT REPORTER: Excuse me. The witness hasn't
10 been sworn in.

11 MR. FITCH: You're right. He has not.

12 So, Mr. Marty, you're going to have to affirm or
13 swear. Which one would you like? Which one would you
14 like?

15 MR. MARTY: I'll swear at Jason Kenney and
16 affirm for you.

17 SID MARTY, Affirmed

18 THE COURT REPORTER: Can I get you to speak up,
19 please?

20 MR. MARTY: Okay. I'll try that. I will
21 probably talk (INDISCERNIBLE - BACKGROUND NOISE)

22 THE COURT REPORTER: I'm sorry. I can't hear you.

23 MR. MARTY: You can't hear me? I will
24 stop it, then. I'm not sure what I can do to provide
25 more volume.

26 THE CHAIR: He is a little hard to hear.

1 MS. ARRUDA: We're getting a lot of
2 background noise from the breakout or from the
3 boardroom there.

4 MR. FITCH: We will mute ourselves while
5 Mr. Marty speaks.

6 MR. MARTY: Okay. Can you hear me now?

7 THE COURT REPORTER: Yes.

8 A MR. MARTY: I'm trying to stay close to
9 microphone, so I will have to stick my face right in
10 the screen, I guess. My name is Sid Marty. I'm part
11 of a family that's been in Alberta since 1903. My wife
12 and I are farming members of the Livingstone Landowners
13 Group and we're ratepayers in MD 9 since 1980, and have
14 two boys we raised here at the foot of the Livingstone
15 Range. My wife is a retired restaurant owner in
16 Pincher Creek.

17 I am a journalist. I've written many feature
18 articles about natural history and human history,
19 subject of the West, and published a number of books,
20 including one that is specifically *Leaning on the Wind:*
21 *Under the Spell of the Great Chinook.* It was published
22 by HarperCollins in 1995.

23 Before turning to full-time writing, I worked as a
24 national park warden. Later on, I worked for the
25 Alberta Forest Service as a patrolman. So I have some
26 experience with tourists and visitors and locals

1 travelling in the mountains, with environmental
2 monitoring, public safety, wildfire suppression, and
3 law enforcement. My family and I have camped, hiked,
4 and really loved this area ever since we came here.

5 And so I believe the open-pit mine situated in the
6 scenic Rocky Mountains close to a pretty mountain town
7 with a vibrant cultural life that's very attractive to
8 visiting tourists, young families, and retirees is a
9 jarring, inappropriate industrial intrusion, completely
10 out of place in the era of shrinking mountain rivers,
11 threatened species, and climate change.

12 Can you hear me all right now?

13 THE COURT REPORTER: It's not too bad.

14 A It's not too bad? Okay.

15 Now, there's a long history of mining tragedies in
16 the Crowsnest Pass. You no doubt are aware of the
17 Hillcrest Mine disaster of 1914, Canada's worst, which
18 took 189 lives. There is a persistent theory that
19 mining played a role in the Frank Slide. And, frankly,
20 I think coal mining in this area belongs in the past.
21 Tying the area to the boom-and-bust cycle of coal
22 mining would be yet another coal-mining disaster since
23 it shuts down opportunities in other sectors, as you
24 have already heard. So I won't belabour the point
25 except to add that in the fast-moving internet age,
26 there is going to be creation of local businesses here

1 that we can't even imagine at this time.

2 I note Benga's part of Riversdale Resources, an
3 Australian company owned by Hancock Prospecting, I
4 believe, of which Gina Rinehart is the principal. Coal
5 mines in Australia are not always met with public
6 approval. On February 8, 2019, the proposal for an
7 open-cut mine, the Gloucester Resources Mine, New South
8 Wales, whose location shared many unique
9 characteristics with the Crowsnest Pass, was refused,
10 and a judge decided that -- cited the significant
11 adverse impacts on the town of Gloucester as well as
12 greenhouse gas emissions in his ruling. The judge
13 determined that: (as read)

14 The cost of this open-cut coal mine in a
15 scenic valley close to town exceed the
16 benefits of the mine which are primarily
17 economic and (INDISCERNIBLE).

18 THE COURT REPORTER: I'm sorry. "Economic"?

19 A Yeah.

20 THE COURT REPORTER: You said something after.
21 "Economic" and then something?

22 A (as read)

23 -- exceed the benefits of the mine, which are
24 primarily economic and social.

25 So I'm suggesting, Mr. Chair, what would not be
26 provenanced in the proponent's home country should not

1 be allowed here.

2 I live approximately 7 kilometres downwind from
3 the Grassy Mountain Project. My family and I have some
4 quality-of-life concerns. I am asthmatic, so I'm
5 concerned about air pollution and in the shortcomings
6 in the air-modelling part of the proponent's EIA
7 described in our consultant's report.

8 It's been pointed out the challenge of the
9 validity of the dispersion models used to predict
10 pollution dispersion. He points out that the modelling
11 does not account for the effect of the Chinook winds,
12 which you've heard about from a previous witness.

13 And he says these winds are concluded to likely
14 result in higher-than-predicted dust concentrations
15 downwind of the proposed facility, and he predicts dust
16 concentrations 37 percent higher than what the
17 proponent shows in their model.

18 Mr. Chair, the landowners have been down this road
19 before. In 2003, Polaris Resources applied to the AEUB
20 to drill a sour gas well near the Oldman River gap in
21 complex mountain terrain. That's not far from the
22 Grassy Mountain Project as the crow flies or as the
23 coal dust applies.

24 Our witness then, Professor Lawrence Nkemdirim, a
25 climatologist at the University of Calgary, is an
26 expert on Chinook winds. He pointed out that the air

1 dispersion modelling for that proposed sour gas well in
2 a valley at the foot of the Livingstone Range did not
3 take account of the complex terrain or the effect of
4 the Chinook winds on dispersion of pollutants, and that
5 finding was a factor in the Board's decision to deny
6 the application. And I hope that it will be a factor
7 that you will take into consideration.

8 We are also concerned about noise from the mine
9 and light pollution. We moved to the area to get away
10 from industrial intrusions, and, like other people in
11 MD 9, we pay a lot of money in taxes for the privilege
12 of living in a beautiful, scenic location in a rural
13 setting, and we contribute a lot to the local economy
14 by those taxes and by the money that we all spend
15 locally.

16 Now, you've heard about -- concerns about selenium
17 pollution of the watershed, so I won't bother going
18 there to belabour that point. It's been well made
19 already.

20 But one question I do have is: Since all the
21 water in the South Saskatchewan River Basin is already
22 allocated to 1.8 million people and assorted
23 businesses, including ir -- irrigation, which you have
24 heard about, I'd like to know where the proponent would
25 obtain the water for its project, and, like your last
26 witness, I would like to know what the effect of that

1 would be on the watershed.

2 Mr. Chair, I'd like to see a cost-benefit analysis
3 on the value of the water for those downstream of the
4 mine -- that was hinted at also by the last witness --
5 including the costs of cleaning up chemical pollutants
6 downstream.

7 The analysis of this project would include a value
8 placed on good-quality raw water to municipalities
9 downstream of the mine prior to treatment. It may be
10 hard to put a value on a tonne of water, but if we did,
11 I'm very sure we would find it many times more than the
12 value of a tonne of coal.

13 Are you hearing me okay so far?

14 THE COURT REPORTER: Fine.

15 A All right?

16 THE CHAIR: Yes.

17 A Okay. Thank you.

18 Our witness, Dr. John Dennis, includes references
19 to health studies in Appalachia because that was the
20 only place he could find a comparable comparison, and
21 it used the same mountaintop-removal processes Benga
22 proposes.

23 Now, I think it's been mentioned before about how
24 studies have shown higher cancer rates and other health
25 effects, so I won't belabour that point, in Appalachia
26 due to the proximity to strip mines.

1 Mining proponents always extol the economic
2 benefits of their projects, naturally. But concerning
3 the Appalachia, our witness will tell you that reports
4 show that the economic costs of health problems in
5 Appalachian coal-mining areas are more than five times
6 greater than the economic benefits of mining. Quite a
7 stunning finding, I think, when we're talking about the
8 economics of this mine.

9 This mine also has cast a bit of a shadow over our
10 democratic process in Alberta, in my opinion. There's
11 a sequence of events that's discouraging for citizens
12 participating in the process. Gina Rinehart is
13 well-known, as well as being the richest woman in
14 Australia and one of the richest in the world, but
15 she's also very well-known for her *From Red Tape to Red
16 Carpet*, which can be downloaded on Amazon Books for
17 \$9.99, I saw. In her book, she complains ad nauseam
18 about regulations that govern mining in Australia. The
19 suggestion is the government she deals with should roll
20 up the red tape -- and that is environmental protection
21 regulations -- and roll out the red carpet of
22 welcoming -- of welcome to incoming capitalists.

23 The current Alberta Government seems far too eager
24 to roll out the red carpet to mining. Atrum Coal, for
25 example, has described the Alberta Government as:
26 (as read)

1 Engaged and supportive in their efforts to
2 develop mining here.

3 And here I'm also referring to meetings between
4 politicians, the environment and the tourism minister,
5 of all people, with Australian miners in February 2019,
6 the warm reception given to them by our government,
7 then sudden overturning on June of this -- 6th of this
8 year, I believe it was, of the government's
9 (INDISCERNIBLE).

10 THE COURT REPORTER: I'm sorry. Can you repeat
11 that? "The government's"?

12 A The sudden overturning in June of this year of the
13 government's East Slope coal policy, which was
14 originally enacted, as you probably know, under Premier
15 Lougheed. I should add that in 1895, the minister of
16 the interior then responsible for this part of the
17 world stated for the public record that the primary
18 value of the East Slope mountains here is a generation
19 of water to be used by the incoming settlements on the
20 plains, and the secondary feature was the timber
21 resources here, which would be used also by the
22 settlers.

23 So this is -- goes back a long ways. And Premier
24 Lougheed, I think, was carrying on that tradition of
25 conservation of our water resources with his coal
26 policy.

1 Now, this was overturned by the current government
2 without any public consultation or previous notice,
3 compounded in proving the regulations, I believe.

4 So with all the greatest respect to the Panel,
5 this does not -- this does inspire a somewhat jaundiced
6 view of proceedings because it's pretty clear to me
7 that the UC government has already made up its mind
8 about the outcome of -- of the proposal for the mine,
9 the Grassy Mountain Mine, I mean.

10 I'm getting close to the end of this, you'll be
11 happy to know.

12 Finally, the elephant in the room. As has been
13 pointed out, this is only one of several mines
14 proposed, and I believe if it is approved -- approved,
15 it will be near to impossible for a regulator to deny
16 the others.

17 In December 2018, Steve Mallyon, a former CEO of
18 Riverdale [sic] Resources, told the Sydney Mining Club
19 that: (as read)

20 The long-term strategy for us is to really
21 become a multi-mine producer in that region
22 of Alberta.

23 Aligned with that, for example, our government has
24 permitted Atrum Coal to build 30 kilometres of roads
25 and construct 400 drill sites this past summer on prime
26 grizzly bear habitat.

1 So, Mr. Chair, without a mandate to change an
2 entire region of our province, this government would
3 potentially preside over basically a gigantic
4 Fort McMurray of open-pit coal mines stretching just
5 about all the way from the Livingstone Range to the BC
6 border and the contiguous mines there and from the
7 Crowsnest Pass all the way to the latitude of
8 Chain Lakes.

9 As we've heard, the other potentialities in this
10 region will be shut down, and the reward, as I
11 understand it, could be as low as a 1 percent royalty
12 after expenses. If that's the case, I suggest Alberta
13 will never see a penny because as mines keep expanding
14 northward, all expenses keep growing.

15 Frankly, in my opinion, the project is an
16 irrational proposal in the extreme, and I hope the
17 Panel will rule against it.

18 As you may know, a group of ranchers have demanded
19 a judicial review of the rescinded coal policy, and
20 there is to be a hearing, I understand, on the matter
21 in January 2021. I respectfully suggest that you
22 consider that and that you even consider postponing any
23 decision on this project until that hearing is made.

24 I think the proposed Grassy Mountain Mine is the
25 wrong development, in the wrong location, in the wrong
26 century. And like the other witnesses, I do appreciate

1 the complex and difficult task you have undertaken, and
2 I thank you for the opportunity to speak to you today.
3 Thank you very much.

4 Q MR. FITCH: Thank you, Mr. Marty.

5 MR. FITCH Mr. Chair, that concludes the
6 direct evidence of this witness panel. They're open
7 for questions from other participants.

8 THE CHAIR: Okay, Mr. Fitch. I'm just
9 wondering -- we've been going about two hours --
10 whether we should take a quick break before we turn to
11 questions. Would that be okay?

12 MR. FITCH: Yes, that would be fine.

13 THE CHAIR: Okay. It's ten to 3. So
14 let's come back at five after 3, and we will see if
15 there are any questions for this panel.

16 MR. FITCH: Thank you.

17 (ADJOURNMENT)

18 THE CHAIR: Okay. Now, I just want to
19 check with, first, the participants other than Benga
20 who think they might be directly and adversely affected
21 if there's any questions for this witness panel.

22 Hearing none, Mr. Brinker or Mr. Ignasiak, any
23 questions from Benga for this panel?

24 MR. BRINKER: Yes, Mr. Chair, this is
25 Coleman Brinker speaking for Benga. We do have just a
26 few questions for the landowners panel.

1 THE CHAIR: Okay. Please go ahead.

2 Mr. Brinker Cross-examines Livingstone Landowners Group

3 Q MR. BRINKER: Mr. Trafford, can you hear me

4 okay?

5 A MR. TRAFFORD: Yes, I can.

6 Q Okay. You spoke a little bit to your background at the

7 start of your evidence, and I thank you for that. I

8 don't see your CV in the Livingstone Landowners

9 submission, and it may be that I just overlooked it.

10 Do you know if you and the other witnesses on your

11 panel have already provided their CVs to the Joint

12 Review Panel?

13 A I did not, but I'm more than happy to.

14 Q Sure. Can you undertake to provide CVs for each of

15 your -- the four witnesses on your landowner panel?

16 MR. FITCH: Yes.

17 Sid, are you -- do you have a CV? Sid, can you

18 hear me?

19 UNIDENTIFIED SPEAKER: He's muted.

20 MR. FITCH: We will give that undertaking.

21 THE CHAIR: And can we get an undertaking

22 number from staff for that?

23 A MR. MARTY: Can you hear me now? I can

24 provide that.

25 MR. FITCH: Thank you.

26 A Yeah.

1 MS. ARRUDA: That will be Undertaking
2 Number 6.

3 THE CHAIR: Okay. Thank you.

4 Q MR. BRINKER: Thank you for that.

5 Mr. Trafford, I'm hoping you can provide just a
6 little bit more insight into your background at this
7 time as well. The CV will definitely fill in any gaps,
8 but just to ask you right now: Who do you currently
9 work for?

10 A I'm a private consultant now.

11 Q "Private consultant", is that what you said?

12 A Yes.

13 Q Okay.

14 A Happy to give a little history if you want to know how
15 I got there.

16 Q That would be helpful. Please do.

17 A Simple. I worked as a technical person for a
18 consulting company in Canada, and then I took over the
19 responsibility of building their managed services
20 business in North America, so took that and built it up
21 to somewhere north of \$2 billion.

