

Attachment 17
Trout Unlimited Canada





Trout Unlimited Canada

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Director, Environmental Assessment,
Regional Integration, Alberta Environment and Sustainable resource Development
111 Twin Atria Bldg., 4999-98 Avenue
Edmonton, AB T6B 2X3

Dear Sir or Madam;

Subject: Proposed Reclamation Plan (Section F) for Coal Valley Resources Inc. –Robb Trend Project

Trout Unlimited Canada has become aware of the proposed Robb Trend Project proposal. After reviewing some of the reclamation plans, concerns have arisen specifically in regards to the lack of clarity stated in the plan as to how this project will protect and restore impacted fish and fish habitat. We are a member based organization focused on conservation; protection and restoration of our freshwater ecosystems and coldwater resources for current and future generations. Local members are specifically concerned with the localized impacts that could result as a legacy of this project.

We are quite aware that there is a desire for mining to take place in this region of the province and economic drivers to ensure that this project moves forward, therefore we are not looking to stop or delay this project in any manner. We do however believe strongly that there could be some concessions made by Coal Valley Resources Inc. during this development to protect some of the native waters and native fish species in this area: both resources which are being lost in this Province.

Trout Unlimited Canada and its members would like to specifically see amendments to the current plan that would ensure native Athabasca Rainbow Trout (currently there is a joint provincial and federal recovery strategy being developed for this species as native form is considered “At Risk” provincially), Bull Trout (provincially protected species, listed as “Species of Special Concern”), and Arctic Grayling (provincially protected species, listed as “Sensitive”) populations are protected along with their valuable spawning, rearing and natural habitat, specifically in the Erith River Drainage. These are currently impacted populations, but large scale development may be detrimental to them if this region of the watershed is altered from a sustainable and functioning creek and stream corridor to a 468.6ha end pit lake complex habitat.

To this point we have some direct and indirect concerns we would like to see addressed in relation to this proposal.

- 1) Page F-9 Table F.2-2. Annual stocking for these end pit lakes appears to be the norm with assumed no or very little successful natural recruitment. Will this be the case for the proposed end pit lakes suggested in this proposal? What is the cost to the provincial taxpayers over the life of this fishery to replace a currently sustainable fishery with a province maintained stocked fishery? Is this considered a solution to loss of wild native fisheries and if so is this now the policy of the Province?

- 2) Page F-11. This section talks specifically about Centre Creek and the “...greater diversity of fisheries habitats and equivalent population numbers...” We would like to know if the term “equivalent” in this sentence is suggesting that there was a species shift resulting from this reclamation project? Is this information available to compare the before and after changes? The concern is that a native population of sport fish can be easily replaced with equivalent population of non-sport fish or non-native sport fish, but is this socially beneficial and benefitting the public and recreational users alike?
- 3) Page F-12. Discusses the fact that “...temporary diversions systems may only be in place for a year or until back filling and reclamation can take place.” What compensation programs or measures will be put into place to compensate for the loss of a potential spawning season? Species including Bull Trout are often known to spawn in alternate years, so if they lose a spawning season this can have an impact on populations.
- 4) Page F-14, Section F.2.4.5. Discusses “The intent of the Critical Wildlife Zones is to protect specific fish and wildlife populations by protecting aquatic and terrestrial habitat crucial to the maintenance of those populations.” We agree entirely with this intent and see this as a positive goal; we would like to be assured that reclamation objectives will be met and they will in fact maintain key biophysical processes that create and maintain this habitat and the current populations and current species diversity.
- 5) Page F-22, Table F.3-1. From the IRP there appear to be 5 resource uses identified. These are considered “sustainable” and “socially acceptable”. The Project Resource Objectives (from AFLW, 1990) listed in this table suggest corresponding objectives for each of the various resources mentioned, with the exception of the Fisheries - which has identified “No specific objectives pertaining to the Project area”. When will these be developed? Is this a monitoring issue? Is there another section of the planning and reclamation process that contains objectives for what these fisheries will look like in the future? Is there an intent to maintain the native biodiversity of the Project Area?
- 6) Page F-26, Section F.3.4. This section suggests there are a planned 12 end pit lakes resulting from this project. We are encouraged to see connections being made and maintained between end pit lakes to facilitate migration of fisheries species, but will this negatively impact native fish stocks in this area in favor of other naturalized or introduced populations? It is understood that for many of the native fish populations (Athabasca Rainbow Trout and Bull Trout), one of the major limitations is the increased spread and encroachment of non-native species (Brook Trout) into native fish species habitat. What impacts will these changes have on the native populations, resulting from changes in flow? Changes in Habitat? Changes in spawning opportunities? Changes in accessibility? Changes in temperature and water chemistry?
- 7) Page F-32 Table F.3-6. Point 5 suggests that the areas in the forest lowlands will be developed to reclaim fisheries; specifically they will “Create lakes with suitable littoral, wintering habitat, and outflow channels for expanding habitat of local stream fish populations”. We do view this as a positive as we are encouraged when habitat is developed, but this does not include a discussion or mention a sustainable plan for developing any spawning or rearing habitat in these areas. It also makes an assumption that riverine species will easily adapt to lake habitats, when this is not

always the case. Again this encourages the discussion of how these fisheries will be maintained into the future? Will this be supplemented with continuous stocking and at what cost to Albertans? Are strategies being developed to replace and reclaim lost or altered spawning and rearing habitat or just fish habitat? Will preference be given to native fish species?

