

Grassy Mountain Coal Project Joint Review Panel

January 18, 2019

By e-mail only

Katherine Morris
Environmental Assessment Coordinator
Contractor for Ktunaxa Nation Council
Land and Resources Sector

Subject: Grassy Mountain Coal Project: Extension of deadline to submit Rights, Use and Interest Study

Dear Ms. Morris:

The Joint Review Panel (the Panel) has received Ktunaxa Nation Council's email dated January 16, 2019 requesting an extension of five business days to submit its Rights, Use and Interest Study to allow enough time for its legal team to review and advise on it.

On November 5, 2018, the Panel announced the start of a comment period on the sufficiency and technical merit of the information available on the Canadian Environmental Assessment Registry (the Registry) with a closing date of January 21, 2019. The Panel sent a letter to Benga Mining Limited (Benga) on December 21, 2018 requesting additional information by January 21, 2019, on Traditional Land Use Studies that were completed after the submission of Addendum 8. The Panel understands from Benga, that the Ktunaxa's Rights, Use and Interest Study should not be considered as comments on the sufficiency and technical merit of the information available on the Registry, but rather a Traditional Land Use study. Benga also indicated in their response to the Panel on January 17, 2019 (CEAR #144), they have no concern with the Ktunaxa Nation Council providing its Rights, Use and Interest Study directly to the Panel after January 21.

The Panel is mandated to take into account any community knowledge and Aboriginal Traditional Knowledge received during the environmental assessment. It is also mandated to take into account information on the manner in which the Project may adversely impact asserted or established Aboriginal or Treaty rights as described by Indigenous groups or peoples, the proponent, government bodies, the public and other interested parties including any measures that may reduce or avoid potential impacts to asserted or established Aboriginal or Treaty rights. All parties may file this type of information, and other evidence, at any time up until the deadline to file hearing submissions, to be established at a future date by the Panel.

In treating requests for exceptions to filing deadlines, the Panel must measure the impact of the request on the Joint Review Panel process and on others participating in the process. Given the circumstances outlined above, and the Panel's mandate, the Panel will look forward to receiving Ktunaxa's Rights, Use, and Interest Study when it is ready, ideally no later than January 28, 2019.

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

Yours truly,

<Original signed by>

Alex Bolton
Chair, Joint Review Panel

cc. Benoit Lacasse, Crown Consultation Coordinator, Canadian Environmental Assessment Agency
Martin Ignasiak, Partner Osler, Hoskin & Harcourt LLP on behalf of Benga Mining Limited
Mike Bartlett, Senior Project Manager, Millenium EMS Solutions Ltd.