22 Ultimately, we were acquired, and I worked for the
23 acquirer, a company called MCI in the US, a big telco.
24 And MCI went through an -- was acquired, and acquired
25 by a company that I didn't have a lot of -- didn't want
26 me, basically, so I retired, moved back to Calgary. I

1 worked for TransAlta for a couple of years and then
2 went to work for the Calgary Health Region as an
3 executive responsible for doing major development
4 projects. And then when it was rolled up into
5 Alberta Health Services, I went with Alberta Health
6 Services and, after a couple of years, became the
7 person responsible for all the integration efforts of
8 integrating all the health organizations across the
9 province into one. And then I've been in consulting
10 since.

11 Q Thank you for that.

12 What is your education?

13 A I have a degree from the Southern Alberta Institute of
14 Technology in electronics technology.

15 Q Okay. Sorry. Where did you say you live in relation
16 to the project location?

17 A I have two homes. I have one in Calgary and one in the
18 Porcupine Hills. So directly west, I can look -- I can
19 see Grassy Mountain from my house.

20 Q Okay. That house in the Porcupine Hills, is
21 that -- what municipality is that in?

22 A MD of Pincher Creek.

23 Q Okay. Okay. Thank you for that.

24 I do have a couple of questions now
25 for Mr. Lawson. Mr. Lawson, can you hear me okay?

26 A MR. LAWSON: Yes, I can.

1 Q Okay. Now, I believe you mentioned in your evidence
2 that you previously held a position in the Yukon
3 Government; is that right?

4 A That's correct.

5 Q Did I hear that correctly? Okay.

6 A Yes.

7 Q What other positions have you held in industry or in
8 government in the past?

9 A I -- well, I spent about 20 years with the Yukon
10 Government, you know, a large number of -- of positions
11 there. After leaving the Yukon Government, I worked on
12 a contract consulting basis with the federal government
13 in the creation of Nunavut in the Eastern Arctic, and
14 from that point, then I operated as a private
15 consultant, my own company, for about 15 years, largely
16 with First Nation clients but not exclusively. I did
17 some work for both the Yukon and federal governments
18 over that period. And then from 2013 to 2016, I was
19 engaged as a part-time hearing commissioner with the
20 Alberta Energy Regulator. From 2016, then I went back
21 to consulting until last year, when I retired.

22 Q And where did you say that you live in relation to the
23 project location?

24 A Straight east. In the Porcupine Hills, again, on the
25 west side of the hills, about 15 miles from the
26 Grassy Mountain site and about 5 miles, more or less,

1 due north of Mr. Trafford.

2 Q Okay. So is that in the MD of Pincher Creek as well?

3 A Yes, it is.

4 Q Okay. Thank you for that.

5 Ms. Lambright, can you hear me okay?

6 A MS. LAMBRIGHT: Yes, I can.

7 Q Great.

8 You provided some information on your background
9 as well in your evidence, so thank you for that. I'm
10 just hoping you can elaborate a little bit for me. Can
11 you tell me what your education is?

12 A Yes. I went to the Southern Alberta Institute of
13 Technology as well in journalism.

14 Q Okay. Now, I believe you said you worked out of Perth,
15 Australia, at some point in the past. Did I hear that
16 correctly?

17 A Yes, you did.

18 Q Okay. Who were you working for while you were in
19 Perth?

20 A I worked for ATCO Group. I was responsible for our
21 business operations in Australia.

22 Q Okay. What other companies in industry have you worked
23 for over your career?

24 A My career has largely been with ATCO but in multiple
25 different companies. ATCO has a fairly diverse
26 portfolio of companies, so I've worked in a number of

1 different ATCO companies.

2 Q Okay. And any other companies aside from the ATCO
3 Group?

4 A No. They were all companies within the ATCO Group.

5 Q Okay. Okay. Where did you say you live in relation to
6 the project location?

7 A About 15 to 20 kilometres due east.

8 Q Okay. And what municipality is that in?

9 A It's in the MD of Pincher Creek.

10 Q Okay. As well. Great. Okay. Thank you for that.

11 Now, lastly, I just have a couple of questions for
12 Mr. Marty. Mr. Marty, can you hear me okay?

13 A MR. MARTY: I can.

14 Q Okay. Great.

15 A Can you hear me?

16 Q I can hear you.

17 A All right. Good.

18 Q Okay. You said you're currently a journalist. Is that
19 right?

20 A Yes. Since 1978.

21 Q Okay. And you said previous to that, you were a forest
22 warden at one point. Did I hear that right?

23 A I worked for the National Parks in Banff, Yoho, and
24 Jasper as a park warden GT2, and when I left that
25 position, I -- to take up full-time writing, I worked
26 seasonally for the Alberta Forest Service as a

1 patrolman in the Porcupine Hills-Livingstone area.

2 Q Okay.

3 A Aside from that, I work full-time at writing, and I'm
4 also a part-time musician.

5 Q What is your education, Mr. Marty?

6 A I have an honours degree, BA, 1967, honours equivalent,
7 1969, and did a year of graduate studies and dropped
8 out of academia.

9 Q What was your honours degree in?

10 A The honours degree is in English lit.

11 Q Okay. And what municipality do you live in, Mr. Marty?

12 A I'm in MD 9 Pincher Creek.

13 Q Okay. Great.

14 Those are all the questions for Benga at this
15 time. Thank you very much to the Livingstone
16 Landowners panel.

17 THE CHAIR: The --

18 MR. BRINKER: Sorry, Mr. Chair.

19 THE CHAIR: That's okay.

20 Ms. LaCasse or Ms. Kapel Holden, any questions for
21 this panel?

22 MS. LACASSE: No, we have no questions,
23 Mr. Chair.

24 THE CHAIR: Okay. Mr. Lambrecht?

25 MR. LAMBRECHT: Mr. Chair, I have no questions
26 for this panel, and I thank them for their

1 participation in the process and their evidence today.

2 THE CHAIR: Thank you.

3 Mr. Matthews, any questions?

4 Alberta Energy Regulator Panel Questions Livingstone
5 Landowners Group

6 Q MR. MATTHEWS: Thank you all for your
7 presentations. I just have a couple of questions.
8 It's a combination between Mr. Lawson and
9 Ms. Lambright.

10 You mentioned -- that's a new term that I've --
11 not familiar with, solace nostalgia [sic]. Is that
12 something that is related to, in your mind -- related
13 to mental health? Is that a function of mental health?

14 A MR. LAWSON: Yes, it is. And I -- to be
15 clear, I don't pretend to be an expert on the
16 solastalgia, but I have done some reading on it. It
17 was first mentioned last week by another witness. But
18 it was -- the term originated, I understand, in
19 Australia, as I mentioned, to deal with the effect of
20 people feeling quite hopeless about their situation and
21 their environment and having no control over traumatic
22 changes that were happening. It's been studied more
23 since. I believe I read just the other day that it is
24 now recognized by the American Medical Association or
25 some -- or some mental -- psychiatric wing of that. I
26 can confirm that for you if you want or get more

1 information. But it's very much tied -- it is mental
2 health. It's tied to depression and similar feelings.

3 Q Okay. Because I'm just wondering, with the Teck
4 liveability study that was done in -- I believe it was
5 2019, was that ever mentioned in that report about the
6 mental health of the community and, in particular, if
7 that term was used? I don't know if it would be used.

8 A MS. LAMBRIGHT: I'm really not a hundred
9 percent sure. I was quite focused in going through the
10 study in terms of looking at specific aspects, because
11 I only became the -- aware of that study fairly
12 recently.

13 I don't recall the use of that particular term,
14 but it is a fairly comprehensive study, and I -- as I
15 say, I'm not a hundred percent sure whether they
16 addressed mental health.

17 Q And a final question: Mr. Lawson, you mentioned
18 briefly about selenium levels in -- obviously in the
19 water, and you mentioned livestock. So I'm just
20 wondering, are you aware of any studies that have been
21 done on studying the levels of selenium in livestock in
22 the area?

23 A MR. LAWSON: I'm not -- certainly not aware
24 enough to quote those to you. Again, I can undertake
25 to look further into that. I believe there have been
26 some, but they're, again, more minimal, like human

1 studies, than, for example, on fish populations.

2 Q Because I'm just curious because of the -- as you know,
3 we've had several witnesses who have explained to us
4 how the important -- the importance of the ranching
5 industry is in the area, and so I was just curious to
6 see if we had background levels or if there were any
7 studies on that.

8 A I believe there are, but I -- I won't state that
9 authoritatively. I'll go back and look, though.
10 I -- I took that from -- from a reference, but I
11 couldn't tell you offhand what that reference was. I
12 didn't bring all the documentation with me.

13 Q Okay. That's fine. Great.

14 Well, thanks a lot for your answers, and thanks
15 for presenting to the Panel.

16 THE CHAIR: Mr. O'Gorman?

17 MR. O'GORMAN: Thank you, Mr. Chair.

18 Q MR. O'GORMAN: I will repeat what my
19 colleague said. Thank you to all of you for appearing
20 before us today. Those were some interesting
21 presentations. I do have a few questions. I'll keep
22 them fairly brief.

23 But I just wanted to follow up on a couple of
24 items that some of you mentioned. So I will start with
25 you, Mr. Trafford.

26 At one point when you were speaking, you made

1 reference to something that we haven't seen. You
2 talked about an RBC -- Royal Bank of Canada, I
3 assume -- announcement related to their financing of
4 mountaintop-removal mining projects. So we don't know
5 anything about that. But I am curious, since you
6 raised it, whether you have any knowledge about RBC
7 potentially financing this project. I -- I will let
8 you answer that, and then I'll follow up with -- I
9 assume the answer to that is "no", but ...

10 A MR. TRAFFORD: So just -- the announcement by
11 the Royal Bank was published in The Globe and Mail
12 about two weeks ago -- two or three weeks ago.

13 Q Okay.

14 A And while they didn't make any specific reference to
15 this mine, I think it's the only mountaintop-removal
16 mine in -- in the plans right now in Canada.

17 Q Okay. So my more substantive question, because I
18 assume none of us really understand Benga's financing
19 plans or how they're doing that, would be: I wonder
20 why you would think that would be relevant?

21 A It likely -- I don't know Benga's financing either, but
22 I assume that Riversdale is financing the direct costs,
23 but if you think about all of the third parties that
24 are involved, contractors, subcontractors, who all need
25 financing to acquire the equipment they need, the
26 people they need, they would be impacted by this

1 directly.

2 Q Okay. Okay. Thanks for that, Mr. Trafford.

3 Next, Mr. Lawson. So I'm going to shoot a similar
4 question to you and ask you about something that you
5 raised in your -- in your comments. So you talked
6 about a recent International Energy Agency report that,
7 my note said, show much larger methane emissions from
8 coal mines than perhaps previously thought. Again, I
9 don't think we have that report on the record.

10 So I am curious, since you raised it, if you could
11 clarify whether you know -- so two subquestions, and
12 I'll ask them both at the same time: Whether you know
13 if such a report dealt both with thermal and
14 metallurgical coal mines or was focused on just one
15 type of those; but then even more so, whether
16 you -- what you see as the potential relevance of that
17 to this project and so your -- why you raised it today.

18 A MR. LAWSON: To the first part of the
19 question, I -- I don't know off -- offhand. There's a
20 report which, coincidentally, I was looking for amongst
21 my stack of papers this morning and I did not find, but
22 there is a report out of Quebec to that.

23 But I think as to the relevance, there is
24 reference to open-cut or open-pit or mountaintop
25 removal mining. The disturbance of the ground itself
26 can apparently release methane that's been trapped

1 below at some point. So we'll -- what are the levels
2 of selenium sort of latent here? I don't know. It
3 wasn't anything with respect specifically to this mine,
4 but it's the question that's been asked because they've
5 raised the concern about the effects of these kinds of
6 mining operations around the world.

7 Q Okay. That's good. Thanks.

8 And I do want to clarify for both you and
9 Mr. Trafford, because I use the word "relevance", and I
10 didn't mean that in the strict legal definition of --

11 A No. That's fine.

12 Q More the layman's definition of: Why -- why are you
13 bringing that to our attention? Just to clarify.

14 So my final question, Ms. Lambright, I was
15 interested in something you raised that I don't think,
16 unless I missed it, I've seen. And that was you
17 said -- and I -- you know, I may have written this down
18 incorrectly. If so, I apologize. You made reference
19 to, last week, Environment and Climate Change Canada, I
20 wrote, gave Teck a 300, \$400 million order related to
21 water management, I believe. So I wonder if you can
22 tell us a little something about that. Tell us how you
23 think we -- is that something that we should be
24 thinking about in this project? And what does it mean
25 for -- yeah. What does it mean for this project?

26 A MS. LAMBRIGHT: I guess the context in which I

1 was raising that, Mr. O'Gorman, is that there has been
2 ongoing concern with the water quality coming out of
3 the Teck Elk Valley coal mines for a number of years.
4 So there's been studies done by Environment Canada.
5 There has been fines issued. There has been orders put
6 forward by the Department of Environment and Climate
7 Change trying to resolve the ongoing issues with
8 selenium.

9 So when I saw the announcement last week that the
10 Department of Environment and Climate Change had issued
11 yet another order requiring Teck to spend I believe
12 it's 350 to 400 million, that seemed very relevant to
13 me, given that Grassy Mountain has indicated they want
14 to do something similar to Teck with the saturated
15 backfill, and Teck is still working to resolve their
16 issues. And the ultimate cost is something like
17 \$1.6 million. But I do think it's something that --

18 THE COURT REPORTER: I'm sorry. I'm sorry. Can
19 you repeat the figure? Sorry.

20 A MS. LAMBRIGHT: -- (INDISCERNIBLE -
21 OVERLAPPING SPEAKERS) to the attention to -- it's
22 probably the Number 1 concern that's been raised in
23 this hearing, is the risk associated with the water.
24 And a lot of that has to do with the way in which
25 Grassy Mountain is proposing to manage it. That's both
26 in terms of how they're proposing to collect and gather

1 the water as well as how they're planning to treat it.
2 And it's my recollection that the order that was issued
3 last week to Teck addressed the water gathering as well
4 as the water treatment.

5 So I do think it's relevant because it's obviously
6 a concern on the part of the department that there is
7 not a robust-enough system in place to manage selenium,
8 and it's, from a layperson person's understanding, much
9 more robust than what appears to have been put forward
10 by Grassy Mountain.

11 Q Okay. Thank you, Ms. Lambright, and everyone. I
12 appreciate all of your time today.

13 I have no other questions.

14 THE CHAIR: Thank you, Mr. O'Gorman.

15 Panel, I have no questions for you. I did find
16 your testimony very clear today, so I don't have any
17 questions.

18 So, Mr. Trafford, Mr. Lawson, Ms. Lambright, and
19 Mr. Marty, thank you very much for attending today and
20 your oral and your written submissions.

21 (PANEL STANDS DOWN)

22 MR. FITCH: Mr. Chair, I have no redirect,
23 but given that it was raised by Panel Member O'Gorman,
24 we would be happy to provide the Panel with a copy of
25 The Globe and Mail article that Mr. Trafford referred
26 to as the source for his information about RBC. We

1 would be happy to provide the International Energy
2 Agency methane study, the ECCC order that was issued to
3 Teck, the Sparwood liveability study, if the Panel
4 would find it helpful.

5 And I should say, you know, we're not -- we
6 weren't trying to sandbag anyone by having the
7 witnesses refer to documents that weren't -- that
8 aren't in the record. The reality is, is that as lay
9 witnesses prepare to give testimony, they revise and
10 they revise and they revise, and they add stuff right
11 to the eleventh hour, so -- so some of this stuff I
12 wasn't aware of either.

