CANADIAN PARKS AND WILDERNESS SOCIETY
SOUTHERN ALBERTA CHAPTER

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May 1, 2020

**SUBMITTED ELECTRONICALLY**

Grassy Mountain Coal Project Joint Review Panel
Canadian Environmental Assessment Agency
160 Elgin Street, 22nd Floor
Place Bell Canada
Ottawa, ON K1A 0H3

Attention: Review Panel Manager

**Re: Recommended Information Requests for Grassy Mountain Coal Project (80101) following the 11th addendum and Questions Regarding Hearing Procedure**

Please find attached a document of Recommended Information Requests relating to the sufficiency of the EIA submissions for the Grassy Mountain Coal Project.

The Canadian Parks and Wilderness Society Southern Alberta Chapter (CPAWS) appreciates the Panel's request of April 8, 2020 for Benga to produce documents to help navigate the environmental assessment materials Benga has produced for this project. Although this is short of CPAWS initial request for a complete reorganized comprehensive version of the Environmental Impact Assessment, the panel's instructions will assist hearing participants in making useful and efficient submissions.

Sincerely,

<Original signed by>

<Original signed by>

Drew Yewchuk
Staff Lawyer
Public Interest Law Clinic

Katie Morrison
Conservation Director,
CPAWS Southern Alberta

# Proposed Information Requests on the Sufficiency and Technical Merit of the Environmental Assessment

**Participant:** Katie Morrison

**Organization (if applicable):** The Canadian Parks and Wilderness Society – Southern Alberta chapter (CPAWS SAB)

## Proposed Information Requests on the Sufficiency and Technical Merit of the Environmental Assessment

| **Information Source** *(section or page# of EIS, Addenda, Responses to Requests for Information, etc.)* | **Rationale** | **Proposed Information Request** |
|---|---|---|
| Final Recovery Strategy and Action plan for the Alberta Population of Westslope Cutthroat Trout (pages 50 & 57) identify Grease Creek as critical habitat for the Westslope Cutthroat Trout. | Benga's materials do not address potential impacts of the project on Grease Creek, despite the close proximity of the North Rock Disposal Area to the upper reaches of Grease Creek. The Local Study Area is distorted to avoid discussion of risks to Grease Creek despite the extremely close proximity of the project to Grease Creek. Grease Creek is within the mine permit boundary, and should have been in the local study area. | **How will impacts, particularly impacts from groundwater flow or surface water runoff, on Grease Creek be avoided or prevented?**<br><br>**How will selenium and other contamination risks to Grease Creek be controlled?**<br><br>**Describe any water quality monitoring systems proposed for Grease Creek and rationales for them.** |

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|---|---|---|
| Addendum 11, Response to IR 6.15(c), Pages 192-193 | Benga has reversed position on the final outflow of the end pit lake. Prior documents were clear the end pit lake would ultimately flow into Gold Creek to increase the flow rate.<br><br>Addendum 1, Appendix A3 (The Instream Flow Assessment) said: "The closure phase includes predicted increases in flow to upper Gold Creek as the proposed self sustaining end-pit lake fills and discharges (SRK 2016b; Appendix 10B)." (Page 1) | **Provide new long-term estimated base flow changes for Gold Creek, given the change to the End Pit Lake drainage.** |
| Addendum 11, Response to IR 6.15(f) | Benga did not provide a sufficient answer to question 6.15(f). Benga was asked to describe potential technically and economically feasible mitigation and adaptive management measures to prevent or minimize changes in stream temperatures. Benga's claim that Benga expects such measures to be unnecessary does not answer the question. The question should put to Benga again. | **Describe technically and economically feasible mitigation and adaptive management measures that can be implemented to prevent or minimize changes in stream temperatures in Gold Creek and Blairmore Creek as a result of discharges from the water management structures discussed above.** |

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|---|---|---|
| Addendum 11, Response to IR 6.16 | Benga has not conducted an alternative risk assessment for selenium in the absence of Sulphate. In response to IR 6.16 Benga replied by noting that their predictions match their expectations. It is pointless to say their model matches their expectations, as this is simply to note Benga's expectations match Benga's expectations. Benga has not explained why they assume that sulphate and selenium covary, or provided research explaining this assumption. | **Benga should provide the previously requested risk assessment for selenium in the absence of sulphate.**<br><br>**Benga should also explain their reasons for assuming sulphate and selenium will covary during the life of the project, and provide the evidence they rely on for their assumption.** |
| Addendum 11, Response to IR 6.19, | Teck's Environmental Monitoring Committee 2019 Public Report (Appendix 6.19-3 to addendum 11) notes that:<br>"preliminary results from September and October 2019 showed a very concerning decrease in juvenile and adult Westslope Cutthroat Trout density estimates compared to 2017. These findings are being evaluated under the adaptive management framework and Teck is involving all regulatory agencies. The EMC will be provided information on the evaluation."<br>Given that Teck is failing to protect Westslope Cutthroat Trout and appears to be failing to control Selenium, Benga should be asked to justify their reliance on technical reports and experts who are not succeeding. | **Benga should either abandon reliance on Teck's experts and reports given Teck's failure to control Selenium in the Elk Valley, or else explain why Teck's models should be considered reliable.** |

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|---|---|---|
| Addendum 11, Response to IR 6.23(b) | In responding to IR 6.23(b) Benga chose not to provide examples of past adaptive management at other mining projects because Benga 'has no corporate history'. This reply hides behind the legal fiction of a new corporation.<br>Despite Benga's decision not to answer directly, their materials make repeated reference to a perfect example: the failure of Teck's adaptive management in the Elk Valley. Page 11 of Teck's Environmental Monitoring Committee 2019 Public Report describes how Teck has tried to apply adaptive management, and their results have been very poor – if Benga would like the panel to treat adaptive management as a serious kind of mitigation, Benga should provide some examples of mining companies effectively implementing adaptive management. | **Provide examples of past instances of effective adaptive management by coal mining companies.** |
| Addendum 11, Response to IR 6.28, Appendix 6.28-1 | Benga's Wildlife Risk Assessment - Addendum 1 uses a list of Selected Aquatic Wildlife Receptors as surrogates for mammalian and avian species that represent specific feeding guilds. Benga omitted to include any amphibians. The Columbia Spotted Frog, Western Toad, and Long-toed Salamander are present in the project footprint. Risks to amphibians are not properly considered by the use of only mammalian or avian surrogates. | **Prepare an analysis of the bioaccumulation risk for amphibians inside the project footprint** |

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| **Information Source** *(section or page# of EIS, Addenda, Responses to Requests for Information, etc.)* | **Rationale** | **Proposed Information Request** |
|---|---|---|
| The Economic Impacts of COVID-19 | COVID-19 has had unforeseeable impacts on world demand for coal, and the price of coal consequently dropped from approximately $210 per tonne to about $130 per tonne in a few weeks.<br>Benga should be given an opportunity to adjust their economic forecasts as necessary prior to a hearing. | **Provide any adjustments to project timeline or coal price forecasts necessary because of the unforeseeable economic impacts of COVID-19 on Metallurgical Coal prices.** |