- 8) Page F-35. *“Avoiding sensitive ecological resources where possible”* – the term *“Ecological Resources”* also includes many populations of protected fish species found in these river systems:
- Athabasca Rainbow Trout (currently there is a joint provincial and federal recovery strategy being developed for this species as native form is considered *“At Risk”* provincially),
 - Bull Trout (provincially protected species, listed as *“Species of Special Concern”*), and
 - Arctic Grayling (provincially protected species, listed as *“Sensitive”*)
- 9) Page F-45, Table F4.4. We understand the activities of mining and how past projects were developed and reclaimed. We are still concerned with the notion and changes that would result with an increase in area of end pit lakes from .6ha to 468.6ha, and how this will impact the native fishery. We would encourage CVRI to reduce some of the impacts on the Erith River by avoid this creek during their mining process, allowing this creek to function naturally for future generations of Albertans. Perhaps keeping most of the end pit lakes isolated from the river would help reduce potential negative impacts on native fish.
- 10) Page F-57. Throughout this document there is discussion about fisheries habitat reclamation, with no mention of specific target species they are looking to protect or re-establish as part of the reclamation project. At the same time there is ample mention about specific soil types, specific tree species, aquatic vegetation species, and specific target wildlife species with specific goals and recovery potential. Why is this not included in the proposal? Along with this there are specifics around monitoring and moving forward with the reclamation of this site, but nothing specifically around the fisheries monitoring aspects. What plans will there be in this or other documents to ensure the current native species and their critical habitats are not lost or replaced by introduced naturalized populations of fish that will require constant stocking and maintenance?
- 11) Page F-64. The statement – *“Enhance long-term recreational opportunities by creating landscapes with topographic diversity, including lakes suitable for fisheries, recreation, and watershed protection.”* Lakes that are *“suitable for fisheries”* and lakes with *“sustainable fisheries”* are two vastly different concepts, which one is the goal for this project? We would hope that the goal of this project is to include sustainable fisheries to maintain the current suite of native fish species found in this eco-region.

Sincerely,

<original signed by>

Brian Meagner
Provincial biologist
Trout Unlimited Canada

July 3, 2014

Brian Meagher
Trout Unlimited Canada



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www.aer.ca

Dear Mr. Meagher:

**COAL MINING STATEMENT OF CONCERN NO. 29090
COAL VALLEY RESOURCES INC.
COAL MINING APPLICATION FOR PROPOSED ROBB TREND PROJECT
APPLICATION NO. 1725257
LOCATION: 08-049-21W5M**

The Alberta Energy Regulator (AER) acknowledges receipt of your letter received June 23, 2014, indicating your statement of concern to the subject application. Please be advised that an application was submitted to the AER on April 17, 2012, and was assigned Application No. 1725257. . In addition, on June 4, 2014, the AER re-issued notice of this application and re-established a statement of concern filing deadline of July 9, 2014 (available at <http://www.aer.ca/applications-and-notices/notices/application-1725257-2>). Therefore you are able to file a different or supplemental statement of concern if you wish to do so, provided that it is received by the AER on or before the deadline.

The application is currently under review and the concerns outlined in your letter will be taken into consideration by the AER in its review of the application. The AER expects parties to discuss outstanding concerns whenever possible. By way of copy of this letter to Coal Valley Resources Inc. (Coal Valley), we are requesting Coal Valley contact you to attempt to address your concerns, as provided under AER requirements.

The AER has no jurisdiction over matters of compensation for land usage. The Alberta Surface Rights Board is the regulatory agency that deals with these issues. Further the AER has no jurisdiction with respect to assessing the adequacy of Crown consultation with the rights of aboriginal peoples.

The AER offers and strongly recommends you make use of our Alternative Dispute Resolution (ADR) program which features either staff or third party mediation arranged through an AER mediator. Please contact Krista Waters at 403-755-1422 for more information on this process. Further information about this program is available through *EnerFAQs: All About Alternative Dispute Resolution* and *Manual 004: ADR Alternative Dispute Resolution Program and Guidelines for Energy Industry Disputes* on the AER web site, (<http://www.aer.ca>), under Applications & Notices, Alternative Dispute Resolution (ADR) Process.

Please note that Section 49 of the *Alberta Energy Regulator Rules of Practice* (Rules) requires that all documents filed with the AER be placed on the public record. However, any party may file a request for confidentiality of information under Section 49 prior to filing the information with the AER. Any request under Section 49 must be copied to the other parties to the proceeding. Section 49 of the Rules is available at the AER website at www.aer.ca.

Please direct questions regarding your statement of concern to Amanda Black at 780-743-7473 who will manage the application through to completion. If you have any questions regarding AER process please contact the undersigned through our Customer Contact Centre, toll free, at 1-855-297-8311, or collect at 403-297-5749.

inquiries 1-855-297-8311
24-hour
emergency 1-800-222-6514

Yours truly,



Jennifer Richards
Review & Coordination Team
Authorizations Branch

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