13 So, in any event, I just wanted to be clear that
14 we weren't trying to subvert the process by referring
15 to articles or anything that aren't in the record, and
16 we would be happy to provide them if the Panel would
17 find that to be of assistance.

18 THE CHAIR: Mr. O'Gorman, do you feel that
19 you need any of those documents?

20 MR. O'GORMAN: Mr. Bolton and Mr. Fitch, I am
21 not going to ask you to drop new information, sort of
22 new reports on the record at this point in time. So my
23 questions were, you know, reacting to things that we
24 don't know, and you used them as parts of your argument
25 today, and I wanted to understand better how you saw
26 them as being useful or how they applied to this

1 project. So it's not -- you know, it may have been
2 better for them to have been filed on the record
3 earlier, but given that you raised them today, I just
4 wanted to explore them a little bit. But I'm not going
5 to ask you to put them on the record.

6 MR. FITCH: Very good. Thank you.

7 THE CHAIR: Okay. So, Mr. Fitch, I think
8 the plan now is to seat Mr. Joseph. Is that next?

9 MR. FITCH: Yes, it is.

10 I should say that I have had some communication
11 with Ms. Okoye for the Coalition, who you may -- well,
12 you know --

13 THE CHAIR: Yeah.

14 MR. FITCH: -- also have a socioeconomic
15 expert, Mr. Thompson from Watrecon, who was not able to
16 testify yesterday with the rest of the Coalition
17 witnesses. So Ms. Okoye and I were thinking that we
18 could potentially put both of these gentlemen up,
19 essentially as a single intervener, socioeconomic
20 panel, so that way Mr. Brinker can just have -- you
21 know, he can have a shot at both of them in one go if
22 that would be of assistance. I mean, they're both
23 supposed to be giving evidence this afternoon, so we
24 just thought we might perhaps -- it would facilitate
25 the rest of the day if we put them up at the same time.
26 But we're totally in the Panel's hands.

1 THE CHAIR: Okay. I did test this briefly
2 with Mr. Ignasiak yesterday, and I don't believe he had
3 a concern.

4 Is that right, Mr. Brinker?

5 MR. BRINKER: That's right. We have
6 no -- we have no issue with that.

7 THE CHAIR: All right.

8 MR. FITCH: Well, why don't we start with
9 Dr. Joseph.

10 Dr. Joseph, can you hear me?

11 THE COURT REPORTER: I'm sorry?

12 MR. FITCH: I'm sorry. I didn't hear you.

13 DR. JOSEPH: Yes, I can.

14 MR. FITCH: Okay. Are you ready to
15 proceed?

16 DR. JOSEPH: Yeah.

17 MR. FITCH: All right.

18 THE CHAIR: Volume might be a little bit
19 of an issue. We're having a little -- hard time, I
20 think, hearing Mr. --

21 DR. JOSEPH: Okay. If I speak a little
22 louder, how is this?

23 THE COURT REPORTER: It's not good.

24 DR. JOSEPH: (INDISCERNIBLE) I'm afraid
25 today on the --

26 THE COURT REPORTER: I'm sorry. I don't understand

1 what you're saying.

2 DR. JOSEPH: How's this now?

3 THE CHAIR: Kind of the same.

4 DR. JOSEPH: Okay. I thought we did a
5 sound test earlier and got the okay. But there's only
6 two options, this or without the headset.

7 THE CHAIR: Do you know if your mic volume
8 is turned up?

9 DR. JOSEPH: Mic volume.

10 THE CHAIR: If you go to the mute button
11 on Zoom.

12 DR. JOSEPH: Yeah.

13 THE CHAIR: Click on the little arrow.
14 And then at the bottom, there's audio settings.

15 DR. JOSEPH: Oh, here we are.

16 THE CHAIR: And you should be able to turn
17 up the volume.

18 UNIDENTIFIED SPEAKER: Wow, is he good.

19 DR. JOSEPH: How's that?

20 THE CHAIR: That's good.

21 MR. FITCH: Much better.

22 DR. JOSEPH: Okay. Can I just test it
23 without the headset? It would be -- it's a lot easier.
24 If I don't use the headset, how is that?

25 THE CHAIR: I think it's okay, but you'll
26 have to make sure you speak closely to the mic.

1 DR. JOSEPH: Okay. Please let me know. As
2 I was saying, I apologize. Today on the West Coast,
3 we're having one of those days that gives us the
4 reputation of the "wet coast". It's raining, so that
5 might be some of the sound.

6 Q MR. FITCH: All right. Thank you,
7 Dr. Joseph.

8 To begin, can you confirm --

9 THE COURT REPORTER: Sorry. He hasn't been sworn
10 in yet.

11 MR. FITCH: Oh, yeah. Sorry.

12 Would you like to be affirmed or sworn?

13 DR. JOSEPH: Affirmed.

14 CHRIS JOSEPH, Affirmed

15 Direct Evidence by Livingstone Landowners Group

16 THE CHAIR: Apologies, Mr. Joseph, but we
17 did lose some volume here. I'm just wondering if you
18 need to go back to the headset.

19 DR. JOSEPH: How's that?

20 THE CHAIR: Kind of so-so again.

21 DR. JOSEPH: Okay. Sorry. I think I'm on
22 now.

23 THE CHAIR: That's better.

24 DR. JOSEPH: Okay, I'll stick with the
25 headset.

26 Q MR. FITCH: Okay. Dr. Joseph, can you

1 confirm that you were retained by the Livingstone
2 Landowners Group to review the proponent's 2016
3 socioeconomic impact assessment of the Grassy Mountain
4 Project and other information filed by the proponent
5 relative -- sorry, relevant to the assessment of the
6 social and economic effects of the project?

7 A DR. JOSEPH: Yes, I was.

8 Q And, sir, you can confirm that you prepared a report
9 titled "Review of Grassy Mountain Coal Mine Economic
10 Impact Assessment"?

11 A No. That's the title of the presentation I put
12 together. I know --

13 Q I think it's the same.

14 A Okay. I have seen it now. Yes.

15 Q Okay. And for the record, that's CIAR Registry
16 Document 552 at PDF page 129.

17 Dr. Joseph, can you confirm that the report was
18 prepared by you or under your direction?

19 A Yes.

20 Q And, sir, do you have any changes you would like to
21 make to that report?

22 A No.

23 Q And, sir, do you adopt your report as your -- part of
24 your evidence in this proceeding?

25 A Yes, I do.

26 Q And, sir, you prepared a PowerPoint presentation

1 summarizing your written evidence that I believe has
2 been posted on the registry as Document 778?

3 A I don't know the document number, but I have.

4 Q Okay. Can we pull that up, please.

5 All right. Dr. Joseph, would you like to begin
6 your presentation?

7 A Sure. Good afternoon, and thank you for the
8 opportunity to present my evidence. And, Mr. Bolton,
9 nice to see you again. I think this is the third time
10 I've had the opportunity to address you.

11 Next slide, please.

12 I was hired by the Livingstone Landowners Group to
13 conduct a review of Benga's economic impact assessment
14 for the Grassy Mountain Mine. The objective of my work
15 was to provide a critical review of Benga's economic
16 impact assessment so that the Review Panel is informed
17 of the quality of Benga's assessment but also to
18 provide the Panel with further assessment of the
19 project's potential economic impacts. I reviewed
20 Benga's 2016 socioeconomic impact assessment undertaken
21 by Nichols Applied Management as well as more recent
22 filings by Benga and additional relevant information,
23 such as coal market forecasts.

24 Next slide, please.

25 My qualifications for undertaking my critical
26 review are as follows: I have bachelor's, master's,

1 and doctorate degrees in resource and environmental
2 management, and my doctorate was focused on major
3 project impact assessment.

4 I have written journal articles and provided
5 peer-review articles to do with economic -- it seemed
6 to move. Okay. I've got rid of the video on my
7 screen -- to do with economic and other types of impact
8 assessment. I have about 20 years' experience
9 researching and consulting on major project impacts and
10 evaluation. This Grassy Mountain Project is the ninth
11 time I have appeared as an expert witness. I have
12 consulted to, written guidance for, and advised the
13 Alberta, BC, and federal governments.

14 I continue to do research on impact assessment,
15 most recently as a collaborator on research funded by
16 the Impact Assessment Agency of Canada and Social
17 Sciences and Humanities Research Council on an economic
18 impact assessment, and I have instructed
19 university-level and professional courses in economics
20 and impact assessment.

21 Q And, Dr. Joseph, do you acknowledge that, as an expert
22 witness, you are under duty to provide opinion evidence
23 to the panel that is fair, objective, and nonpartisan?

24 A Yes.

25 Q Thank you.

26 A Next slide, please.

1 My review was conducted within the context of what
2 we know, as an international impact assessment
3 community, contributes to a quality assessment and
4 properly informed decision-makers. Excuse me.

5 I myself have been a contributor to understanding
6 good practices in impact assessment. My PhD focused on
7 this, and I have since published several articles in
8 the impact assessment literature on the subject,
9 including with respect to good practices in economic
10 impact assessment.

11 Now, returning to Grassy Mountain, Benga need not
12 demonstrate the best of the best, but this context of
13 international good practice provides a solid basis for
14 my evaluating the quality of the impact assessment,
15 identifying shortfalls and limitations, and pointing
16 the ways toward addressing deficiencies. And I've
17 shown here --

18 Q You --

19 A Yes?

20 Q No. Go ahead.

21 A I'm just showing here, on the slide, articles that I
22 have authored that pertain to good practices in impact
23 assessment.

24 Q Thank you.

25 So, sorry, I didn't mean to jump ahead. I note
26 that many of the articles you list on this slide are

1 ones that were coauthored by a T. Gunton. Can you
2 confirm that that's a fellow named Tom Gunton and that
3 he provided peer review of your report done for the LLG
4 in this proceeding?

5 A He did review the report that I submitted, and, yes,
6 he's a colleague.

7 Q And can you tell us a little bit about who is
8 Tom Gunton?

9 A Yeah. Tom Gunton is a professor at Simon Fraser
10 University in the resource and environmental management
11 program. I did my master's degree and PhD with him as
12 my senior supervisor, and I have worked with him on
13 various research and consulting projects in between
14 those two degrees and to this day.

15 Q Thank you.

16 A And just to add, I think most notably with Tom, beyond
17 being a professor of many years, he has occupied
18 numerous high-profile government jobs in Canada.

19 Q Okay. Thank you.

20 Please proceed to the next slide, then.

21 A Yes. Next slide, please.

22 I have summarized the findings of my report into
23 five topics: Benga's methodology is faulty; Number 2,
24 there are gaps in Benga's assessment; Number 3, one
25 can't validate the black box that is Benga's
26 assessment; Number 4, Benga's conclusions are not

1 supported by their own evidence; and Number 5, I
2 conducted a preliminary cost-benefit analysis of the
3 project, and the results of that cast doubt on the
4 public interest value of the project.

5 Next slide, please.

6 Finding Number 1, faulty methodology: The first
7 and perhaps most important problem with Benga's
8 economic impact is that it relies on a method that does
9 not do what is needed. It's a basic principle of
10 impact assessment that we're trying to predict
11 incremental change with a product, and that means we're
12 trying to predict the net change that occurs in a value
13 component's condition with a project compared to
14 without a project. This is why we are concerned with
15 residual effects after mitigation. We're trying to
16 predict future impacts after all factors are taken into
17 account.

18 For economic impacts, that means we need to
19 predict net changes in things like employment and
20 government fiscal conditions. Benga, though, used a
21 method of economic -- the method of economic impact
22 analysis, a technique called input-output modelling,
23 but this method is not capable of assessing net
24 effects. It wasn't designed to do so.

25 Benga's assessment does not tell us the complete
26 range of changes in the economy that occur nor the net

1 changes that occur in the economy. First of all,
2 Benga's assessment only looked at a subset of economic
3 effects, including what they called income, fiscal, and
4 employment effects. But what about competition for
5 labour, leading to higher cost to local employers?
6 What about costs -- new cost burdens on governments to
7 support the new activity, like wear and tear on roads,
8 waste disposal, and local health care costs? Benga's
9 assessment, therefore, did not adhere to the terms of
10 reference for the assessment, which requires assessment
11 of positive and negative economic impacts.

12 Second, the assessment fails to assess net change
13 because the methodology assumes that there are no
14 constraints on inputs like labour or capital. Benga's
15 employment prediction is a good example to explore.
16 Benga states that its project will create hundreds of
17 new jobs, yet current labour market forecasts highlight
18 skill gaps and an aging demographic; in other words, a
19 tight labour market. This suggests that labour will
20 simply move between jobs. Benga's economic impact
21 assessment presented information on gross economic
22 benefits, not net. And so we are left without a clear
23 picture of what the project's overall economic impact
24 would be.

25 Q Dr. Joseph, I explored this in my cross-examination of
26 Mr. Shewchuk, and I think it's fair to paraphrase his

1 view as being that the use of economic impact analysis
2 and this input-output model was (a) essentially
3 required by the terms of reference and (b) a standard
4 practice. Can you comment on that?

5 A Sure. I'm not aware that input-output modelling, as a
6 technique of economic impact analysis, is required,
7 per se. It is commonly used, and this is
8 problematic -- problematic, as I and coauthors have
9 pointed out in some recent papers in the leading
10 international, you know, impact assessment.

11 As I understand the terms of reference and current
12 policy in Alberta and federally, it's not a requirement
13 to use economic impact analysis. It's one method, but
14 it's not the only method. And a key limitation, as I
15 pointed out, is it only presents a partial picture of
16 the economic impacts. And so good practices would
17 entail using additional methods or alternative methods.

18 Q Thank you.

19 Please proceed.

20 A Next slide, please.

21 Finding Number 2, gaps in assessment: The terms
22 of reference of the project mandates examination of not
23 just positive but also adverse economic impacts, as
24 I've just discussed, but also cumulative effects
25 assessment, and yet Benga did neither of these things.
26 The gap with respect to understanding potential adverse

1 effects compounds Benga's use of input-output
2 modelling, which isn't capable of being formative with
3 respect to net effects. The gap with respect to
4 cumulative effects means that Benga's assessment is
5 divorced from the broader economic forces at play.

6 There will be no future where the only force
7 shaking the economy is the Grassy Mountain Mine. The
8 Grassy Mountain Mine is but one force within a broader
9 context, and Grassy Mountain impacts can only be
10 accurately understood if they are considered within
11 this broader cumulative effects context. As well,
12 international but increasingly also Canadian standards,
13 such as the Government of Canada's policy with respect
14 to gender-based analysis, plus also necessitate
15 assessment of the distribution of economic impacts, but
16 Benga did not do this. And, therefore, my concern is
17 the Review Panel's not informed with respect to where
18 and to who economic impacts would fall.

19 The question is: Are there any groups who are
20 disproportionately affected by this project?

21 Lastly, impact assessment is inherently about
22 dealing with uncertainty because it's about predicting
23 the future, and it's standard good practice and
24 forecasting to test the robustness of results by
25 exploring the effect of alternative assumptions about
26 the future on overall results, yet Benga did very

1 little exploring of uncertainty in this economic impact
2 assessment, which gives a false illusion of certainty
3 in many of Benga's predicted effects.

