



Indigenous Relations
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ACO Hearing Report

December 3, 2020

Dean Cherkas
Director of Consultation
Stoney Tribal Administration
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 (JRP) 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 associated with the regulatory applications named above.

The ACO reviewed the following documents, submitted by Wesley Band, Chiniki Band and Bearspaw Band, as represented by Stoney Nakoda Nations (SNNs), on the Canadian Impact Assessment Registry: October 27th, 2020 transcript (opening remarks by Gary Houston, Benga, and Bill Snow, SNNs; document reference number 740); and November 9th and 10th, 2020 transcripts (Indigenous Topics days; document reference numbers 814 and 816, respectively). In addition, during the Hearing, SNNs provided a letter to the JRP (document reference number 746) clarifying that:

the conditions referred to in Stoney Nakoda's opening statement on October 27 are conditions that Stoney Nakoda is working on cooperatively with Benga pursuant to its long-term Relationship Agreement with Benga. Stoney Nakoda does not object to the Grassy Mountain Project and is not asking that the JRP implement these conditions.

Stoney Nakoda does not intend to provide any further evidence at the JRP hearing into the Grassy Mountain Project and understands that Benga does not object to this.

SNNs did not participate in the remainder of the Hearing, including the Indigenous Topics days held on November 9 and November 10, 2020.

During the Hearing, SNNs 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