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May 2, 2020

Grassy Mountain Coal Project Joint Review Panel  
Canadian Environmental Assessment Agency  
160 Elgin St, Flr 22  
Ottawa, Ontario, K1A 0H3  
By Email: [CEAA.grassymountain.ACEE@canada.ca](mailto:CEAA.grassymountain.ACEE@canada.ca)

Dear sirs:

**Re: Comments on Addendum 11 to the Grassy Mountain Coal Environmental Impact Assessment**

The Livingstone Landowner Group (LLG) has filed statements of concern and comments on previous filings on this project. LLG believes that large scale coal mining, particularly of the open pit or mountain top removal type proposed by Benga, is fundamentally inconsistent with other land use values and priorities in the area, and likely to cause serious adverse health, economic, and social impacts in the area.

LLG and partners intend to participate fully and represent a number of concerns of both members and other cooperating or supporting parties at such time as public hearings take place.

Brief comments follow regarding issues raised or still outstanding in Addendum 11, and on related issues of process that we feel need to be addressed further before the application moves into hearings.

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**Substantive Issues:**

Lead work and focus on various issues raised by the mine proposals is being coordinated among LLG and certain other intervenors. At this time, LLG focus has been primarily on issues relating to human health, mine engineering and design, and certain aspects of area economic and social impacts.

In this context:

- Dr. Allan Garbutt has been providing input to you directly with respect to specific and general human health concern. He has also included comment on additional issues such as water, wind patterns, etc. that may contribute to or otherwise relate to health impacts. Dr. Garbutt will be submitting those comments directly to you on Addendum 11. LLG is working with Dr. Garbutt, and endorses the concerns he has brought forward. We will not be separately addressing or repeating those points here.
- Canadian Parks and Wilderness Society submitted comments to the Panel on May 1 regarding a number of environmental issues, primarily with respect to water supply and contamination, and one significant change in economic conditions affecting mine viability. LLG is cooperating with CPAWS, endorses the issues identified in their submission, and will not be further addressing those here.

We also note comments in the CPAWS submission regarding your letter of April 8 to Benga Resources; we provide additional comments in the process section following,

- Assessment work is being undertaken with respect to mine safety and engineering issues; that work has not been completed in time for comment on Addendum 11 and inclusion in this submission.

We wish to note that the absence of more detailed comments at this time does not imply an absence of additional or more specific concerns. As an unfunded and entirely volunteer local area organization, we simply have not had to this time sufficient resources or internal capacity to do so. Those constraints and recommendations to address them follow.

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**Process Issues:**

LLG endorses the April 8, 2020 letter from the Panel to solicitors for Benga regarding the need for further updating, organization and indexing of information presented in its initial Environmental Impact Assessment and subsequent filings in Addendums 1 through 11. We note that the Panel has advised Benga that hearings will not be scheduled until such information has been provided, and we support that.

We understand further however from your letter that the regulatory timetable will not be paused for the time Benga takes to respond to these requests, and we do not see provision for public review and comment on the information once updated and presented as required. With respect, we believe that both of these are advantageous to Benga, a continuing disadvantage to public participants, and an impediment to full consideration of all issues during the public hearings.

The sheer volume of information filed by Benga, and its organization or lack thereof, has been a serious obstacle to comprehensive assessment and comment by other participants throughout the process to this point. Concerned citizens and many non-profit organizations: a) do not have internal capacity or expertise to wade through mountains of documentation, much of it made obsolete or redundant by subsequent filings; b) cannot engage necessary outside resources to do so or assist without funding support; c) cannot obtain funding or certainty of eligibility for cost recoveries until hearings are announced; and d) at that point, may be facing timelines too tight to allow proper review and presentation. In short, while Panel requirements will be met, there is no onus on Benga to respond at the earliest possible date, and the process can then move to hearings without further delay, rendering the re-organized information of little value to third parties except as a convenient search tool during the actual hearings.

We request that the Panel reconsider its direction to Benga, and ensure that participants be afforded a chance to review the re-ordered and indexed materials and to update or make further comments as might be required before the Panel determines either sufficiency or timing of the public hearings.

We also observe that in recognition of circumstances relating to the current Covid-19 pandemic, the Panel has been granted additional time to complete the current process. We support that extension.

It does not appear however that any extension has been contemplated to adjust for additional complications/difficulties caused to intervenors, most particularly individuals and non-profit or community organizations. Both are highly dependent on group participation and internal consultations, difficult or impossible recently, and most likely to lack access to sophisticated technical systems and resources that the proponents, government agencies, and the Panel and staff will have been relying on.

At whatever time the Panel may determine it has sufficient information to proceeding to hearings, we ask that that it provide maximum time between that decision and prior to hearings being commenced to allow for adequate third-party assessment and preparations.

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Sincerely,

<Original signed by>

Bill Trafford  
President  
Livingstone Landowners Group