4 Benga, in response to an information request,
5 examined alternative coal prices and effects of those
6 alternative prices on royalty and tax revenues flowing
7 to governments, which is constructive, but Benga seems
8 to hold to their contention that future coal prices
9 will average \$140 US per tonne when the market
10 forecasts that I have found over the last couple of
11 years have gotten worse and worse. The International
12 Energy Agency and British Petroleum both anticipate
13 weak metallurgical coal market futures. And,
14 therefore, royalty and tax impacts should only be
15 expected to be on the low side or, perhaps, lower than
16 Benga's forecast.

17 In the next two slides -- please don't go there
18 now -- I will show you that, indeed, the International
19 Energy Agency forecasts a decline in coking coal prices
20 over the coming decades, but first I will finish this
21 slide.

22 To my knowledge, Benga also did not explore
23 uncertainty with respect to project costs. This
24 matters because major projects can fail, leaving
25 taxpayers with large clean-up bills, and beyond this,
26 project costs but also coal prices can affect a

1 project's scale and pace, affecting employment demands,
2 local spending, and other economic impacts.

3 So, overall, the key point here is that Benga's
4 assessment has several major gaps, which mean
5 incomplete information for decision-makers but also
6 assessment predictions that are not robust.

7 Next slide, please.

8 So what you can see here -- and I know the numbers
9 on the left aren't -- probably are not terribly
10 legible. I have blown up the key section, and, again,
11 I've done the best I can.

12 But what this shows is the International Energy
13 Agency's 2019 world energy outlook forecast for
14 different types of coal. And what you can see is that
15 coking coal demand, according to the International
16 Energy Agency, is forecast to go from 955 million
17 tonnes in 2018 down consistently over time to
18 700 million tonnes by 2040.

19 Next slide, please.

20 And since submitting my written submission --
21 because, in my written submission, I referenced that
22 2019 forecast -- the IEA, International Energy Agency,
23 released their 2020 world energy outlook, and this
24 document was discussed in the hearing on Monday.

25 May I present the numbers from the IEA document?

26 And you can see clearly that the IEA's forecast is

1 referring to coking coal. This new forecast is even
2 more pessimistic than the IEA's 2019 report. You can
3 see the forecast production of coking coal demand going
4 from 936 million tonnes of coal equivalent in 2019,
5 consistently down to 704 million tonnes by 2040 in a
6 stated policy scenario, and 438 in a sustainable
7 development scenario.

8 Now I will return back to the rest of my findings.

9 Next slide, please.

10 So Finding Number 3 is -- I've labelled "black
11 boxes can't be validated". The strength of an impact
12 assessment lies substantially in the ability of those
13 scrutinizing the assessment to understand how
14 conclusions were reached. This is a standard principle
15 in science. Yet Nichols economic impact assessment is
16 presented -- or how it's presented prevents one from
17 seeing how conclusions were reached. Benga used
18 standard effect characterization criteria such as
19 magnitude and duration but provided no definitions for
20 the qualifiers that they use for each criterion.

21 Most economic effects were characterized as low
22 magnitude, but what does "low" mean? As another
23 example, Benga concluded the effects were of high
24 probability, but what does this mean? Is "high"
25 99 percent likely or 51 percent, or what?

26 Without knowing how low or high these types of

1 terms are defined, no one can see how Benga came to
2 their conclusions. You can't verify or validate these
3 characterizations when you don't know what the
4 terminology means.

5 Given that Benga uses their characterizations to
6 make determinations of effect significance, Benga
7 concludes throughout their assessment that all the
8 project's effects on all socioeconomic values are not
9 significant, but, again, it's impossible to understand
10 or verify these conclusions.

11 Similarly, Benga provides no definition of
12 "significance", and so the routine conclusions of "not
13 significant" are further shielded from verification and
14 validation. We have no idea how Benga concluded "not
15 significant" or even what "significance" means in the
16 economic impact assessment.

17 Overall, Benga seems to want the review panel and
18 stakeholders to simply take their word for their
19 conclusions. This is unacceptable, given what is at
20 stake. Impact assessment is not valid unless it can be
21 validated.

22 Next slide, please.

23 Finding Number 4: Conclusions are not supported
24 by the evidence. So in Benga's updated environmental
25 impact statement, Benga concludes that the project will
26 have major economic benefits, but Benga has no basis to

1 make such conclusion.

2 As I have already covered, Benga's method of
3 economic impact assessment relied -- relied upon a
4 method that only assesses a subset of economic impacts
5 and assesses gross, not net, effects of that. The
6 assessment ignored adverse economic impacts and didn't
7 undertake a cumulative effects assessment, and Benga
8 undertook only very limited exploration of uncertainty.
9 Therefore, the results are not robust, while the key
10 factors that can influence economic impacts.

11 But perhaps most strangely of all, Benga's own
12 analysis concluded the economic impacts would be minor.
13 Benga's 2016 analysis conducted by Nichols concluded
14 low magnitude for all economic impacts except for one,
15 which concluded to be moderate in magnitude.

16 And then in Benga's most recent analysis, which
17 Benga admitted an error in construction employment,
18 Benga's estimates for several economic impacts were
19 reduced substantially. And so Benga's conclusion of
20 major economic benefits is not supported by the
21 evidence, including its own evidence.

22 Next slide, please.

23 Finding Number 5 concerns the results of my
24 preliminary cost-benefit analysis and casts doubt on
25 the public interest value of the project.

26 Excuse me. I believe I have a cold, by the way,

1 not anything else.

2 The objective of impact assessment is to inform
3 decision-makers so that they can make a final decision
4 about whether or not the project's in the public
5 interest and whether any adverse effects of the project
6 are justifiable. Therefore, information is needed on
7 the project's benefits and the project's adverse
8 effects. Economic impact assessment done right informs
9 decision-makers in both respects. Cost-benefit
10 analysis is the standard method in economics to add up
11 positive and negative impacts and inform with respect
12 to the public interest value of a project.

13 Now before the Panel, I conducted a preliminary
14 cost-benefit analysis. I say "preliminary" in that I
15 used readily available data and focused the assessment
16 on what seemed to be the key factors. My analysis is
17 but an initial exploration of the project's net social
18 value. The scope of factors covered included coal
19 production, coal price, capital, and operational costs,
20 and greenhouse gas emissions. All the inputs to my
21 model, including discount rates, came from either Benga
22 or Environment Canada.

23 Because benefits and costs will occur over a long
24 time period and because people discount future benefits
25 and costs, I discounted the future benefits and costs,
26 and I used two approaches: A single uniform rate for

1 all impacts and a dual-discounting approach in which
2 market impacts are discounted at a rate reflecting
3 private expectations and non-market impacts, in this
4 case, associated costs of carbon associated with
5 greenhouse gas emissions, which are discounted in this
6 dual-discounting approach using a rate reflecting
7 people's tendency to discount environmental goods much
8 less.

9 Because of uncertainty in several key factors
10 underlying the project's value to society, I conducted
11 a sensitivity analysis exploring different price, cost,
12 discounting, and social costs of carbon scenarios.

13 Next slide, please.

14 THE COURT REPORTER: Excuse me. Can I get you to
15 slow down a bit, please.

16 A DR. JOSEPH: So that the Panel can have a
17 clearer idea of what went into the model, I present
18 this table. One can see the price scenarios assumed,
19 the different price scenarios, the discount rates, the
20 costs, and the different social costs of carbon
21 scenarios, and you can see where I got the various
22 inputs. For consistency with earlier discussions, I
23 presented the coal prices in US dollars, but project
24 costs are presented in Canadian dollars.

25 All the information is filed in my report.

26 Now, I note that I have used \$135 US per tonne,

1 which is the price presented in Benga's 2019 study by
2 accountant Grant Thornton.

3 Next slide, please.

4 Here are the results of my limited-in-scope
5 cost-benefit analysis. And please note, there is a
6 typographical error. In the leftmost column, where it
7 says "\$140 per tonne", it should say "\$135 per tonne".

8 Now, each row represents a scenario with different
9 coal price, capital costs, social cost of carbon, and
10 discounting inputs. The results raise the question
11 about whether the positive will result in a net benefit
12 to society.

13 And you can see that the results are highly
14 contingent upon future coal prices, capital costs,
15 social costs of carbon, and the discount rate.

16 Green numbers in the rightmost column signify a
17 net positive value for society, and red numbers signify
18 net costs for society.

19 Please note, the issue here is not how many green
20 numbers there are, as I will explain, or compared to
21 red numbers, as I will explain in the next slide,
22 please.

23 The key takeaways from this preliminary analysis
24 are that a positive net-present value is not robust
25 but, instead, highly contingent upon the key model
26 inputs.

1 And we have good reason to expect that more
2 pessimistic results are more realistic, and this is
3 why. Coal market forecasts are very pessimistic
4 towards prices, as I've already discussed. I've
5 also -- in listening to the hearing over the last few
6 days, I've learned that the mine gate price, the price
7 that Benga will receive, is lower than the price being
8 used as the index price, so lower than the 135 or
9 \$140 per tonne, for example.

10 Secondly, climate change science is continually
11 coming up -- coming to be more and more alarming in its
12 conclusions, meaning that the social costs of carbon
13 are getting higher and higher. The costs to society of
14 releasing carbon into the air are growing.

15 My initial estimate is that the social cost of
16 carbon in this project range from between 210 million
17 and 1.6 billion, but these are based off of 2016 social
18 costs of carbon, so these numbers are probably
19 underestimates.

20 Note also that these estimates of the social costs
21 of carbon in my model results do not include rail in
22 Canadian-range shipping emissions associated with the
23 project, which, I understand, are in scope according to
24 the terms of reference for this project -- or for this
25 assessment.

26 Major project costs almost always rise as well as

1 projects going from initial engineering to one of
2 construction. And my preliminary analysis is not
3 complete because it does not include various other
4 environmental, social, and other adverse effects.
5 Therefore, the low and negative net present values
6 shown within the orange circle would seem to be the
7 most realistic. Thus the results of my preliminary
8 analysis suggests this project has little to no
9 project -- or, sorry, little to no public interest
10 value.

11 Q Dr. Joseph, before we move on to your conclusion, you
12 mentioned you used the 2016 social cost of carbon.
13 Where did you get that from?

14 A That's from Environment Canada. That's the -- to my
15 knowledge, the latest publication from the Canadian
16 government on what they deem to be the official cost of
17 carbon to be used in statements.

18 Q Thank you.

19 A The last slide, please.

20 So in conclusion, the faulty methodology used by
21 Benga leaves us without a clear understanding of the
22 net economic benefits; Number 2, gaps in Benga's
23 assessment means that we have incomplete information;
24 Number 3, Benga's assessment is a black box, and so we
25 can't validate their conclusions; Number 4, Benga's own
26 conclusions are contradictory. Benga's conclusion is

1 not supported by its own evidence; Number 5, my
2 preliminary cost-benefit analysis suggests the project
3 poses little, if any, net benefit to society or, to put
4 another way, little, if any, public interest value.

5 More appropriate analysis seems warranted so that,
6 in the words of the University of Alberta Business
7 Professor Emeritus Allan Warrack, only good projects
8 get built, and bad projects don't get built.

9 Thank you for hearing my evidence.

10 Q Thank you, Dr. Joseph.

11 MR. FITCH: Mr. Chair, I will now turn it
12 over to Ms. Okoye.

13 MS. OKOYE: Thank you, Mr. Fitch.

14 John Thompson -- Mr. Thompson, are you there?

15 MR. THOMPSON: I'm here. I have no idea
16 where the -- why the video's not working.

17 MS. OKOYE: Zoom Host, can you please
18 assist? There we go. Perfect. Now we can see you,
19 Panel Chair, you have before you Mr. Thompson. He
20 reviewed the socioeconomic impacts of the project on
21 behalf of the Coalition of AWA and Grassy Mountain
22 Group.

23 If I may ask Madam Court Reporter to swear him in
24 or affirm.

25 THE COURT REPORTER: Do you swear or affirm?

26 MR. THOMPSON: Affirm.

1 JOHN THOMPSON, Affirmed
2 Direct Evidence of Coalition of Alberta
3 Wilderness Association and Grassy Mountain
4 Group (Purpose of Project, Visual Aesthetics,
5 Alternative Means, Land and Resources Use,
6 Socioeconomic Effects, Historic Resources)

7 MS. OKOYE: Thank you, Madam Court
8 Reporter.

9 Q MS. OKOYE: Mr. Johnson -- Thompson,
10 sorry, I'm referring you to your curriculum vitae that
11 is filed starting at PDF 367 of CIAR 553 and your
12 report entitled "Grassy Mountain Coal Project Critique
13 of Evidence Related to Socioeconomic Effects and
14 Economic Benefits", dated September 20, 2020, starting
15 from PDF 346 of CIAR 553.

16 Were these documents prepared by you or under your
17 direction or control?

18 A MR. THOMPSON: They were.

19 Q Are there any changes you would like to make to the
20 document?

21 A No, there are none.

22 Q Are they accurate, to the best of your knowledge and
23 belief?

24 A They are.

25 Q Do you adopt your report as part of your evidence in
26 this matter?

1 A I do.

2 Q Mr. Thompson, do you acknowledge that you have a duty
3 to provide opinion evidence to the Panel that is fair,
4 objective, and nonpartisan?

5 A Yes, I'm well aware of that.

6 Q So would you please provide the Panel with a brief
7 summary of your professional qualifications and
8 experience?

9 A So I've been doing socioeconomic impact assessment
10 before it was even -- before it was even a discipline.
11 I was in grad school when the first requirements for
12 assessment were -- were started. I helped write the
13 procedures for the Government of Ontario back in the
14 '70s. I submitted and presented my first environmental
15 assessment before a panel in 1978. That was Site C
16 Peace River Version 1.

17 I've spent most of my career working as a
18 consultant. However, I spent seven years as a senior
19 economist for Alberta Environment, at which time I
20 actually got to help write parts of a EPA [phonetic]
21 related to environmental impact assessment.

22 I then spent seven years with the Natural
23 Resources Conservation Board. I was the senior
24 economist/social scientist for the board and eventually
25 became the director of board reviews.

26 So during that time, I have been in your spot.

1 I -- I've supported a number of both NRCB, joint NRCB,
2 SEIA, and also Alberta Energy and -- ERCB SEIA-type
3 panel reviews. So I'm well aware of the -- the need
4 for good information.

5 The last 15 years or so, I've been working back as
6 a consultant doing a lot of environmental impact
7 assessment work. I've worked for AMEC. I worked for
8 Stantec. I was a key witness for the Northern Gateway
9 pipeline application on the socioeconomic matters. And
10 I guess if you look at my resumé, you'll see I have
11 worked on nine different mining projects in the last
12 few years.

13 However, 40 years ago, I wound up looking at a
14 coal mine application for the Crowsnest Pass. In that
15 case, I wound up doing a benefit-cost analysis, a
16 financial impact assessment, and a socioeconomic impact
17 assessment. So this is kind of history repeating
18 itself.

19 The other interesting piece was that 50 years ago
20 last summer, my first job between first- and
21 second-year university was working at the coal mine at
22 Grande Cache. So that's a -- just a summary.

23 Q Thank you, Mr. Thompson.

24 Would you please provide the Panel with an
25 overview of your report?

26 A Yeah. I've got a brief presentation that I'd like to

1 read. I want to thank the Panel for allowing me to
2 sort of delay things. I had shoulder surgery last
3 week, and I'm still recovering, and it's going to be
4 awhile, so I've taken the time to write some things
5 down just to make sure that I get it all there.

