



**Indigenous Relations
Aboriginal Consultation Office**
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ACO Hearing Report

December 3, 2020

Violet Meguinis
Consultation Director
Tsuut'ina Nation
Sent via e-mail: <email address removed>

Gary Houston
VP External Affairs
Benga Mining Limited
Sent via e-mail: <email address removed>

Elaine Arruda
Hearing Coordinator, Hearing Services
Alberta Energy Regulator (AER)
Sent via e-mail: <email address removed>

To Whom It May Concern:

Re: Benga Mining Ltd. (Benga) – Grassy Mountain Coal Project (*EPEA application number 001-403427; Public Lands Act application numbers MSL 160757, MSL160758, LOC160841, LOC160842 and LOC970943; Coal Conservation Act application numbers 1844520 and 1902073; and Water Act application numbers 001-00403428, 001-00403429, 001-00403430 and 001-00403431*).

This ACO Hearing Report was prepared in accordance with the Aboriginal Consultation Office's (ACO) role in hearings established through the *Energy Ministerial Order 105/2014, Environment and Sustainable Resource Development Ministerial Order 53/2014* (October 13, 2014), and the *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities* (October 31, 2018).

In a letter dated May 8, 2020, the ACO informed the Joint Review Panel of its intent to monitor and observe the Grassy Mountain Coal Project Hearing (Hearing), which commenced on October 27, 2020 and closed on December 2, 2020.

The purpose of the ACO's attendance to observe and monitor the Hearing, was to consider all relevant evidence submitted during the Hearing and whether actions may be required to address potential adverse impacts on Treaty rights and traditional uses from the Project.

Tsuut'ina Nation did not give oral testimony/direct evidence at the Hearing. With respect to the Hearing, Tsuut'ina Nation has provided no evidence of adverse impacts attributable to land and resource management decisions by Alberta in connection with the Project. The ACO advises that consultation is adequate as per the ACO Report provided to the Alberta Energy Regulator on October 23rd, 2020.

This ACO Hearing Report concludes the ACO's involvement with the proposed Project. As per Alberta's consultation policy, guidelines and procedures, Alberta relies on project proponents and regulatory tribunals to assist in meeting consultation obligations, should they arise.

Sincerely,

<Original signed by>

Tanya Holden
Region Lead, South Region
Aboriginal Consultation Office
Alberta Indigenous Relations
<email address removed>

cc: Alex Bolton, Chair, Joint Review Panel
Robert Kopecky, Director, South Region, ACO
Angela Lowry, Consultation Advisor, South Region, ACO