6 So I just want to note that my appearance here is
7 a first for me. I've been an expert witness for
8 applicants. I've been, you know, working for review
9 panels, but it's really the first time I have been a
10 consultant for an applicant.

11 So one of the things that I need to say at the
12 outset is that I'm neither for or against the project.
13 That's not my job. That's yours. My role in
14 this -- in this hearing, to my way of thinking, is that
15 I am there to examine the socioeconomic evidence
16 provided by the applicant and others to determine
17 whether that evidence of sufficient depth, breadth, and
18 quality for -- for the Joint Review Panel to be able to
19 make a defensible public interest determination at the
20 end of the process.

21 I see my role in this process as being similar to
22 your technical staff, but the one thing I do bring is
23 more than 40 years of experience doing this.

24 As I've been reading through the transcripts for
25 the last couple of days and again today, I must realize
26 for people who are not trained as economists, the

1 discussion must sound a little bit academic and loaded
2 with jargon that probably confuses rather than
3 clarifies, and I'm going to try and resolve this a bit
4 today.

5 For the presentation, I'm not going to review the
6 content of my submission contained in CIAR 553. I
7 think you've got technical staff that are quite capable
8 of going through and reviewing that stuff and advising
9 you on what it means and what its implications are.

10 Instead, I think it would be helpful for me to
11 revise the discussion about economic impacts and
12 benefits at a high level so that the Panel can come to
13 its own understanding about the right metrics for
14 describing project benefits.

15 I should note, this is not a new discussion. It
16 tends to come up as part of every recent hearing, and,
17 in my opinion, review panels and their staff have yet
18 to get it right.

19 So at the end of this process, the Joint Review
20 Panel is expected to make a determination as to whether
21 or not -- under what conditions the project is in the
22 public interest. If the Panel is to be able to make a
23 proper determination of the public interest, it must be
24 comfortable that the evidence shows that the full range
25 of project benefits exceeds the full range of project
26 costs, most of which focus on adverse environmental

1 effects.

2 While there's ample evidence on how adverse
3 environmental effects are to be described and
4 characterized, there is no such guidance on the
5 appropriate means for characterizing benefits.

6 So what constitutes a project benefit? Well,
7 Section 6 of CIAR 503 provides a summary of what Benga
8 understands the project -- the benefits of the project
9 to be. These two benefits are -- the so-called
10 benefits are taken from two sources of information:
11 One, their financial feasibility that they -- they
12 prepared, and the second is the socioeconomic impact
13 assessment prepared by Nichols.

14 So let's start with the financial feasibility
15 assessment. As we heard on Friday during
16 cross-examination, the final -- financial feasibility
17 model is the source of information for the estimates of
18 the coal royalties and corporate income taxes that
19 would be paid by Benga. These are noted as project
20 benefits.

21 According to Benga, the model has not been updated
22 since 2015. It incorporates various assumptions about
23 potential revenues which are based on that assumed
24 price of 140 US per tonne, and there is estimated
25 construction and operating costs.

26 The accuracy of the construction costs estimate

1 was questioned during a cross-examination, but Benga
2 did not provide a clear answer, noting that for some
3 elements of the project, the confidence end of it was
4 quite high, plus or minus 20 to 25 percent, while the
5 confidence in the cost estimate for the earthworks was
6 much less reliable.

7 The financial feasibility was not filed as part of
8 the application, but this is typical because it may
9 contain propriety information that applicants may not
10 want to be publicly revealed. As was noted on Friday,
11 Mr. Houston indicated that it was not appropriate for
12 detailed information on expected taxes to be presented
13 with the hearing.

14 He also noted that he did not have the results of
15 the financial model in front of him, and he did not
16 exactly -- know exactly when the mine would achieve
17 payback.

18 So under the benefits list, the applicant is
19 asserting that the project will benefit the Province of
20 Alberta through the payment of royalties on coals in
21 the amount of \$195 million over the life of the project
22 or an average of \$30 million per year.

23 During cross-examination, it was noted that
24 30 million per year is five times more than is
25 currently being paid by all the other metallurgical
26 coal mines operating in Alberta.

1 In 2019, companies produced 5.2 tonnes of
2 bituminous coal and paid only 6.4 million in royalties.
3 Benga countered by suggesting that not all bituminous
4 coal is the same and not all is sold as thermal coal.
5 While Benga is correct in this assertion, further
6 reading of the 2019 annual report on coal production by
7 the Government of Alberta shows that of the four
8 companies that did mine bituminous coal in Alberta in
9 2019, three of them, in fact, were producing
10 metallurgical coal. So unless Benga can show that its
11 coal is that much better than the -- than the
12 metallurgical coal being produced by the Vista mine,
13 the Teck mine, and the -- the Grande Cache mine or it's
14 able to produce that coal at a much lower cost than its
15 competitors, their claim of \$30 million in annual
16 royalties seems unrealistically high. A more
17 reasonable number, based on production and amounts
18 being paid by existing companies, would probably be in
19 the order of 5 million a year.

20 Secondly, the applicant asserts that the project
21 will benefit the Government of Alberta through the
22 payment of corporate income taxes in the amount of
23 126 million over the life of the project or about
24 \$19 million per year. This was also raised on Friday,
25 and this information also comes from the financial
26 feasibility assessment, and the key point to that

1 discussion was that taxes and royalties are paid after
2 the project is starting to generate annual revenues
3 that cover all of the previous costs.

4 So what I would suggest is, if the royalty numbers
5 are that far out of whack, I don't think you can have
6 any confidence in the income tax numbers either 'cause
7 they're both projected on an assumed stream of net
8 revenues. So I think when you look at those two
9 elements, I don't believe that the evidence supports
10 their numbers.

11 The second source of information that Benga used
12 to describe project benefits was the socioeconomic
13 impact assessment. This study was the source of
14 purported benefits on GDP, employment, and income.

15 On Friday, there was considerable discussion of
16 whether project impacts can be considered as project
17 benefits. On page 777 of the transcript, Mr. Shewchuk
18 indicated that the terms of reference called for a
19 description of project impacts, which he referred to as
20 a measure of economic activity.

21 Part of the problem with the confusion between
22 impacts and benefits is that the terms of reference
23 routinely call for a discussion of project impacts.
24 "Impacts" is the term that's used.

25 The problem is that people use that as being the
26 basis for saying we need to do an economic impact

1 study, and then proponents typically turn around and
2 assume those to be benefits, and that's just plain
3 wrong.

4 On page 791 of the transcript, Mr. Shewchuk also
5 states that he was commissioned to calculate economic
6 impacts and not to calculate economic benefits.

7 And on page 788, he notes that the terms of
8 reference did not call for an assessment of net
9 benefit.

10 So part of the difficulty in all of this
11 discussion is confusion in the terms of reference.
12 This has been going on for years, and it's -- it's part
13 of the reason that, going forward, both SEIA and the
14 provincial regulators across the country need to get
15 clarification on this very issue.

16 So what's the difference between an economic
17 benefit and an economic impact? As Mr. Shewchuk
18 pointed out on page 786, it's certainly not the first
19 time the question has been raised during the project
20 review, and as I said, there's still incredible
21 confusion. The mechanics behind economic impact
22 estimates lie in Statistics Canada's input-output
23 model. It's a complicated model, and what it does is
24 examine the flows of goods and services on an industry
25 basis within an economy based on for -- data for a
26 particular year.

1 So it's kind of like a cookbook. To operate a
2 coal mine, you'll need a certain quantity of labour,
3 which is considered a direct impact, and then certain
4 quantities of goods and services, like diesel, fuel,
5 electricity, contract maintenance services, and so on.

6 And to obtain this fuel, for example, you'll have
7 to pay transportation costs, refining costs, and the
8 cost of the raw crude, which includes an allowance for
9 seismic and exploration as well as for drilling and
10 production. These are termed "indirect effects". The
11 model also shows how the employment income associated
12 with direct and indirect effects would be spent on
13 consumer goods, and these are called "induced effects".

14 So when you use the model -- and I've done it
15 frequently -- you pose the question: If I were to
16 operate another coal mine and it cost 'X' million
17 dollars per year to operate, how will the other parts
18 of the economy be affected? What the model does is it
19 shows how your expenditures would flow through the
20 system. It's kind of like COVID tracing on dollar
21 bills.

22 So input-output metal -- models simply measure how
23 many flus -- flows through an economy and all of the
24 pieces that it would touch, but it didn't say whether
25 those are net additions. They're not benefits.

26 So a benefit in one's way of thinking -- and there

1 was some interesting discussion on Friday about the
2 difference between a technical discussion of a benefit
3 and the common-sense discussion of a benefit, and I can
4 assure you, they really are both the same. It's a
5 question of profits or net gains, of which royalties
6 and taxes would be a part.

7 For an impact to be a benefit, the amount of an
8 item purchased would have to exceed the capacity of the
9 current economic system to supply that item, thereby
10 triggering new investment, new production, and new
11 employment. But that never happens.

12 The only case that I could see that came close was
13 when you started looking at the impacts of the Northern
14 Gateway and Trans Mountain Pipeline explanation -- or
15 projects where the whole question of where do you get
16 your steel pipe from was -- was raised. If they had
17 gone to solely Canadian sources, they would have had to
18 drastically expand pipeline production capacity. That
19 would have triggered a whole round of subsequent
20 investment in new facilities and new employment and so
21 forth, and those could probably have been counted as
22 benefits.

23 But within the sorts of things and -- that -- that
24 you need to run a coal mine and, certainly, the dollar
25 values associated with those things, you are not going
26 to get those changes in -- in output.

1 For example, the amount of diesel fuel needed to
2 run the mine would just come out of current production
3 capacity, and you wouldn't see a trigger -- or it
4 wouldn't trigger an expansion refinery, crude oil
5 production.

6 So to be able to claim that somehow your
7 expenditure is going to benefit the system by having
8 this ripple effect through the economy is just plain
9 wrong. Equipment is taken out of inventory as a --
10 fuel, so you are not necessarily adding anything to
11 economic output. You are just moving things around.

12 Again, this problem has -- has been around a long
13 time, this confusion. During the Northern Gateway
14 hearings, many interveners argued that economic impacts
15 were not benefits. The Panel accepted this argument
16 and requested that a project benefit-cost analysis be
17 done.

18 That analysis was completed and clearly showed
19 major net economic benefits. But in its decision
20 report, the Panel justified the project based on its
21 economic impacts, not benefits. Incredibly confusing.

22 During the view of the Trans Mountain pipeline
23 project, interveners also pointed out that impacts
24 could be -- not counted as benefits, but the review
25 panel chose not to accept that argument, noting that
26 economic impacts have become the accepted measure of

1 project benefits.

2 The bottom line is: Past panels have been wrong
3 in their interpretations of impacts versus benefits,
4 and, as I say, it goes right back to the terms of
5 reference -- or reference for these studies.

6 I note that the three of you are not economists.
7 In fact, I've run into engineers who thought they were
8 economists, and they're probably the most dangerous
9 sort. So you are going to have to rely on your
10 technical support specialists on how to decipher my
11 submission, the submission of Dr. Joseph, as well as
12 the application. But I would strongly recommend that
13 the Panel seek advice on this issue of impacts versus
14 benefits from other economists and, specifically, the
15 people at Statistics Canada who have developed and run
16 those input-output models that were the sources of the
17 multipliers used by the applicant.

18 This issue is too important to be ignored, and on
19 a go-forward basis, I would hope that the review
20 agencies would work together to develop a standard and
21 acceptable method for assessing economic benefits.

22 That being said, it's simply incorrect for the
23 applicant to say, as it does in CIAR 503, the project
24 impacts on Alberta GDP, employment, and income are
25 economic benefits of the project. They are not,
26 although there may be some elements of benefits

1 included in those impact numbers. This would require
2 further analysis.

3 However, the extent to which construction and
4 operations would increase economic activity in Alberta
5 or in the region has not been calculated, and so it
6 would be misleading for the Panel to interpret the
7 impact estimates as being project benefits.

8 So if you go back now and look at that benefit
9 information presented in Section 6.0 of CIAR 503, which
10 is Benga's suggestions as to project benefits, it is my
11 opinion that none of the applicant's conclusions about
12 project benefits can be supported by the evidence.

13 I believe that the Panel can take no comfort
14 whatsoever that the supply of evidence provides a
15 realistic or defensible description of project
16 benefits, and for that reason, it will never be able to
17 make a clear -- determine of -- of the public interest.

18 So I think, folks, you've got a problem. You can
19 get through this entire process, and you're faced with
20 having to do a trade-off analysis where you are going
21 to have great detail about adverse environmental
22 effects, and the benefits side is so fuzzy that you are
23 not going to be able to move forward.

24 The direct evidence I submitted to Panel that
25 forms part of CIAR 553 contains a lot more examples of
26 how the applicant's socioeconomic evidence of reporting

1 project benefits are confusing, unreliable,
2 unreproducible and misrepresent the likely
3 socioeconomic effects that would result from
4 constructing the project. Many of these are the same
5 points that Dr. Joseph has just made.

6 And I'm presuming that your technical staff is
7 going to go through these and carefully review and
8 consider those arguments, so I'm not going to bother
9 going into them.

10 There is one major item that I do think needs to
11 be discussed, and that's the applicant's assumption
12 that a large portion of the operational workforce will
13 choose to live in BC. Although the applicant never
14 quantifies the percentage or number of workers who
15 choose to live in BC, information on how they see the
16 population distribution suggests that about 40 percent
17 of operational workers are likely to choose to live in
18 BC.

19 This assumption was questioned during
20 cross-examination on page 825, and the response seems
21 to suggest that this was based on the observation that
22 some people working in the BC mines have chosen to live
23 in Alberta, so I guess by inference, the opposite must
24 be true, and that the ambition of the Crowsnest
25 Municipality captured population growth.

26 It was also noted that the assumed distribution of

1 the operational workforce was subject to uncertainty
2 for various economic and social reasons, because,
3 basically, Benga has no control over where people will
4 live.

5 While I would expect that some members of the
6 operational workforce ultimately choose to live in BC,
7 I see no compelling evidence that suggests it would be
8 as high as 40 percent. Furthermore, that 60-40 split
9 is convenient, because by splitting the workforce
10 between BC and Alberta, it allows the applicant to
11 conclude that the resulting changes in population and
12 their demands for housing, infrastructure, and services
13 would not be significant on either side of the border.

14 In my approach -- opinion, the better approach
15 would have been a worst-case scenario which would see
16 all of the workers and their families living in the
17 Crowsnest Pass, and I would then have developed the
18 appropriate mitigation strategies for addressing those
19 effects.

20 We asked Benga during cross-examination on
21 page 826 about whether it had considered such a
22 possibility, and the response we received -- but this,
23 you know, presented a hypothetical question that isn't
24 practical. Yet I would see that the assumed
25 60-40 split as being equally hypothetical.

26 Based on what I've read, I don't think that Benga

1 seriously tried to understand the potential magnitudes
2 of the effects that its project could have on the
3 population, services, and infrastructure of
4 Crowsnest Pass or has developed the appropriate
5 strategies for managing those impacts. A population
6 increase of 20 percent over two or three years would
7 not be not significant.

8 A couple of things surprised me during the
9 evidence that was presented, specifically, on last
10 Friday.

11 Based on my review of the original consultant's
12 report -- and that's in CIAR 42, and the impact summary
13 in Addendum 6, CIAR 70 -- I understood that impacts on
14 income, employment, and government revenue were all
15 classified as positive in terms of direction and not
16 significant. These classification terms appear in both
17 text and tabular form and were consistent throughout
18 the assessment.

19 However, during cross-examination -- and this is
20 on page 831 -- Mr. Shewchuk indicated that on page 319
21 of CIAR 89 his description of "significance" only
22 applies to adverse effects. What he basically said is
23 an impact, if it's to be judged significant, must be
24 high in magnitude, long term -- and long term and
25 significant.

26 So that represents a major change in how the whole

1 concept of significance was developed in the first
2 stages of the application and how it's being
3 interpreted now.

4 Now, my understanding that -- under the APEA, not
5 only do you have to assess potential positive impacts;
6 you are also expected to assess the significance of
7 those positive effects. So based on the most recent
8 information, it appears now that the applicant has
9 chosen not to describe the potential significance of
10 their -- their effects except in -- only if they would
11 be considered adverse.

12 So I don't know that this leaves you in a good
13 spot because you don't know whether the applicant is
14 changing -- is claiming those beneficial impacts to be
15 significant or not.

16 So just for fun, and to perhaps help the Panel, I
17 took a quick look at the construction impacts of the
18 project and specifically Table 4.1 of the consultant's
19 report. And I was just wondering if we could bring
20 that particular document up on Zoom, please.

21 Q That would be CIAR Number 42, consultant report
22 Number 11?

23 A Correct.

24 Q Mr. Thompson, if you could -- oh, the PDF page number?

25 A I don't have the PDF number.

26 Q I'll pull that up.

1 A But if you search for Table 4.1. That's the one.

2 So this table is important, and -- and if you look
3 at the -- go back and look at the transcripts on
4 Friday, what you hear is the applicant basically saying
5 this becomes the starting page -- place for the whole
6 economic assessment of construction.

7 And if you look at the application, you'll
8 discover that at no point except for here does the
9 applicant ever try to quantify the extent to which the
10 project might benefit the existing population of the
11 region.

12 And what I want you to look at specifically is the
13 RSA column. Those are the expected expenditures within
14 the regional area, which includes Crowsnest Pass and
15 Sparwood, and it totals \$4 million over two years, or
16 2 million bucks a year. So that's what they would be
17 contributing. That might be considered a benefit.

18 Is it significant? Well, I looked at the 2016
19 census information, and I see that 3,180 residents of
20 Crowsnest Pass, that's just the Alberta side of the
21 RSA, reported an average of \$53,400 in employment
22 income, which represents a total of \$170 million per
23 year.

24 So if you look at \$2 million on an annual basis of
25 local purchasing -- and that's probably on the high
26 side because materials and equipment only includes a

1 little bit of labour -- that \$2 million is absolutely
2 insignificant compared to what is currently coming into
3 the community that -- as employment income.

4 So I think the simple answer is they may not
5 have -- they may have claimed in their first part that
6 it was not significant, changed their description of
7 what "significant" and "not significant" means, but I
8 think the evidence is pretty clear that -- for
9 construction anyway -- what they're talking about is
10 really an insignificant contribution to the existing
11 region.

12 The second thing I was surprised to hear was that
13 the most recent set of impact numbers which are
14 reported in CIAR 313 were generated using a custom run
15 of the Stats Canada input-output model. Now, this
16 isn't actually mentioned anywhere.

17 If you read very carefully that piece of CIAR, it
18 starts by saying the previous versions were -- were
19 based on multipliers, and that we generated another set
20 of numbers.

21 So this whole idea of a custom run comes as
22 completely new information for me. So in my written
23 submission I indicated that I could not reproduce the
24 impact estimates contained in the report using Stats
25 Canada's published multipliers for 2016, and I guess
26 now I know why I couldn't match them.

1 However, the use of a custom-model run raises its
2 own issues. Having done these on numerous occasions, I
3 know the challenges of developing the appropriate input
4 assumptions; and without seeing what assumptions were
5 used or how they were interpreted, I'm not in a
6 position to be able to advise the Panel whether or not
7 the revised estimates are realistic or not.

8 I do note that the revised evidence has now
9 concluded that total direct construction employment
10 would total 211 person-years, which, according to
11 Mr. Shewchuk on page 817, was the result of Stats
12 Canada adjusting their numbers downwards.

13 Could we bring that Table 4.1 back, please?

14 Now, what's interesting is this table contains
15 information on labour cost. So you'll see that over
16 two years, the applicant expects to spend \$137 million
17 on labour. Now, \$137 million is going to, according to
18 them, buy you 211 person-years of labour.

19 Now, I'm an old guy and semiretired, but if you do
20 the math, I'd love to work on this construction project
21 because what they're suggesting is that they would be
22 paying an average of \$649,000 in labour income for each
23 person-year of employment. That's crazy. That doesn't
24 work at all. So it tells me that there's something
25 wrong with how the modelling was done.

26 In fact, the more reasonable estimate of average

1 labour cost would probably be in the order of \$150,000
2 a year. So if you divide the \$137 million shown here
3 by an average of 150,000, you actually get 910
4 person-years, which, coincidentally, happens to be what
5 the applicant said its construction labour requirements
6 would be in the original consultant's report. In that
7 one they claimed 195 people at peak construction
8 period.

9 Well, I hate to say it, but if you have 900 people
10 person-years of employment, your peak is on the order
11 of 400. Well, that would make sense, because it
12 explains why you're building a camp of 228 rooms and
13 then putting overflow in commercial accommodation in
14 the buildings.

15 So the bottom line is this information is horribly
16 consistent, and it just keeps getting worse every time
17 that they look at it.

18 And so, again, my conclusion is that, based on my
19 reading of the application and the applicant's hearing
20 evidence, what you have got is just too inconsistent to
21 provide a clear or defensible understanding of the
22 project's socioeconomic effects or benefits, and that's
23 going to cause you a real problem at the end of all of
24 this when you have to try and balance that off against
25 adverse effects.

26 Thank you.

1 Q Thank you, Mr. Thompson.

2 I believe that will be all from you, Mr. Thompson?

3 A Correct.

4 MS. OKOYE: Mr. Chair, he's available for
5 cross. Or both him and Dr. Joseph are available for
6 cross.

7 THE CHAIR: Okay. Thank you.

8 So, yes, so the plan, I think, is if people have
9 questions either for Dr. Joseph or Mr. Thompson, now
10 will be the time.

11 So just start with any participants other than
12 Benga who believe they are adverse in interest have
13 questions for these two witnesses?

14 Hearing none, Benga. Mr. Brinker or Mr. Ignasiak,
15 any questions for these witnesses?

16 MR. BRINKER: Yes, Mr. Chair, we do have a
17 few questions. We are just -- we heard some new
18 evidence brought forward there, and we are just
19 thinking if we had -- if we had ten minutes, we would
20 be able to streamline our questions and proceed more
21 efficiently, if that would suit the Panel.

22 THE CHAIR: Sure. Let's take a short,
23 ten-minute break. It's 4:40. We will resume at 4:50.

24 (ADJOURNMENT)

25 THE CHAIR: Mr. Brinker, are you ready to
26 proceed?

1 MR. BRINKER: I am, Mr. Chair, thank you.
2 Mr. Brinker Cross-examines Dr. Joseph (Livingstone
3 Landowners Group) and Mr. Thompson (Coalition of
4 Alberta Wilderness Association and Grassy Mountain
5 Group)

6 Q Good afternoon. I suppose it's good evening now,
7 Mr. Thompson, Dr. Joseph. Coleman Brinker speaking
8 here. I'm a lawyer with Osler acting on behalf of
9 Benga. I have a few questions to ask of each of you.
10 Beginning with you, Dr. Joseph. Can you hear me
11 okay?

12 A DR. JOSEPH: Yes. You?

13 Q You sound good. Sounds great.

14 A Good.

15 Q Now, you covered this in your direct evidence, but I
16 just want to make sure we're on the same page here.

17 Dr. Joseph, you prepared the document titled
18 "Review of Grassy Mountain Coal Mine Economic Impact
19 Assessment" attached to the submission filed by the
20 Livingstone Landowners Group at CIAR 552; is that
21 right?

22 A I don't know the code number, but that is the title of
23 my report.

24 Q Okay. Did anyone else help you with preparing that
25 document?

26 A Yeah. As I said, Tom Gunton was a peer reviewer and

1 provided suggestions. I think that's even said at the
2 start of the document.

3 Q Right. So he just provided a few comments and then did
4 a review of it for you?

5 A I did the bulk of the work, but we had some
6 discussions.

7 Q Okay. Is -- Mr. Gunton's not on the Livingstone
8 Landowners panel today, is he?

9 A No.

10 Q Okay. Dr. Joseph, when you were -- when is it that you
11 were retained by the Livingstone group to conduct your
12 review of the socioeconomic impact assessment, or SEIA,
13 for the project?

14 A If I recall correctly, it was in August we got started.
15 It might have been September. If you'd like, I can
16 look in my files for the contract date.

17 Q Okay. August or September. And you submitted on
18 September 21st; I think that's about right?

19 A Just looking at the report now. That's -- it's dated
20 September 21st, yes.

21 Q Yes. So you didn't have much time to review the
22 materials on the registry and draft your report; is
23 that right?

24 A Well, I -- I had a decent amount of time. Did I have
25 months and months? No.

26 Q Okay. Once you were retained, did you have time to

1 review the entirety of Consultant Report Number 11
2 filed by Benga and found at CIAR 42 before completing
3 your report?

4 A Is that the 2016 Nichols report?

5 Q Yes. That would be it.

6 A I focused -- I was asked and I focused on the economic
7 impact portion.

8 Q So just a portion of that -- that report?

9 A Yeah. I read the introduction and then focused on the
10 economic section. The latter section focuses on
11 housing and population and whatnot.

12 Q Okay. And did you have time to review any of the
13 addendums to the EIA that are available on the
14 registry?

15 A I was pointed to various addendums, yes, and so that's
16 what I referred to in my presentation, but I looked at
17 later submissions. I think there was a March 2020
18 addendum that I looked at and an October 5th, 2020,
19 response submission that I looked at, for example.

20 Q Okay. I think you do say in your report that you did
21 review Addendum 10 and part of Addendum 11. Does that
22 sound right to you?

23 A Yeah. Just looking at that part of the report right
24 now. Yes.

25 Q Sure. Did you review Addendum Number 5? That would be
26 CIAR Number 69.

1 A It's not written in my report that I reviewed it. I'm
2 not sure if I saw it subsequent to submitting my
3 report. I'm not following with the code, you know, the
4 CIAR. The CIAR code numbers.

5 Q Okay.

6 A I'm not sure if I have or not.

7 Q Were you -- so were you aware at the time of writing
8 your report of the information provided that -- in that
9 addendum with respect to updates for population
10 estimates, capacity for social and public services in
11 the area of the project?

12 A As I said, my focus was on the economic value
13 components, so I wasn't looking at population and
14 public services, et cetera, that you mention.

15 Q Okay. Did you review Addendum Number 8, CIAR
16 Number 89?

17 A Again, it's not listed here, and I'm not certain that I
18 have.

19 Q If you reviewed it, you would have listed it in your
20 report; is that right?

21 A I certainly would have listed it in my report if I had,
22 yes.

23 Q Okay. Have you since reviewed the cumulative effects
24 assessment in Addendum 8 as it relates to
25 socioeconomics?

26 A No. I was made aware of that. I think it came up in

1 hearings over those days, if I recall correctly, and so
2 I'm aware that -- that Benga did some cumulative
3 effects assessment after the initial submission.

4 Q Okay. Now, at the end of your report, this would be in
5 CIAR 552 at PDF 148, 149 -- no need to bring it up on
6 the screen, though -- you include a list of references
7 that you relied upon for your report. Is that right?

8 A Are you talking about Section 3 in my report starting
9 with (INDISCERNIBLE - BACKGROUND NOISE).

10 THE COURT REPORTER: I am sorry?

11 Q MR. BRINKER: Now, I believe -- so I'm
12 looking at CIAR 552, PDF page 148. Your reference is
13 the heading. It's --

14 A I see, at the end of my document.

15 Q Page 15 of your report, yeah.

16 A Okay. I do see that reference list, yes.

17 Q Okay. Now, on that list I note that six of the
18 references you rely upon are authored by Joseph, first
19 initial 'C'. Are all those papers papers that you
20 wrote?

21 A Yes.

22 Q Okay. You relied on those papers for your review of
23 the project SEIA; is that right?

24 A Well, as you'll see, I referenced them in the report.
25 I raised them to make certain points.

26 Q Right. Dr. Joseph, in your report that a cost-benefit

1 analysis -- or CBA for short -- in your opinion, is
2 better than an economic analysis or assessment for
3 informing public interest; is that right?

4 A Yes. It's the intention just to use a method from the
5 field of economics to assess public interest that
6 absolutely cost-benefit analysis is a much better fit
7 than economic impact analysis.

8 Q Right. And I think you state that at least twice in
9 your report, and you cite two papers for that
10 proposition both times. But both of them are 2020
11 papers by Joseph et al.

12 Are those papers that you wrote?

13 A Yes.

14 Q Okay.

15 A Yeah. Those are --

16 Q To be fair --

17 A Those --

18 Q Sorry?

19 A Those papers are new contributions to the impact
20 assessment literature. They reference and cover all
21 sorts of other literature from earlier offers.

22 Q Okay. Would it be fair to say that in your writings
23 and in your evidence given in other proceedings, you
24 have frequently promoted the use of CBAs over -- over
25 economic impact assessments for assessing projects?

26 A Absolutely. As I think John Thompson has pointed out,

1 this is a consistent problem, and that was the
2 rationale for both of those papers, those 2020 papers,
3 that the profession of an impact assessment and -- you
4 know, what's typically done has some problems with
5 respect to assessing economic impacts.

6 I think -- I would like to add to that. I think
7 the more important point is that we need to use
8 methodology that assesses net impacts. Conceivably,
9 there are even other methods other than cost-benefit
10 analysis.

11 Q Okay. And you have made that -- you made that point in
12 the papers that you cite for the basis of this report;
13 correct?

14 A The point that there may be other methods, no. This is
15 a --

16 Q No?

17 A -- recent realization, listening to hearings this week,
18 actually, that the key point is moving beyond the
19 limitations of economic impact analysis and using some
20 methods at least that get at net impacts.

21 Q Okay. Now, Dr. Joseph, you conducted a limited-scope
22 CBA in your report contained in the Livingstone
23 Landowners' submission; is that correct?

24 A Yes.

25 Q Okay. And that that CBA has to be taken with a grain
26 of salt given that it was done on such short notice; is

1 that fair?

2 A Yeah, and that's why I characterized it as limited
3 scope and preliminary. As I explained today, it
4 doesn't cover the full range of factors in a -- you
5 know, if I had more time, then we would have explored,
6 you know, things like coal prices and project costs to
7 a much greater depth.

8 Q Right. So while acknowledging those limitations on
9 your CBA, you did produce a long list of different
10 possible scenarios or results based on the factors you
11 decided to include in your CBA; right?

12 A Yes.

13 Q Yeah. So I counted 16 different scenarios in which you
14 calculated a net present value. Does that sound
15 correct to you?

16 A Yeah. That's because there are four -- yeah.
17 It's -- it's the product of varying the different
18 parameters, yeah.

19 Q Okay.

20 A 16. I haven't counted them. I could count them, if
21 you want me to verify the number.

22 Q I mean, if 16 sounds right to you, I -- give or take 1,
23 doesn't really matter to me.

24 A 10, 11, 12, 13, 14, 15. 16, that's what I count to.

25 Q Excellent. We were counting on the same note.

26 Now, ten of those scenarios resulted in positive

1 net present value; is that right?

2 A Four, five, six, seven, eight, nine. Ten. Yes, that's
3 what I count.

4 Q Okay. Now, I notice the majority of your lower and
5 negative net present value results come in scenarios
6 where you used dual discounting in the scenario.

7 You used double discounting in many of the
8 scenarios you ran in your CBA; is that right?

9 A Well, you can count -- let's see -- one, two, three,
10 four, five, six, seven. Eight. Half of them used the
11 uniform approach, if I'm discounting the quote.

12 Q Right. And it looks like the -- the dual discount
13 approach that you decided to take for some of these,
14 they seemed to be skewed a little bit down towards the
15 lower net present value, NPV, and negative NPV; is that
16 fair?

17 A Yeah, that's fair. And you can also see some of the
18 rows in that table where the uniform-discount approach
19 was used, but you still get negative because of things
20 like price and cost and whatnot. (INDISCERNIBLE -
21 BACKGROUND NOISE).

22 THE COURT REPORTER: Sorry, price, cost and ...?

23 A Whatnot. Apologies for going fast.

24 THE COURT REPORTER: Sorry, there's some feedback
25 coming from your end.

26 A Still some feedback, eh? I don't know. Has anyone

1 stopped? I can take off the headset, if you like.

2 THE CHAIR: I think we should leave the
3 headset on. There was a bit of buzzing. It might have
4 stopped. Go ahead, Mr. Brinker.

5 Q MR. BRINKER: Sure.

6 Dr. Joseph, this dual discounting you decided to
7 do, that means, essentially, that you discounted costs
8 and revenues in those scenarios of the CBA at different
9 rates; is that right?

10 A Well, that's incorrect. The dual-discount approach
11 applied a one rate for market impacts and one rate for
12 non-markets. So the social cost of carbon, the
13 greenhouse gas damage costs were --

14 Q Right.

15 A -- discounted at one rate, a rate consistent with
16 Environment Canada's discount rate for social costs of
17 carbon, and all the other impacts, which was just coal
18 revenue and project cost, were discounted at the rate
19 that Benga used.

20 Q Okay. So you used -- you discounted cost and revenues,
21 revenues in those scenarios, at the same rates?

22 A The total revenue and project capital operational costs
23 were at one rate and the social costs of carbon were at
24 a different rate in the dual-discounting approach.

25 Q Is that consistent -- is that approach consistent with
26 the best practice guidance provided by the Treasury

1 Board of Canada Secretariat's Canadian Cost-Benefit
2 Analysis Guide: Regulatory Proposals --

3 A Well, you raised a couple of important points there.
4 So number one, the dual-discounted approach is not
5 described in the Treasury Board of Canada Secretariat
6 document. But as you pointed out, that Treasury Board
7 of Canada Secretariat document is for doing what's
8 called regulatory impact analysis, which is
9 cost-benefit analysis of policy change, not
10 cost-benefit analysis of major projects.

11 Regardless, I've applied both approaches. I think
12 the key point of that analysis is even if you use the
13 uniform-discount approach, there's a good chance we're
14 going to see some negative or just low values because
15 the evidence seems to suggest future coal prices are
16 going to be low, project costs tend to be high, and
17 social costs of carbon are rising.

18 Q Okay. Thank you, Dr. Joseph.

19 I do -- my next question I would like to take you
20 to your -- the PowerPoint presentation that you gave
21 today. I think it is filed as CIAR 778 on the
22 registry. I believe it is Slide 9 or PDF 9 on the PDF
23 copy.

24 Can I ask the Zoom host to bring up that slide?
25 Thank you.

26 Dr. Joseph, when you spoke to this slide, you said

1 these are tables showing coal demand declining over
2 time. Can you point out on these tables where the word
3 "demand" appears?

4 A My apologies. Says "coal production". But production
5 and demand are generally related. I think I could,
6 with an undertaking, provide a coal demand --

7 THE COURT REPORTER: Sorry, I didn't catch the last
8 part. A coal demand?

9 A Yeah, so, apologies, I forget your name. Brinkman, is
10 that right?

11 Q MR. BRINKER: Oh, Mr. Brinker is fine.

12 A Brinker. Mr. Brinker pointed out that this slide talks
13 about coal production, not coal demand.

14 Q Okay.

15 A And I'm saying that I have the entire spreadsheet for
16 this -- from the world energy outlook 2020. And if I
17 recall correctly, it's got coal demand rows in there as
18 well, and we could explore that, if you wanted.

19 Q That's okay, Dr. Joseph. That answers my question.
20 Thank you.

21 Now, I have a few questions now for Mr. Thompson.
22 Mr. Thompson, can you hear me okay?

23 THE CHAIR: I think your mic is muted,
24 Mr. Thompson.

25 A MR. THOMPSON: Yes, I can.

26 Q MR. BRINKER: Great.

1 Mr. Thompson, you prepared the critique report of
2 the project's socioeconomic impact assessment attached
3 as Appendix O to the Coalition's submission at CIAR
4 553; is that correct?

5 A It is.

6 Q Okay. Did anyone else help you in preparing your
7 report?

8 A I had it externally reviewed by a number of colleagues,
9 but essentially the information is mine.

10 Q Okay. So you had it reviewed by colleagues, but no one
11 else helped in actually developing that -- the report?

12 A No.

13 Q Okay. Mr. Thompson, are there any errors in your
14 report you would like to correct at this time?

15 A Not that I'm aware of.

16 Q Okay. You do a couple of calculations in your report
17 that I just want to double-check, see where you're
18 getting the numbers from.

19 Can the Zoom host please pull up the Coalition's
20 submission CIAR 553 for the witness to see?

21 Mr. Thompson. PDF page 357.

22 So page 12 of your report, Mr. Thompson. If you
23 could just scroll to the bottom, the bottom paragraph.

24 Mr. Thompson, I'm just looking at the numbers
25 here. You state that: (as read)

26 Revised information showed a population of

1 5,470 in 2021 for the Alberta portion of the
2 RSA in the base case go to 6,130 in 2021
3 under the application case, for an increase
4 of 633.

5 You see that?

6 A Yes.

7 Q Okay. Should that increase read 660, not 633? Are you
8 just subtracting 5,470 from 6,130?

9 A It should probably be rounded to 630, yeah.

10 Q Sorry. Do you mean it should read 660?

11 A I'd have to check my math, but --

12 Q Is it just the difference between 6,130 and 5,000 --

13 A Right.

14 Q -- 5,470; right? Okay.

15 A Yeah. That's -- that's correct.

16 Q Okay. Yeah. Just trying to clarify. So that was just
17 a small error in your report; right?

18 A Yeah.

19 Q Okay. If I can take you now to PDF 354 in the
20 submission, so this is page 9 of your report. And,
21 again, at the bottom of the page, we are looking at the
22 last paragraph, speaking to labour costs, and I
23 understand these numbers have since been updated, so
24 the calculation here is not really material, but just
25 to clarify where you get the numbers from for your
26 report, you say that the average labour income in BC

- 1 will be 65,850 per person-year; correct?
- 2 A That -- that's correct.
- 3 Q Yeah.
- 4 A So --
- 5 Q Did you -- sorry. Go ahead.
- 6 A You want to know where those come from? What I would
7 refer you to, the Table 4.1 --
- 8 Q Right.
- 9 A -- in the consultant's Report 11.
- 10 Q Yeah.
- 11 A And what that does is it shows the labour expenditures
12 in -- in the RSA.
- 13 Q Right. And --
- 14 A So --
- 15 Q Sorry. Go ahead.
- 16 A -- the assumed breakdown of people from the Alberta and
17 BC side, and do the math; that's what you get.
- 18 Q So do you get -- I mean, just looking at those three
19 numbers there, so you said you had 27 million for
20 250 person years, so you are dividing 27 million by 250
21 to get that number, 65,850; is that right?
- 22 A I believe that's correct.
- 23 Q Okay. That's not correct, though; right? That
24 calculation is an error? And again, I mean, I
25 understand these numbers have been updated. I'm just
26 trying to figure out what you did here with the

1 calculations.

2 A So the -- the question specifically is?

3 Q To come to your number, did you divide 27 million by
4 250 jobs to come to 65,850 per job?

5 A I'm just looking at that. I'd have to spend some time
6 going back and forth because there have been all sorts
7 of changes. I mean, that's one of the problems with
8 this particular application more so than I've ever seen
9 before, is the -- the constant changing of -- of
10 numbers.

11 Q Okay.

12 A And I can understand that -- that a lot of it is -- is
13 due to changing circumstances, but what I found was a
14 lot of it was -- was due to -- to just trying to fix
15 problems in previous versions that have caused -- that
16 have caused issues in subsequent.

17 Q Okay. And just looking at your numbers here, I think
18 27 million divided by 250 is actually 108,000. Does
19 that sound more correct to you than 65,000, the
20 sixty-five eight figure that you came to?

21 A The only way I would have -- I would -- I'm not saying
22 anything until such time as I agree that the -- the
23 numbers are correct.

24 Q That's okay. I think we've gotten the point there.

25 Now, you also speak in your report about the need
26 in an economic assessment to reduce uncertainty

1 associated with the use of multipliers to estimate the
2 impact; is that right?

3 A Correct.

4 Q Okay. And you say that one way to reduce uncertainty
5 is to undertake custom runs of the Statistics Canada
6 input-output modelling using data for the project;
7 right?

8 A Correct.

9 Q Okay. And you say in your report that custom runs of
10 the Stats Can input-output model were not done for this
11 project; right?

12 A Yes. And as -- and as I said in my previous evidence,
13 I was absolutely shocked to find that, in fact, a
14 custom run was done, because if you go and look at the
15 CIAR 313 where this was alluded to, there's actually no
16 reference to those -- that modelling being done. That
17 actually came about as part of Mr. Shewchuk's testimony
18 on Friday.

19 Q Okay. So your previous statement that no custom runs
20 have -- were done, that was incorrect; right?

21 A Well, based on information that I received on Friday
22 during cross-examination, that's correct.

23 Q Okay. Okay. Okay. Okay. Thank you, Mr. Thompson.
24 Those are all the questions that Benga has.

25 A You're welcome.

26 Q Thank you.

1 THE CHAIR: Thank you.

2 Ms. LaCasse or Ms. Kapel Holden, any questions?
3 Alberta Energy Regulator Staff Questions Dr. Joseph
4 (Livingstone Landowners Group) and Mr. Thompson
5 (Coalition of Alberta Wilderness Association and Grassy
6 Mountain Group)

7 MS. KAPEL HOLDEN: Good afternoon. Sorry. I got
8 muted and unmuted.

9 Q MS. KAPEL HOLDEN: Good afternoon, Dr. Joseph and
10 Mr. Thompson. My name is Barbara Kapel Holden, and I
11 am counsel for the Joint Panel, and I will be asking
12 you some questions that have been given to me by the
13 AER staff.

14 And I'll start off by asking Dr. Joseph my
15 questions.

16 Dr. Joseph, in your direct evidence, you stated
17 that there is a tight labour market in Alberta. Can
18 you clarify what you mean by a "tight labour market"?

19 A DR. JOSEPH: Yeah. That's a good question.
20 My understanding -- I mean, right now, with COVID in
21 the oil and gas market, things in this moment aren't as
22 tight, but my -- my reference to it being
23 "tight" -- and I'll get back to explaining what I mean
24 by "tight" in a moment -- is based on BuildForce
25 Canada, which is, as I understand, the primary entity
26 in Canada that does forecasting labour market, and

1 they're anticipating things tightening up again very
2 soon.

3 Anyway, what I mean by "tight" is that there isn't
4 a lot of excess supply relative to demand. And so when
5 you have a new project and if someone is going and
6 saying, Hey, we're going to employ, you know, a
7 thousand people or a hundred people or whatever, that
8 labour may not be available. That labour may already
9 be working. So that would be a tight labour market, if
10 that labour is working or most of those people are
11 working. There isn't excess supply.

12 Q Okay. Thank you.

13 And your economic assessment, was that based on
14 Alberta's economy being near full employment?
15 Assessment?

16 A My preliminary cost-benefit analysis didn't get into
17 employment, but I would argue that based on what
18 I -- what BuildForce Canada is saying, there would be
19 little incremental employment benefits because of the
20 tight labour market. I think the key factor that
21 BuildForce Canada is saying is that, you know, the
22 skill sets are still tight. There are -- you know,
23 there's -- there aren't a lot of extra or many people
24 in Canada with the skill sets that would be applicable
25 here, and there's an aging demographic. The workforce
26 is getting old, and that's a tight labour force.

1 Q Thank you.

2 And I've been told that the unemployment rate in
3 Alberta for the last five years has been around
4 7 percent. Would you agree with that?

5 A More or less. It's --

6 Q Okay.

7 A I'm sure it's been -- sure. We'll go with roughly 7.

8 Q Okay. And would you consider that 7 percent -- around
9 7 percent as being an indicator of near full
10 employment?

11 A Yeah. That's referring to the natural rate of
12 unemployment, which tends to be -- people would say
13 it's between 5, 5 and a half and 7, 7 and a half,
14 something like that. So, naturally, there's always
15 going to be some unemployed, but around 7 percent,
16 yeah, that's basically a full employment situation.

17 Q All right. Thank you.

18 And if I can get the Zoom host to please pull up
19 reference CIAR 552, and it's PDF page 144, which is
20 Table 2, please.

21 And Table 2 is the results of the limited-in-scope
22 cost-benefit analysis that you had done. In your NPV
23 calculations, did you distribute the capital costs, or
24 was that all accounted for in Year 1?

25 A If I recall correctly, it is distributed, because I
26 understood it's probably a two-year construction

1 period. I'd have to go back and look. But, yes,
2 distributed across the years.

3 Q And as you likely know, the timing of distribution
4 impacts the net-present value. Can you provide further
5 details on the distribution years so that the Panel can
6 evaluate net present values?

7 A Can you please clarify what you're asking?
8 Distribution of what, exactly?

9 Q It was distribution of the capital cost?

10 A Well, as I said a moment ago, I'd have to open up the
11 model and have a look, but if I recall correctly, you
12 know, it wasn't a one-year -- Benga isn't saying it's a
13 one-year construction -- yeah. It's two years, I
14 believe. There's a lot of discussion about
15 construction and employment estimates, so it would be
16 distributed over two years --

17 Q Okay.

18 A -- probably equally. I'd have to go back and look.

19 Q Okay. And my next question is in regards to the NPV
20 column that you have in Table 2. Can you tell me
21 what -- what the net present values are in that table?

22 A You want me to read out the numbers?

23 Q No. What do they signify?

24 A Net present value, I've -- I referred in my direct
25 evidence to net social value. Should I refer to the
26 same thing? So it's -- what that is doing is -- or

1 what cost-benefit analysis does is it adds up costs and
2 benefits that occur over different years of the project
3 and brings them back to a present value. So it's net
4 because it's at a cost and benefits, so subtracting
5 costs from benefits, and present value means you're
6 applying a discount rate as people tend to view future
7 benefits and costs as worth less than at present.

8 So it -- you know, you might have some future
9 impact 20 years out of a cost or a benefit of a certain
10 size, but it -- the number would be reduced in
11 magnitude when it's brought back to the present value.
12 Does that answer your question?

13 Q Yes, it does. Thank you.

14 Mr. Thompson, I'd like to direct my next question
15 to you.

16 You mentioned in your direct evidence that the
17 Benga impact assessment does not have a lot of
18 information on the benefits of the project.
19 Mr. Thompson, could you explain what should have been
20 presented to show the project benefits?

21 A MR. THOMPSON: What we're talking about is
22 something along the lines of a benefit-cost analysis.
23 What you're trying to do is get some understanding of
24 what the project will contribute in terms of net
25 benefits, and to do that, you have to look at costs,
26 and you have to look at -- at benefits and compare the

1 two.

2 So the benefit-cost-type model works, albeit with
3 the limitation that it can only deal with quantified
4 economic benefits and costs, and it's not so good at
5 dealing with things that aren't quantified.

6 I think you were on mute.

7 Q My apologies. I muted myself again.

8 Can I get the Zoom host to please pull up
9 CIAR 553, PDF page 350. Thank you.

10 Mr. Thompson, on this page, you reference a 2005
11 standard cost estimation classification system from the
12 association for the advancement of cost engineering,
13 which serves to highlight variability and cost
14 estimates, depending on how well project engineering
15 has been defined. You note two levels: Class 5,
16 projects engineered at a conceptual level; and Class 4,
17 projects engineered at a feasibility level.

18 My question to you is: Are there any relevant
19 market-based metrics required to build this type of
20 classification table; for example, inflation rates and
21 commodity prices?

22 A Not to my knowledge. These are, again, sort of general
23 guidelines that engineering societies have developed to
24 sort of give some suggestions as to the reliability of
25 the cost estimates that they're putting forward, and,
26 obviously, the more time and money you put into

1 studying what a project might be, the more accurate the
2 results will be. And so typically what I have seen in
3 the past is most applicants come forward with a
4 Class 5-type study where they've done sort of just
5 enough to come up with some -- some reasonable numbers
6 to -- to start the process. But what you'll discover,
7 as time goes on, is that they'll -- they'll need more
8 and more detailed information in order to secure
9 funding and so on. So they'll update their -- their
10 financial feasibility assessment to -- to use
11 Level 3 -- or Class 3 or even Class 2-type data.

12 On Northern Gateway, they started with a Class 5
13 assessment, but over the life cycle of that project,
14 they actually wound up moving to, as I understand it, a
15 Class 3 estimate, which is simply their way of saying,
16 We did a whole lot more work, and we're a lot more
17 confident in our results than we were when we first
18 applied.

19 Q Thank you for your answer.

20 Where would you classify Benga's project within --

21 A We asked them that on Friday, and if you go back
22 through the transcripts, what they wound up saying was,
23 Well, we have more reliability about some parts of it
24 than we do others. And the ones that they said they
25 had sort of high reliability was sort of plus or
26 minus 20 or 25 percent, which would be Class 3/Class 4,

1 but then they wound up saying that for the earthworks,
2 they haven't got that information, so -- so my thought
3 would be, well, that's probably Class 5.

4 Q And have you tried estimating the economic impacts
5 based on your classification?

6 A No, I wouldn't -- I wouldn't do that. I mean, what
7 this is is an indication to the Panel of the fact that
8 a lot of the information that's been produced by the
9 applicant has got some degree of uncertainty associated
10 with it.

11 And what we're trying to point in all of this is
12 that based on, you know, whether they've done a Class 5
13 or Class 4 assessment, there's still a very high degree
14 of uncertainty in terms of the accuracy of the capital
15 and operating costs that they're using.

16 Q Thank you. Just one moment, please.

17 Thank you, Mr. Thompson. And those are all my
18 questions.

19 THE CHAIR: Thank you.

20 Mr. Lambrecht, any questions?

21 MR. LAMBRECHT: Mr. Chairman, I have no
22 questions for these witnesses, and I thank them for
23 their participation in the process and their evidence
24 this afternoon.

25 THE CHAIR: Thank you.

26 Mr. Matthews?

1 MR. MATTHEWS: Thank you, gentlemen. Thank
2 you, Dr. Joseph and Mr. Thompson, for your
3 presentation. I have no questions.

4 THE CHAIR: And Mr. O'Gorman?

5 MR. O'GORMAN: Thank you, Mr. Chair. I just
6 have the one question. It's for Dr. Joseph.
7 Alberta Energy Regulator Panel Questions Dr. Joseph
8 (Livingstone Landowners Group) and Mr. Thompson
9 (Coalition of Alberta Wilderness Association and Grassy
10 Mountain Group)

11 Q MR. O'GORMAN: We don't need to haul this up,
12 but in your presentation -- and, actually, we just saw
13 this on the screen a few minutes ago -- you did show
14 projections in the most recent world energy outlook
15 from the IEA with declining projection under their
16 stated policy scenario for coking coal production.

17 You clarified in an answer a second ago that we
18 can make an equation of that to demand, and you offered
19 a final demand figure, but we don't need to see it, and
20 we can take those as roughly (INDISCERNIBLE BACKGROUND
21 NOISE).

22 A DR. JOSEPH: I had a look while I was
23 waiting.

24 Q Okay. Good.

25 So just for completeness, I wonder if you can
26 clarify whether the IEA suggests any rationale for why

1 they are showing that decline in coking coal
2 production. I don't know if you know. I don't know if
3 you're intimately familiar with the report. But I'm
4 curious whether you know.

5 A I have read through it a couple of times. I can't
6 recall exactly, so, no, I won't try and guess. I'm not
7 sure why they're forecasting that.

8 Q Okay. That will be fine, then.

9 I think that's all the questions that I have for
10 you. Thanks.

11 I will -- in lieu of a question, I'll make one
12 quick comment to Mr. Thompson. If it makes you feel
13 any better, thinking back to your comment about the
14 three of us on the panel, I did some small part of
15 my -- some small part of my honour demanded to be
16 defended by pointing out to you that I did have the job
17 title "Senior Economist" for a couple of years earlier
18 in my career, so I don't know if that makes you feel
19 any better. In any case, just an attempt at a little
20 bit of humour to end a long day.

21 So thank you both very much for your
22 presentations. I appreciate the -- I appreciate your
23 work today.

24 DR. JOSEPH: Thanks very much.

25 Q THE CHAIR: I just have a couple of quick
26 questions.

1 Mr. Joseph [sic], just for me, a refresher. So
2 when you use a dual-discounting approach, that's
3 intended to reflect the preference; right? A
4 difference in the preference on how different items are
5 treated?

6 A DR. JOSEPH: Well, it's reflecting people's
7 actual behaviour. I mean, that's an underlying
8 principal of economics that values reflect what -- what
9 people value. And so what research has shown is that
10 when it comes to environmental what are referred to as
11 "goods" that people, as well as health -- I think a
12 fair bit of this dual discounting comes from the health
13 economics literature research as well, but people view
14 those things differently. They discount them
15 differently than they do something like in a business
16 transaction when you are thinking about future profits.

17 So that, in essence, I think, would be the
18 rationale for a lower discount rate for future
19 atmospheric stability compared to the higher discount
20 rate for future profits from coal production.

21 Q Okay. So just so I'm clear, so a higher discount rate
22 means it's valued less; is that what you just --

23 A A higher discount rate, you discount things more when
24 you bring it back to the present.

25 Q Okay. Thank you.

26 A So the lower the discount rate that was used in that

1 scenario just means that future impacts to the
2 atmosphere end up having greater weight in the
3 analysis.

4 Q Okay. Thank you.

5 Mr. Thompson, just a couple of quick questions for
6 you. So we had a discussion around the difference
7 between impacts and benefits, and I think I understood
8 you to say that royalties and taxes would be benefits.

9 A MR. THOMPSON: Right.

10 Q And then, I think I understood you to say for anything
11 else to be a benefit, it needs to lead to kind of new
12 investment and the creation of new capacity or economic
13 output. Do I have that right?

14 A Essentially, yeah. Some sort of economic growth that
15 goes with it.

16 The comment about tax and royalties, if you go
17 back and look at my original discussion, what I talked
18 about was I -- a benefit essentially being a profit. A
19 profit is a net gain. Taxes and royalties are part of
20 that profit, and so they would essentially be included
21 as a benefit, but they would show up on two sides of
22 the ledger as a cost to the -- to the developer and as
23 a revenue to -- to their -- to the government.

24 So you wouldn't see them show up necessarily in a
25 benefit-cost analysis, but they're embodied in the
26 concept of a profit.

1 Q Okay. And how does that concept apply to jobs or
2 employment?

3 A Well, again --

4 Q The idea of a benefit. What has to happen for it to be
5 a benefit?

6 A The question you have to ask is: So what would those
7 people be doing otherwise?

8 And it's really important to understand that when
9 you have a big construction project, you are not
10 creating new construction jobs. That's not the nature
11 of a construction industry. What you've got in a
12 construction industry is construction workers who move
13 from job to job to job. And so by employing them here
14 you have a benefit, but by taking them away from
15 someplace else, it's a cost, and they would cancel out.

16 The only time you would get a potential employment
17 benefit is if you were bringing in people that would
18 otherwise be underemployed, working for \$65,000 a year
19 when they could be earning a hundred; or if they were
20 completely unemployed. And that way you are actually
21 adding to the workforce and employment.

22 I tend to think that you can count most
23 operational jobs as benefits basically through
24 displacement effect.

25 Let's assume that all your mine managers are
26 brought in from someplace else. Well, that creates a

1 void that gets filled by somebody else, who gets -- and
2 that creates a void and that creates a void, and it's
3 likely that the trickle-down effect you'll eventually
4 result in a whole series of new jobs. Now that's not
5 always the case, but that's the sort of rule of thumb
6 that I've used.

7 Q Okay. Thank you, Mr. Thompson.

8 Just one other question: So in your report, you
9 know, there's a number of critiques of the -- some of
10 the assumptions that Benga made in doing its analysis.
11 And I just want to use one as an example and ask you a
12 question. You said that there should be a clearer
13 statement with respect to the number of existing
14 residents of Alberta and BC. Sorry, of -- sorry, let
15 me start over.

16 A clear statement on the number of existing
17 residents within Alberta and the BC portions of the RSA
18 that would be hired. And so I guess my question to you
19 is: Do you think those things are knowable at this
20 point in the process? Like, it would seem to me -- I
21 mean, you can make assumptions, but until you hire,
22 it's -- there's going to be a lot of uncertainty
23 associated with any assumptions you make.

24 A That's absolutely correct. However, in all of the past
25 of -- the work that I've done, especially for the LNG
26 plants on the Pacific coast, one of the things that we

1 did was work with the applicant to understand and to
2 look at the detailed labour markets in the communities
3 who would most likely be affected.

4 And so if you go through and look at, you know,
5 the statistics on Aboriginal employment and their
6 qualifications, you look -- you can look -- you can do
7 it on a gender basis. It's a matter of identifying
8 opportunities where an applicant come in and said, You
9 know what? We think that there are target markets that
10 could come and work for us if they were trained or had
11 the education or somehow -- you know, the ability to
12 come and work for us, and we'd welcome that, and we
13 commit to providing funding for -- for training and
14 hiring.

15 I've looked through this application and I haven't
16 seen any detailed understanding of what those, you
17 know, sort of potential labour demands could be from
18 the region, and I haven't seen anything that says that
19 Benga wants to do anything about fixing them.

20 So as assessments go, I would suggest that that's
21 a pretty significant deficiency compared to other
22 applicants that I've worked with.

23 Q Okay. Thank you, Mr. Thompson. Those are my
24 questions.

25 THE CHAIR: So, thank you, panel, both
26 Dr. Joseph and Mr. Thompson, for your testimony today

1 in answering our questions.

2 I will just see if Mr. Fitch or Mrs. Okoye have
3 any re-direct they would like to do with you.

4 MS. OKOYE: It --

5 MR. FITCH: None for me, sir.

6 THE CHAIR: Okay.

7 MS. OKOYE: None for me too. Thank you.

8 THE CHAIR: Thank you. Then I think you
9 are free to go, gentlemen. Thank you very much.

10 (WITNESSES STAND DOWN)

11 THE CHAIR: Okay. It is late, 5:40.

12 Mrs. Janusz, I had hoped to get to you today, but
13 I am thinking it may be best if we start you off first
14 thing in the morning, if you're still here. Is that
15 okay with you?

16 MS. JANUSZ: I'm still here, and that's my
17 preference. I'm a morning person.

18 THE CHAIR: Okay.

19 MS. JANUSZ: But there is the matter of

20 Undertaking Number 4. I believe this is from Friday.

21 Mr. Bott -- he's with Benga -- was to check the website
22 to see when was the last consultation with

23 Crowsnest Pass. Benga --

24 THE CHAIR: I think I have an update on

25 that. I understand from Secretariat staff that Benga

26 has provided a response to Undertakings 3, 4 and 5.

1 I don't know, Mr. Brinker, if you want to speak to
2 any of those or whether we just want to assign it a
3 CIAR number, and then people can have a look at the
4 responses.

5 MR. BRINKER: No. We don't have anything
6 else to add. They were sent in to the Panel today.

7 But, Ms. Janusz, we can send you a copy directly
8 to your email, if you would like.

9 MS. JANUSZ: Thank you very much. I would
10 appreciate it.

11 THE CHAIR: Okay. And then for the
12 record, do we have a CIAR number we can assign to that
13 response?

14 MS. ARRUDA: The next CIAR number is 785.

15 THE CHAIR: Okay. And just to be clear,
16 my understanding is that's a response to Undertakings
17 Number 3, 4, and 5?

18 MS. ARRUDA: Yes. We received them in one
19 document.

20 THE CHAIR: Okay. Thank you.

21 EXHIBIT CIAR 785 - FROM OSLER, HOSKIN &
22 HARCOURT LLP ON BEHALF OF BENGA MINING
23 LIMITED TO THE JOINT REVIEW PANEL RE:
24 RESPONSE TO UNDERTAKINGS #3, #4, AND #5

25 MR. FITCH: Mr. Chairman, can I just ask.
26 There was one undertaking given to us. I'm not sure

1 what number it was. Is it -- no, no, no. It was given
2 to us by the Benga folks, and it was to fill in some
3 numbers on the changes in the expected economic impacts
4 in the October 5, 2020, response.

5 THE CHAIR: Okay. Mr. --

6 MR. BRINKER: Yes. Mr. -- yes. Sorry,
7 Mr. Fitch. That is part of the package that we
8 submitted today as well.

9 MR. FITCH: Great. Thank you.

10 THE CHAIR: Okay. Well, thank you,
11 everyone, for your patience for another long day, and
12 we will resume tomorrow morning at 9:00. Thank you.

13

14 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, NOVEMBER 5, 2020

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1 CERTIFICATE OF TRANSCRIPT:

2

3 We, Claire Forster and Sarah Howden, certify that
4 the foregoing pages are a complete and accurate
5 transcript of the proceedings, taken down by us in
6 shorthand and transcribed from our shorthand notes to
7 the best of our skill and ability.

8 Dated at the City of Calgary, Province of Alberta,
9 this 4th day of November 2020.

10

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<Original signed by>

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Claire Forster, CSR(A)

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Official Court Reporter

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<Original signed by>

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Sarah Howden, CSR(A)

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Official Court Reporter

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